

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

Citation : Ohrt v. Bobsleigh Canada Skeleton, 2026 CASDRC 5

**File No: SDRCC 26-0798
Division: Ordinary Tribunal
Date: 2026-02-09**

Between:

**Shane Ohrt
Claimant**

And

**Bobsleigh Canada Skeleton
Respondent**

and

**Yohan Eskrick-Parkinson
Christopher Holmstead
Affected Parties**

Before:

Ryan Goldvine

Date(s) of hearing:

January 23, 2026

Appearances:

On behalf of the Claimant:

Shane Ohrt (Claimant)
Taylor Austin (Representative)

**On behalf of the
Respondent:**

Adam Klevinas, Cristy Cooper (Counsel)
Kien Tran (CEO)
Jesse Lumsden (High Performance Director)

**On behalf of the Affected
Parties:**

Yohan Eskrick-Parkinson
Christopher Holmstead

REASONS FOR DECISION

09 February 2026

OVERVIEW

[1] The matter before me concerns an appeal by Shane Ohrt (the “Claimant”) of a decision by Bobsleigh Canada Skeleton (“BCS,” or the “Respondent”) not to nominate him to represent Canada at the 2026 Milano Cortina Olympic Winter Games in the sport of Bobsleigh.

[2] The Sport Dispute Resolution Centre of Canada (“SDRCC”) appointed me from its rotating list to hear this selection dispute.

[3] I received written submissions from the Claimant and Respondent, as well as a reply submission from the Respondent. In addition, at the Claimant’s request, I held a brief oral hearing, receiving evidence from another athlete on the Claimant’s behalf.

[4] While two Affected Parties attended, neither chose to make submissions.

[5] As a result of the short timelines for confirming the identity of nominated athletes with the Canadian Olympic Committee, I issued a Short Decision denying the appeal. These are the reasons for my decision.

Background

[6] The Respondent is the national governing body for bobsleigh and skeleton in Canada.

[7] For the upcoming Olympic Games, Canada was allotted a quota in Men’s Bobsleigh for two pilots and six crew, plus one alternate athlete.

[8] BCS published its internal nominating procedures May 2, 2025, establishing a qualifying period from March 1, 2025, to January 18, 2026, (“Qualifying Period”) and setting out the nominating process for Pilots, and for Crew and Alternate Athletes. (the “INP”)

[9] Upon the conclusion of the Qualifying Period, BCS held nomination meetings and issued its recommendations to its selection committee.

[10] Under the INP, BCS assessed the Claimant for the role of right-side Crew and as Alternate Athlete.

[11] BCS advised the Claimant on January 20, 2026, that he was not nominated to represent Canada at the upcoming games.

[12] The Claimant appealed this decision on the basis that the Respondent overlooked his performance metrics relative to other athletes, and that he was not provided equal opportunities to demonstrate his performance capabilities during the Qualifying Period. In addition, the Claimant took the position that he should have been considered for the role of brakeman.

[13] In advance of the Parties' written submissions, the Parties confirmed their agreement that I had jurisdiction to hear the dispute. In addition, the Claimant confirmed that he was not challenging the INP, only its application to his performance and candidacy.

[14] The issue before me is whether BCS unfairly or unreasonably applied the criteria set out in the INP to the Claimant and/or unfairly or unreasonably failed to consider the Claimant's personal circumstances, when it decided not to nominate him to the team of athletes representing Canada at the Milano Cortina Games.

[15] In assessing the merits of the Appeal, I am guided by section 6.11 of the Canadian Sport Dispute Resolution Code (the "Code") which establishes a shifting onus in team selection disputes such as this.

6.11 Onus of Proof in Team Selection and Carding Disputes

If an athlete is a Claimant in a team selection or carding dispute, the onus will be on the Respondent to demonstrate that the criteria were appropriately established and that the disputed decision was made in accordance with such criteria. Once that has been established, the onus shall be on the Claimant to demonstrate that the Claimant should have been selected or nominated to carding in accordance with the approved criteria. Each onus shall be determined on a balance of probabilities.

[16] I deal first with the Respondent's submissions regarding its decision-making process in relation to the INP, followed by the Claimant's assertions that he should have been selected in accordance with those criteria.

BCS Submissions

[17] The Respondent brings my attention to clause 6.2.2 of the INP, which sets out the criteria on which athletes would be assessed in relation to Crew and Alternate positions. Clause 6.2.2 reads as follows:

The nomination of Bobsleigh Crew, including Alternate Athletes as defined in the IBSF BQS, will be determined at the sole discretion of the HPC in accordance with these BCS NBP INP. Nominations will be based on an assessment of the following:

- 2025 Canadian Push Championship Results
- GMP Score - Evaluating Physical, Psychological, Technical & Tactical competencies
- Physical Performance Score (see Appendix B)
- Ice House Team Pushing Results - Performance metrics from team push tests
- Canadian Championships & ERS Results
- IBSF Competition Performances - Results from international competition
 - Start time percentage back from the leader
- Major games experience
- Competitive readiness (see clause 8);
- Skillset alignment with the OWG start profile

- Positive contribution to and adherence to NBP values and culture - Commitment to team principles and high-performance environment

[18] In addition, the Respondent says clause 8, elaborating on “competitive readiness,” was also relevant to their decision not to nominate the Claimant.

[19] The Respondent has provided its Internal Nomination Recommendations (“INR”), redacted to exclude details for Pilot nominations, and, presumably, the Women’s nominations.

[20] Although the INR indicates that the crew positions were nominated as a group, with sled assignments to be determined at a later date, the Respondent’s submissions indicate sled position was a factor in the nomination decision-making process.

[21] The Respondent says that while it considered the Claimant for the role of right-side crew and as Alternate Athlete, it did not consider him for the role of brakeman on the basis that his physical characteristics, in particular his build, do not align with the aerodynamic requirements of the sled.

[22] The Respondent points to the Claimant’s Gold Medal Profile (“GMP”) which indicates the Claimant was “built to be a strong side pusher” and says this was conveyed to him.

[23] While the Claimant does not appear to dispute the reasons given for not being considered for the brakeman role, nor that this was conveyed to him, he says his performance in that role during the nomination period suggests that he should have been considered for that role nevertheless.

[24] The Respondent compared the Claimant with Yohan Eskrick-Parkinson for the role of right-side pusher on the team’s second sled.

[25] Further to the criteria set out in the INP, the INR includes information for each athlete considered for nomination relating to each of the criteria set out, including Canadian Push Championship results, Physical Performance Scores, and performance results relating to the other listed competition and testing events.

[26] While the full GMP was only provided to me for the Claimant, along with reference to the corresponding GMP score for the athlete he was compared to, the INR appears to have included links to each athlete’s GMP document embedded within it that would have been available to the selection committee.

[27] It is uncontested that, during the Qualifying Period, the Claimant missed time due to two separate injuries, the second of which led to Claimant missing the second of the two sets of Ice House Push Championship testing.

[28] The Respondent provides comparisons between the Claimant and Mr. Eskrick-Parkinson, and points to the Claimant’s slower right side push speeds and times, lower GMP score and ranking, and smaller margins back from race leaders in international competition, to demonstrate that it considered all relevant comparators, and to support its conclusion that Mr. Eskrick-Parkinson had outperformed the Claimant on those factors.

[29] With respect to major games experience, the Respondent confirmed that each of Mr. Eskrick-Parkinson and the Claimant had one appearance at a major games but noted Mr. Eskrick-Parkinson also had experience at the 2026 Olympic venue.

[30] The Respondent did not dispute the Claimant's positive contributions and commitment to team principles, but did compare this to Mr. Eskrick-Parkinson and indicated that this factor also tipped the scales slightly in Mr. Eskrick-Parkinson's favour.

[31] Turning to the Respondent's consideration of the Claimant's competitive readiness, they note he had a history of injuries over the previous two seasons.

[32] As noted above, the Claimant had reduced availability during the Qualifying Period as a result of injuries to his calf and his Achilles Tendon, the latter of which led to his absence from the October 2025 training camp and Ice House team push testing.

[33] Further, the Respondent refers to the INP which requires immediate reporting of any injury or illness to the High Performance Director. The Respondent notes that with respect to the calf injury, the Claimant's own report noted the injury had occurred a couple of weeks prior to reporting the injury.

[34] The Respondent further considered the fact that after returning to competition from injury, the Claimant committed two pushing errors in consecutive heats on a training day, further bringing into question his competitive readiness, and leading to his removal from an upcoming race he had been scheduled to compete in.

[35] While the Respondent did not provide as detailed a comparison with respect to their consideration of the Claimant for the role of Alternate Athlete, the Respondent nevertheless highlighted its concerns above with respect to his competitive readiness, and says the role of Alternate Athlete required consideration of the Claimant's ability to be inserted into any required role on the sled, which I presume to include those of pilot, or left side pusher.

[36] The Respondent says it is clear from the evidence that it considered all of the factors set out in the INP and did not consider any irrelevant or inappropriate factors in reaching its decision, and, accordingly, the decision should be accorded significant deference.

Claimant's Response

[37] In response, the Claimant challenges the fairness of the Respondent's assessment of his candidacy, saying he was disadvantaged by the way competitive opportunities were distributed among athletes during the Qualifying Period.

[38] The Claimant also says the Respondent's assessment of his performance data failed to consider his role as a "rotating positional athlete" and says the Respondent's considerations of his competitive readiness was based on outdated data.

[39] Finally, the Claimant says the Respondent's evaluation of positional versatility and competitive readiness was applied inconsistently as compared with other athletes.

[40] The Claimant says the fact that he was rotated across different positions during the season meant that he did not have the opportunity to excel in the same way other athletes focused on a single position had, and that his competitive results were disadvantaged by this.

[41] The Claimant refers to one event at which he says he recorded the fastest start time among Canadian athletes in a 2-man event, suggesting this result must not have been taken into consideration.

[42] The Claimant's view is that assessments during the Qualifying Period were not conducted in a manner that would have permitted direct like-for-like comparisons among all of the athletes being considered.

[43] The Claimant notes that his push times and exit velocities were among the fastest combined metrics recorded, and says those metrics demonstrate he is one of the top brakemen on the team. Though disputing the Respondent's decision not to consider him for a brakeman role, the Claimant also says his performance as a brakeman should have been considered in any event for nomination to the team, and not just his right-side results.

[44] The Claimant also references the removal of a World Cup competitive opportunity, which I presume refers to the race he was withdrawn from in January 2026, as a lost opportunity to demonstrate his performance and capabilities.

[45] With respect to the Claimant's Achilles injury, the Claimant says he received assurances that missing the October training camp would not impact his position on the World Cup team. The Claimant says his reassignment to the North America circuit upon his initial return to competition was inconsistent with these assurances and impeded his ability to best demonstrate his performance capabilities.

[46] The Claimant says had he known there was a risk to his continued competition on the World Cup circuit, he would have acted differently to meet the expectations under the INP. In addition, while the Respondent credited Mr. Eskrick-Parkinson for having competed at the Olympic venue, the Claimant attributes his missed opportunity to do the same to his reassignment to the North America circuit.

[47] Nevertheless, the Claimant submits his performance at the North American level demonstrated his ability to compete at the World Cup and Olympic level and should not have been held against him.

[48] Upon returning to World Cup competition, the Claimant also says that he demonstrated consistent push performance, effective loading mechanics, and effective ride positioning, while being assigned to a position he was unfamiliar with, which he says further demonstrates his competitive readiness.

[49] On behalf of the Claimant, I also heard from Taylor Austin, another athlete on the National Bobsleigh Team.

[50] Mr. Austin provided evidence of his experience training and competing with the Claimant and identified him as a very skilled athlete. In addition, Mr. Austin described the Claimant as a great teammate, who could bring the team up even when the mood was down.

[51] Mr. Austin described the Claimant's injury as untimely but noted the Claimant did everything he could to recover and return to competition and says he did very well at that, though he felt it would have been better having him back at the World Cup level sooner.

[52] While Mr. Austin suggested it was unfortunate the Claimant was not evaluated for a spot on the team as brakeman, he did not address the Respondent's reasons for not considering the Claimant for this role.

BCS Reply

[53] In reply, the Respondent submits that the Claimant has failed to demonstrate why he should have been nominated over any of the nominated athletes, nor that the discretion exercised by the Respondent in making its nominations was unreasonable, or based on unpublished criteria. The Respondent also notes the Claimant has not alleged bias in the decision-making process.

[54] The Respondent says the Claimant read, understood, and accepted the INP, and was aware of the discretionary nature of the nominating decisions. While the Respondent acknowledges that individual performance in a team sport inherently depends on the performance of fellow team members, individual metrics can nevertheless be determined and inferred.

[55] The Respondent further reiterates that the decision to preclude the Claimant from being considered for a brakeman role was supported by the data relevant to his performance in that role, as well as being based on sport-specific technical expertise regarding the Claimant's physical characteristics and the aerodynamic requirements of the sled. In addition, the Claimant has not presented any evidence that would undermine this technical assessment.

[56] The Respondent submits the Claimant's assertions do not cast doubt over any of the comparative data as between himself and Mr. Eskrick-Parkinson. While the Claimant says he was not given a fair opportunity to demonstrate his performance capabilities relative to other athletes, he has not demonstrated that any trial or opportunity was purposefully or unreasonably withheld from him, nor that any such opportunity would have altered the comparative data between himself and Mr. Eskrick-Parkinson.

[57] In addition, notwithstanding the Claimant's own assertions regarding his versatility, he has not provided any basis upon which to undermine the Respondent's nomination of Mr. Holmstead for the role of Alternate Athlete.

[58] In response to the Claimant's assertion that the Respondent did not explain to him how the decision not to nominate him was reached, or how the various performance metrics and criteria were weighed, the Respondent points to the notes of its meeting with the Claimant advising him of his non-nomination, at which the Claimant expressed frustration and left the meeting before any further discussion or explanation could occur.

[59] With respect to the Claimant's allegations of lost opportunities, the Respondent says that any such lost opportunities were the result of the Claimant's injury and rehabilitation during the qualifying period, and notes that although avenues of appeal were available in relation to both the Claimant's assignment to the North America circuit, and his removal from the World Cup race, he did not pursue those.

[60] Finally, while the Claimant points generally to his own performances throughout his submissions, he has not sought to dispute the comparative metrics relied upon with respect to Mr. Eskrick-Parkinson, nor provided any direct comparison to other nominated athletes based on those criteria.

Analysis and Decision

[61] As noted above, in selection disputes, the sport organization first bears the onus of demonstrating that the selection criteria were appropriately established, and that the decision was made in accordance with those. From there, the onus shifts to the athlete to demonstrate, on a balance of probabilities, that they should have been nominated in accordance with those criteria. (*Code*, section 6.10)

[62] I accept the Respondent's contention that the appropriate standard of review in appeals of selection decisions is one of reasonableness, aligning consistently with the standard articulated by the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, ("Vavilov").

[63] While I am not bound by any previous awards or decisions of SDRCC Tribunals, certain themes arise that I would not depart from lightly.

[64] The standard of reasonableness is one requiring deference, giving due consideration to the role and position of those tasked with making the selection decision(s) under review. Rather than requiring the decision to be the "correct" one, my role is to ensure the decision-making process was transparent and defensible, and that the decision falls within the range of appropriate and acceptable outcomes. (*Palmer v. Athletics Canada*, SDRCC 08-0080)

[65] SDRCC Tribunals have consistently held that those tasked with making selection decisions are best positioned to do so given their sport-specific expertise. Accordingly, Arbitrators should be reluctant to interfere where the sport organization presented its selection criteria in advance, consistent with its own rules, and has followed those in making its selection decisions. (*Larue v. Bowls Canada*, SDRCC 15-0255; *Bastille v. Speed Skating Canada*, SDRCC 13-0209)

[66] I turn first to the nominating criteria, and the Respondent's assessment of its athletes, followed by the direct comparisons before me, and, finally, the Claimant's submissions regarding the lack of equal opportunity during the qualifying period.

[67] The Internal Nominating Process

[68] The parties before me recognize, and in fact highlight, that results on any given day in the sport of Bobsleigh require several factors to coalesce, which include not only raw strength and reaction times, but track conditions, aerodynamics, and cohesion among teammates, among others. This necessitates considering several factors in nominating athletes to competition, and within those, a great deal of discretion must be afforded to ensure cohesive teams are put forward with a view to maximizing team success at the highest level.

[69] Of note, the nominating criteria include those which have an inherently subjective component to them, including competitive readiness and positive contributions and adherence to the national program's values and culture. The INP also identifies that no single factor would be determinative.

[70] In the matter before me, I am satisfied the Respondent considered each of the criteria set out in the INP when assessing the Claimant's candidacy for nomination and addressed each in its submissions.

[71] The INR, which was considered by the Selection Committee in confirming nominations, included information on each athlete under consideration in relation to each of the criteria set out in the INP.

[72] As I address further below, although the Claimant says that the Respondent's discretion with respect to his time lost due to injury should have been exercised in his favour, I am not persuaded there is any basis to support this assertion.

[73] The Respondent describes how discretion was exercised in relation to the Claimant's injuries, but describes the factors related to this discretion that did not favour the Claimant.

[74] To this end, I am not persuaded it was unreasonable to consider the Claimant's recovery from injury, and the errors that led to his removal from a World Cup race late in the qualifying period, in assessing his competitive readiness.

[75] My only concern with the process, which, as I address below, I'm not persuaded is fatal to the outcome of the present appeal, is the absence of clarity with respect to specific role selection among the athletes to be nominated as a group to Crew, nor in relation to specific considerations relating to the nomination of Alternate Athletes.

[76] Although the INR indicates that crew are nominated as a group, with sled assignments to be determined post-nomination, the Respondent's submissions clearly indicated that the Claimant was not compared with all athletes for a crew position, generally, but was considered specifically for the role of right-side crew on the second-ranked sled, and for the role of Alternate Athlete.

[77] Though this potentially detracts from the full transparency of the process, I am not persuaded that undermines the selection decisions in the matter before me.

[78] For these reasons, I am satisfied the Respondent has met its onus in demonstrating that nomination criteria were properly set out, and nominations were made in accordance with those criteria.

[79] Athlete Comparisons

[80] While the Claimant felt he should have been considered for a brakeman position, he did not dispute the Respondent's assertion that he was aware, through the GMP process and report, that they considered him best positioned as right-side crew, nor is there evidence before me that the Claimant sought to persuade the Respondent otherwise prior to his non-selection.

[81] Though he disagreed with the decision to consider him only as a right-side crew, and pointed to his performance as a brakeman in his submissions, he did not provide any evidence to suggest the Respondent's assessment of his physical characteristics in relation to sled aerodynamics was misplaced.

[82] While the Claimant's submissions highlight his own performance and successes, he does not dispute the bases for the Respondent's comparisons between himself and Mr. Eskrick-Parkinson for the role of right-side crew.

[83] Similarly, although the Claimant described his training and competition experience as "rotating positional," and while he would have liked to have been nominated as the Alternate Athlete, as an alternative to being named directly to a crew position, he did not dispute the Respondent's assertions that the Claimant was not as able to be inserted into any position on the sled as Mr. Holmstead.

[84] While on the face of many of the metrics before me, including push results and physical performance scores and ranking, the Claimant would appear to be a superior athlete to Mr. Holmstead, I'm not persuaded this is inherently inconsistent with the Respondent's assertion that Mr. Holmstead is a better fit to take over any sled position as may be required of an alternate athlete.

[85] To this end, while I did not hear the specific details of Mr. Holmstead's training and competition experience, and do note that it appears Mr. Holmstead also lost time due to injury during the Qualifying Period, the Claimant has not suggested he could fill in for a left-side pusher or pilot should the need arise.

[86] In addition to the above, the Respondent indicated a significant factor in its decision not to nominate the Claimant was its assessment of the Claimant's competitive readiness.

[87] While I also address this below with respect to the Claimant's submissions regarding fairness and equality of opportunity, it is clear from the INP that competitive readiness was a significant factor assessed as part of the nominating process.

[88] The Claimant says the discretion accorded by clause 7, particularly with respect to injury or illness during the Qualifying Period, should have been exercised in his favour. While this may be the ideal intent of such discretion, there are two sides to this coin.

[89] It is not in dispute that the Claimant had an untimely injury to his Achilles Tendon late in the qualifying period, in addition to a calf injury he reported in late Spring.

[90] Giving consideration to injury and absence during a qualifying period could involve overlooking less impressive performances as part of an otherwise outstanding longer-term record, but could also, as in the case before me, raise questions of whether or to what extent an athlete has recovered sufficiently or returned to previous form in time for competition.

[91] These injuries undoubtedly restricted the Claimant's ability to perform to his best during the qualifying period, but also raised questions, from the perspective of the Respondent, of his durability and level of recovery heading into the Olympics.

[92] While the Claimant says this should have led the Respondent to focus more closely on his performance benchmarks prior to injury, the Respondent pointed out, first, that at least with respect to the earlier calf injury, the Claimant was admittedly late in reporting the injury, contrary to the clear direction in the INP.

[93] In addition, the Respondent noted that following the Claimant's return from injury, he committed two errors in training leading up to a World Cup race in January of this year, which led the Respondent to withdraw the Claimant from the scheduled race.

[94] On the materials before me, I note the Claimant has not refuted the alleged errors, nor did he appeal the decision to withdraw him from that competition.

[95] Finally, while the Claimant has asserted that the Respondent's discretion with respect to assessing position versatility and competitive readiness was applied inconsistently among the athletes being considered, I have no evidence before me on which to base such assertions.

[96] For these reasons, I am not persuaded the Respondent's assessment of the Claimant's competitive readiness was unreasonable in the circumstances.

[97] Fairness and Equality of Opportunity

[98] As noted above, a significant focus of the Claimant's submissions is that he was not afforded equal opportunities to other athletes to demonstrate his capabilities and performance, and that his performance metrics, in any event, should have been sufficient to warrant his nomination as a brakeman.

[99] The Claimant says that because he was rotated through various positions throughout the season, he was deprived of the opportunity to generate consistent, role specific performance data. He also claims he was not given an equal opportunity to push with higher ranked teammates, which would have allowed him to demonstrate better results.

[100] While it is possible that having more opportunities to test and compete in one specific role, as opposed to rotating among different roles throughout the season, could allow an athlete more opportunity to improve in that role, I am not persuaded the differences between the roles are so different as to preclude reliance on, and interpolation from, an athlete's entire performance record.

[101] Further, I note that although the Claimant says a fairer comparison could have been made had he been restricted to one role through the qualifying period, he does not allege any bias on the part of the Respondent in assigning roles throughout the season, either in testing or in competition.

[102] Similarly, the Claimant has not pointed to any specific opportunities that he says were purposely or unreasonably withheld from him that could or would have placed him in a more competitive position relative to his peers for nomination.

[103] The assessment criteria for nomination do not identify specific assessment on a position-by-position basis, nor do they commit to, nor require, separate assessment of such results. Instead, I am satisfied the assessment discretion afforded in the INP is intended to account for these differences, as well as discretion applied to assessing missed opportunities occasioned by illness or injury, or other factors set out in the INP.

[104] Further to this, the Claimant also refers to lost opportunities arising from his injuries, which he says should have been considered when reviewing his candidacy. The Claimant says he received assurances that he should not be concerned about his position on the World Cup team because of missing the October training camp due to injury. He says had he known this would have affected his chances at being nominated to the Olympic team, he would have “acted accordingly.”

[105] While it is unclear whether he is suggesting he would have ignored the medical advice he received, and sought to attend the camp while injured, I’m not persuaded he would have been permitted to do so in any event, nor that such actions would have been consistent with the injury reporting obligations in the INP.

[106] I am not persuaded that the Claimant’s reassignment to the North America circuit was anything other than an opportunity to more gradually recover from his injury. In any event, there is no evidence before me that the Claimant sought to appeal the reassignment at the time, nor that those opportunities in themselves hindered his performance, or had a negative impact on the Respondent’s assessment of him.

[107] While I may infer that the Claimant’s missed opportunity to gain experience at the Olympic Venue related to either his injury, or his reassignment to the North America circuit, there is nevertheless no evidence before me that this opportunity was deliberately or unreasonably withheld from the Claimant.

[108] I agree the timing of the Claimant’s injuries was unfortunate, coming within the Qualifying Period for the Olympic Games. That said, I am not persuaded that as a result, the Claimant did not have sufficient opportunities during the qualifying period to warrant special dispensation.

[109] I accept that the Claimant believed his performance during the Qualifying Period should in any event have been sufficient to qualify him for the team; however, while the Claimant points to certain of the criteria that he says favours his selection, the Respondent has provided a more fulsome account of its assessment across the INP criteria. At the same time, the Claimant has

not sought to directly compare himself with any of the other nominated athletes to support his position that the Respondent's decision was unreasonable.

[110] As noted above, sufficient deference should be afforded to the sport-specific expertise of the nomination and selection committees tasked with nominating athletes, in particular where a transparent process has been set out and followed, and where, as in the case before me, some discretion may be required in assessing candidates against the nomination criteria.

[111] Notwithstanding my one reservation noted above regarding consideration with respect to specific roles within a crew, I am not persuaded on the materials before me that the discretion exercised in reaching the decision not to nominate the Claimant was inconsistent with the criteria set out in the INP or exercised unreasonably.

Conclusion

[112] While I recognize the Claimant's understandable disappointment in the result, for all of the foregoing reasons, the Claimant's appeal is denied.

[113] This should in no way detract from the Claimant's impressive accomplishments, nor discourage his continued efforts at the sport's highest level. Given the Claimant's concerns about missed or uneven distribution of evaluative opportunities, however, I would encourage the parties to engage in further discussions about where the Claimant can best contribute to the sport and where his most competitive opportunities lie.

[114] I thank the Parties for their thoughtful submissions and wish them the best going forward.

Issued on February 9, 2026, Vancouver, BC

Ryan Goldvine, Arbitrator.

With gratitude and respect, I appreciate the opportunity to live, work, and play on the shared, unceded, ancestral territories of the xʷməθkʷəyəm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətaʔ (Tseil-Waututh) Peoples.