

SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)
CENTRE DE RÈGLEMENT DES DIFFÉRENDS SPORTIFS DU CANADA (CRDSC)

Citation : Bouallegue v. Gymnastics Canada, 2025 CASDRC 31

No: SDRCC 25-0788

(Ordinary Tribunal)

Date : 2025-09-10

Between:

Wajdi Bouallegue (Claimant)

AND

Gymnastics Canada (Respondent)

Arbitrator:

David Merrigan, Ordinary Tribunal

Appearances:

On behalf of the Claimant: Wajdi Bouallegue

On behalf of the Respondent: Michael Downey, Interim Chief Executive Officer
Greg Jackson, Program Director, Men's Artistic
Gymnastics (MAG)

Hearing:

via Documentary Review on August 31, 2025

REASONS FOR DECISION

1. On August 29, 2025, Wajdi Bouallegue, the Claimant, filed a request under case no. **SDRCC 25-0788** pertaining to his non-selection as a National Team Coach by Gymnastics Canada (GymCan) for the upcoming Paris World Challenge Cup, specifically to support a gymnast attending the event (the Athlete).
2. A joint administrative and preliminary meeting was held with the parties via teleconference on August 29, 2025. All parties accepted my appointment as arbitrator.
3. Given the urgency of this matter (the Paris World Challenge Cup final registration deadline for delegations is August 31, 2025), the parties waived the requirement of the Code to first complete the internal appeal process within Gymnastics Canada. They also chose to participate via document review and written submissions.
4. On August 31, 2025, I published my short decision **DISMISSING** the request by the Claimant, Mr. Bouallegue, with a reasoned decision to follow.
5. These are my reasons.

ISSUE

6. Was Gymnastics Canada correct in denying Mr. Wajdi Bouallegue's request to be selected as a National Team Coach for the Paris World Challenge Cup, specifically to support the Athlete, a National Team member?
7. Should I agree with the Claimant's argument? He asks that I exercise my discretion under Subsection 6.12(a) of the Canadian Sport Dispute Resolution Code (the Code) and substitute GymCan's decision with my own to name him to their National Team for the upcoming competition.

BACKGROUND

8. The facts giving rise to this request are not disputed. Here is a chronology:

August 15, 2025:

- GymCan issues the official memo announcing the team for the Paris World Challenge Cup. The memo lists the Athlete's university coach as his coach.
- The Athlete emails GymCan's MAG Program Director, Greg Jackson, requesting that Wajdi Bouallegue be added as a coach for all National Team purposes.
- Mr. Jackson replies to the Athlete, stating that an athlete can only represent one "club".

August 21, 2025:

- Mr. Bouallegue emails Mr. Jackson regarding what he describes as unprofessional conduct, including delays in communication and writing directly to the Athlete to express concern "about how assertively Wajdi is positioning himself as your coach".

August 22, 2025:

- The Athlete sends a second formal email, again requesting to have both Mr. Bouallegue and his university coach listed as his coaches for the National Team.

August 25, 2025:

- Following up on a meeting, Mr. Bouallegue emails Mr. Jackson to reconfirm the Athlete's request for accreditation as his coach [as per GymCan's records].
- Mr. Jackson replies to the Athlete and agrees to update the National Team list to reflect that Mr. Bouallegue is his coach of record and that he represents the Kemptville Infinity club.

August 26, 2025:

- Mr. Bouallegue follows up with Mr. Jackson regarding the Paris competition, noting that since the registration deadline is August 31, a change is still possible, and offers to cover his own expenses. Mr. Jackson replies that only two coaches will be sent to the event.

August 27, 2025:

- Mr. Bouallegue emails GymCan's Kacey Neely (Director of Safe Sport) requesting oversight to ensure the Athlete receives equal support, claiming an accreditation slot is now open due to injuries reducing the delegation size.

August 28, 2025:

- Mr. Bouallegue files his official "Request Form" with the Sport Dispute Resolution Centre of Canada (SDRCC) to initiate arbitration.

August 29, 2025:

- Mr. Bouallegue sends what he calls a formal appeal to GymCan's CEO, Michael Downey.
- Mr. Downey responds on behalf of GymCan, agreeing to bypass their internal appeal process and proceed directly to the SDRCC due to the urgency of the August 31 deadline.

THE CLAIMANT'S POSITION

9. The Claimant's Position can be summarized as follows:

- **Failure to Respect Athlete's Choice and Well-being:**
 - Mr. Bouallegue asserts that the Athlete confirmed in writing on two separate occasions that he wished for Mr. Bouallegue to be his accredited coach of record.
 - He argues that denying this request breaches GymCan's own "athlete-centred" principles.
 - He states that the Athlete had a "very difficult" international debut at a recent international event (the International Event) while competing without his personal coach, which negatively impacted his performance and confidence. Repeating this situation would cause "irreparable harm".
- **Unequal and Unfair Treatment:**
 - Mr. Bouallegue claims that other gymnasts traveling to the Paris event would be accompanied by their personal coaches.
 - He contends that the Athlete is the only athlete being placed at a disadvantage by not having his chosen support, which undermines fairness and equal opportunity.
 - He also raises the point that at least one other gymnast who competed at recent International Event was traveling to Paris with his coach, suggesting inconsistency in GymCan's rationale.
- **Feasibility and Misrepresentation of Deadlines:**
 - Mr. Bouallegue refutes GymCan's argument that it was "too late" to add him to the delegation.
 - He points to official competition directives which show the final nominative registration deadline was August 31, 2025, with late substitutions possible thereafter, contradicting the July 16 deadline he was initially given; so long as a late registration penalty was paid by GymCan.
 - He notes that injuries had reduced the delegation size, leaving an unused accreditation slot, and that one of the designated coaches was no longer attending.
 - To remove any financial barriers by GymCan, he offered to self-fund his travel and expenses.
- **Request for Relief:**
 - The Claimant's primary request was for the tribunal to order GymCan to immediately accredit him as the Athlete's coach for the Paris World Challenge Cup by approving his credentials to be a Team Canada coach.
 - He also sought written confirmation that he would be accredited as the Athlete's coach for all future National Team assignments.

THE RESPONDENT'S POSITION

10. The Respondent's position can be summarized as follows:

- **Claimant's Lack of Standing to Appeal:**

- GymCan's primary argument is that Mr. Bouallegue was not eligible for consideration at the time the team was selected.
- The selection pool at the time was limited to members of the Senior National Team and their officially named coaches. At the time of selection, Mr. Bouallegue was not yet an accredited National Team coach.
- The Athlete's official coach of record at the time of team selection was another coach than Mr. Bouallegue.
- GymCan stated that Mr. Bouallegue was still in the process of being onboarded as a National Team coach, pending the completion of Safe Sport requirements. It is forecast that this will be completed for the World Trials which take place September 22-26, 2025. This would be contingent on him completing unspecified "Safe Sport" training or certification.

- **Untimely Appeal:**

- GymCan asserts that the appeal was not submitted within the seven-day period following the team announcement, as required by the GymCan Appeal Policy.

- **Delegation Policy and Event Purpose:**

- For an event of this size, GymCan's standard practice is to send a delegation of five athletes and two coaches.
- The two coaches selected, were experienced team coaches who had previously supported the Athlete at the recent International Event [although neither was concurrently his "personal coach"].
- GymCan explained that the Paris event was originally for athletes who did not compete at the International Event, and the Athlete was added to the team after an injury to another athlete to "gain additional podium experience".

- **Initial Rationale for Denial:**

- In initial communications with the Claimant via email, GymCan's MAG Program Director, Greg Jackson, told the athlete that a gymnast can only represent one "club".
- Mr. Jackson also initially argued that it was too late to make a change, citing the "Definitive registration" deadline of July 16th, 2025 – a deadline not met by the Claimant.

ANALYSIS

11. The Claimant argues that Gymnastics Canada's refusal to accredit him as a coach for the Paris World Challenge Cup was a direct violation of its own athlete-centered principles and the core tenets of a safe sport environment. His argument is built on three main points:

i. **Failure to Respect Athlete Choice:**

Mr. Bouallegue repeatedly emphasized that the Athlete had confirmed twice in writing that he wished for Mr. Bouallegue to be his accredited coach. He argued that ignoring the Athlete's direct, clearly expressed preference is fundamentally contrary to an "athlete-centred approach".

ii. **Creation of Unequal and Unfair Conditions:**

The gymnasts traveling to Paris would be accompanied by their personal coaches, making the Athlete the only athlete denied this level of support. This unequal treatment, he argued, is inconsistent with the principles of fairness that should govern a national sport organization.

iii. **Harm to Athlete Performance and Well-Being:**

GymCan's decision would have a direct negative impact on the Athlete, thereby breaching the duty of care central to safe sport. He cited the Athlete's "very difficult" experience at a recent International Event, where competing without his [personal] coach had a "clear negative impact on both preparation and results".

He argued that repeating this situation would cause "further irreparable harm to his development" and place unnecessary stress on the Athlete, compromising his well-being.

This position aligns with GymCan's own Code of Ethics, which states that the "well-being of Athletes is more important than their success" and that athletes have a right to "appropriate opportunities for proper preparation for competitions".

THE ATHLETE'S VOICE

12. It was agreed between the parties during the pre-hearing conference call that the Athlete would not be required to participate in this process. The Claimant stated that he had agreement from the Athlete to proceed accordingly (in part to not to interrupt his training for the upcoming competition).

13. Although I accepted this as a valid reason, the documentary evidence submitted does provide the perspective of the Athlete via email which I will summarize:
- The Athlete had requested Wajdi Bouallegue to be added under his name as a coach for all National Team purposes.
 - He stated he wanted to keep his university coach listed as his coach as well.
 - He explained that having both coaches would provide flexibility and ensure he had the consistent guidance needed to compete successfully, especially since his university coach's availability might be limited at times.
 - He framed the request as being in alignment with Gymnastics Canada's "athlete centred approach".
14. After his initial request to have Mr. Bouallegue registered as his coach for National Competitions was denied, the Athlete sent a second, more detailed email:
- He wrote to "formally request, once more, to have both Wajdi and [the university coach] listed as my coaches," stating his belief that this was the best decision for his development and long-term success.
 - He described his situation as "unique and completely new to GymCan," requiring a "unique and new solution".
 - He explained that Wajdi was his foundational, home-base coach in Canada, while his university coach's daily, in-person coaching in California was also "essential."
 - To address the organization's "one club" rule, he proposed a solution where he would have both coaches listed for National Team purposes but would select only one club to represent at competitions.

DETERMINATION

The Claimant's Standing to Appeal

15. A primary reason for the failure of the claim is that Mr. Bouallegue likely lacks the formal standing to appeal the decision.
16. Focusing on the facts as they existed when the decision was made on **August 15, 2025**, Mr. Bouallegue was not yet a fully onboarded and accredited National Team coach.
17. The Claimant also did not apply to be named as a National Team Coach by the organization's own deadline of July 16th. No reason was given why he missed this deadline.
18. Additionally, the Athlete's official coach of record, as registered with GymCan at the time, was his university coach.

19. Therefore, because Mr. Bouallegue was not in the eligible pool of coaches at the time of the decision, he cannot retroactively claim a right to appeal it, even if his status as coach of record was accepted (on August 25, 2025)

Untimely Filing of the Appeal

20. The claim also falls on the grounds that it was not filed within the required timeframe. The GymCan Appeal Policy requires an appeal to be submitted within seven days of the team announcement.
21. The team was announced on **August 15, 2025**, making the deadline for an appeal August 22, 2025. Mr. Bouallegue's formal appeal was not sent until **August 29, 2025**.
22. While the parties agreed to expedite the process to the Sport Dispute Resolution Center of Canada (SDRCC), this does not erase the fact that the appeal was initiated outside the period stipulated by the policy.

Application Of “Policy Over Principle”

23. While the Claimant’s arguments are based on fairness and "athlete-centered" principles as outlined in GymCan’s own policies, I am also bound to enforce an organization's written policies and practices unless they are unreasonable or applied incorrectly.
24. GymCan stated that its standard practice for an event of this size is to send two coaches for five athletes. This is a resource and logistical decision that falls within the organization's discretion.
25. Mr. Bouallegue correctly argued that a change was logistically feasible before the **August 31** FIG deadline. However, the issue before me is not whether a change *could* be made, but whether GymCan was *obligated* to make it based on a valid appeal. If the appeal is deemed invalid due to a lack of standing or timeliness, its logistical feasibility becomes irrelevant. In any event, registering a late participant in the way described by the Claimant would involve a financial penalty requiring payment by GymCan. This would not seem equitable given the facts of this case.
26. The Claimant has offered to cover his own expenses to this event if GymCan authorized his event credentials. While I appreciate the dedication and lengths he is willing to go to in order to support his athlete, this alone does not persuade me to interfere with GymCan’s discretion in sending only fully trained coaches whom it selects. I am live to the potential issues and conflicts arising from such a two-tiered result when compared to the funding provided to the other Team Canada coaches participating in the same event. Such a situation would hardly be desirable from a team approach.
27. It was uncontested that the Claimant has not completed GymCan’s requirements for National Coach as far as “safe sport training” is concerned.

28. Ultimately, even if the Claimant had launched his appeal within the specified timeframes with GymCan, I would deny this appeal based on him not having yet completed the (very) reasonable requirement of Safe Sport Training, required of a National Team Coach and thus, being eligible for certification and selection to this competition.

Ab Orbiter

29. According to GymCan, Mr. Bouallegue is in the process of being onboarded as a National Team coach, with the process expected to conclude in time for the World Trials scheduled for September 22–26, 2025.
30. It is my sincere hope that once this occurs, the parties can put this case behind them and work collaboratively with the shared goal of assisting the Athlete in achieving his athletic potential.

CONCLUSION

31. For the reasons stated above, I decline to exercise the discretion I am permitted in the Code to alter the decision of Gymnastics Canada in the instant case.

ORDER

32. The complaint is **DISMISSED**.
33. I wish to extend my appreciation to the parties and representative for their cooperation and participation in the arbitration process.

Dated at Halifax, Nova Scotia, September 10, 2025

David Merrigan, C. Arb.
Arbitrator