

TAS

Tribunal Arbitral du Sport
Chambre ad hoc - Sochi 2014



CAS

Court of Arbitration for Sport
Ad hoc Division - Sochi 2014

MEDIA RELEASE (3)

FREESTYLE SKIING (AERIALS) – ARGENTINA

CAS REJECTS AN APPLICATION FROM CLYDE GETTY TO PARTICIPATE IN THE OLYMPIC WINTER GAMES

Sochi, 5 February 2014 – The *ad hoc* Division of the Court of Arbitration for Sport has registered a new application, from an Argentinean freestyle skier, Clyde Getty, against the International Skiing Federation (FIS), which was heard in the evening of 4 February 2014. The application was dismissed earlier today.

Clyde Getty, born in 1961, competes in the Aerials discipline and participated *inter alia* in the Olympic Winter Games in 2002 and 2006. He claimed that he was eligible to be entered in the 2014 Olympic Winter Games following a decision of the FIS to allocate a quota place to the NOC of Argentina (COA). The FIS replied that the quota place was erroneously attributed to the COA on 24 January 2014 and was withdrawn on the same day, considering that no Argentinean athlete was eligible to participate in the Aerials.

The athlete was represented at the hearing by two lawyers acting “pro bono”, based in Sochi, and he participated by telephone. The FIS was represented by its Secretary General and the Vice-Chairman of the Legal and Safety Committee.

The CAS Panel in charge of this matter, composed of Prof. Luigi Fumagalli (Italy), President, Mrs Alexandra Brilliantova (Russia) and Prof. Gary Roberts (USA), delivered its decision today at 11am. The arbitrators rejected the application. They found that the clear wording of the provisions of the Freestyle Skiing Qualification System (FSQS), in particular clauses 3.1 and 3.1, does not allow any interpretation which would make Clyde Getty eligible to be entered in the 2014 Olympic Winter Games by the COA, as he did not reach the minimum FIS points requirement at the end of the qualification period.

The Panel has also come to the conclusion that the FIS was not estopped from denying Clyde Getty a quota place to be entered into the Sochi Olympic Winter Games.

At the moment, no other procedure is pending before the CAS *ad hoc* Division.