TAS / CAS
TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

COURT OF ARBITRATION FOR SPORT (CAS)

Ad Hoc Division – The XXV Olympic Winter Games in Milano-Cortina

CAS OG 26/03

sitting in the following composition:

President: Dr Isabelle Fellrath, Attorney-at-Law, Morges, Switzerland
Arbitrators: Mr James Drake KC, Barrister, London, United Kingdom
Prof. Luigi Fumagalli, Professor and Attorney-at-Law, Milano, Italy

AWARD

in the arbitration between

Katie Uhlaender

Represented by Howard L. Jacobs, Leah M. Bernhard, Katlin F. Freeman, Attorneys-at-law, Los Angeles, California, United States of America

("Applicant")

v.

Bobsleigh Canada Skeleton

Represented by Justin Safayeni and Aimee Huntington, Attorneys-at-law, Toronto, Canada and Adam Klevinas, Attorney-at-law, Quebec, Canada

("First Respondent")

Joseph Luke Cecchini

Represented by Ryan Fitzgerald Scott, Attorney-at-law, Toronto, Canada

("Second Respondent")

International Bobsleigh and Skeleton Federation

Represented by Dr Stephan Netzle, Attorney-at-law, Uster, Switzerland

("Third Respondent")

and

U.S. Olympic & Paralympic Committee
International Olympic Committee
Mirela Rahneva
Kellie Delka
Michael Douglas
Brazilian Ice Sports Federation
Malta Bobsleigh and Skeleton Federation
Virgin Islands Winter Sports Federation
Danish Bobsleigh and Skeleton Federation

("Interested Parties")

I. PARTIES

1. The Applicant is Katie Uhlaender (the "Applicant" or the "Athlete"), born 17 July 1984, who is a skeleton racer from the United States.

2. The First Respondent is Bobsleigh Canada Skeleton (the "First Respondent" or "BCS"), the national federation for bobsleigh and skeleton in Canada, headquartered at Calgary, Canada, member of the International Bobsleigh and Skeleton Federation and of the Canadian Olympic Committee.

3. The Second Respondent is Joseph Luke Cecchini (the "Second Respondent" or "Joe Cecchini"), born 25 May 1982, the Canadian national team skeleton head coach and technical lead. Mr Cecchini is also a member of IBSF's Skeleton Sports Committee.

4. The Third Respondent is the International Bobsleigh and Skeleton Federation (the "Third Respondent" or "IBSF"), the international organization that administers the sports of bobsleigh and skeleton, headquartered in Lausanne, Switzerland.

5. The First, Second and Third Respondents are collectively referred to as "Respondents", and the Applicant and Respondents as "Parties".

6. The Interested Parties are:

   - United States Olympic & Paralympic Committee (the "USOPC"), headquartered in Colorado Springs, Colorado, United States.
   - International Olympic Committee (the "IOC"), which is the organisation responsible for the Olympic movement having its headquarters in Lausanne, Switzerland.
   - Mirela Rahneva, a former athlete from Canada.
   - Kellie Delka, a skeleton racer from Puerto Rico.
   - Michael ("Mike") Douglas, from Canada, a former skeleton racer, now multinational Head Coach of Skeleton.
   - Brazilian Ice Sports Federation (Confederação Brasileira de Desportos no Gelo, "CBDG"), the governing body responsible for ice sports in Brazil including skeleton, having its headquarters in São Paulo, Brazil, member of the IBSF.
   - Malta Bobsleigh and Skeleton Federation, the national federation responsible for bobsleigh and skeleton in Malta, member of the IBSF, having its headquarters in Malta.
   - Virgin Islands Winter Sports Federation, the governing body responsible for winter sports in the Virgin Islands, member of the IBSF, having its headquarters in St. Thomas, US Virgin Island.

- Danish Bobsleigh and Skeleton Federation, the governing body responsible for bobsleigh and skeleton in Denmark, member of the IBSF, having its headquarters in Brøndby, Denmark.

II. OUTLINE OF THE MATTER

7. This matter has been commenced by way of an application to the Court of Arbitration for Sport ("CAS") Ad Hoc Division for the Milano-Cortina 2026 Olympic Winter Games (the "2026 OWG") pursuant to the CAS Arbitration Rules for the Olympic Games (the "CAS Ad Hoc Rules").

8. This matter arises out of events that took place on and around the 11 January 2026 North American Cup ("NAC") Races in Lake Placid, New York and the decision taken at that time by the First and/or Second Respondents to withdraw four of their athletes from that race, with the effect that the ranking points available for the race were reduced by 25%. It is said by the Athlete that the decision to withdraw was unlawful and that, accordingly, there should (amongst other things) be a reinstatement of the full ranking points and consequential adjustment of the 2026 Ranking List.

III. FACTS

9. The elements set out below are a summary of the main relevant facts as established by the Arbitration Tribunal by way of a chronology based on the submissions of the Parties. Additional facts may be set out, where relevant, in the legal considerations of the present award.

10. On or about 11 January 2026, the First and Second Respondents decided to withdraw four of the six Canadian women's skeleton athletes from the NAC Races in Lake Placid (7-11 January 2026), reducing the number of participants drawn for the race to below 20. As per the International Skeleton Rules 2025, table 11.3 (IBSF Ranking List - Points, North American-/Europe-/Asian-Cup/Junior World Championships), this resulted in the reduction from 100% to 75% of available ranking points for all participants. This decision allegedly adversely impacted athletes from other countries, including the Applicant and their ability to qualify for the 2026 OWG. The Applicant, third-ranked US skeleton athlete, was eventually not selected to represent the United States at the 2026 OWG.

11. On 14 January 2026, the Applicant submitted "evidence for inclusion in the ongoing integrity investigation concerning the North America Cup (NAC) races in Lake Placid" to the IBSF Interim Integrity Unit.

12. On 15 January 2026, the IBSF reported on its website the following "*[f]ull decision by the Interim Integrity Unit*":

"*The Interim Integrity Unit (IIU) met to consider the concerns raised by the withdrawal of several Canadian sliders from the most recent NAC and the effect on Olympic qualification. The IIU has determined that no further information or investigation is necessary.*

Section 7 of the IBSF Code of Ethics for all members specifically states that "No person shall violate the principles of fair play by engaging in improper conduct or attempting to alter the course or result of a competition except as expressly permitted by the rules and regulations governing the competition."

Section 8.6(d) of the IBSF International Skeleton Rules states that "Entries may be withdrawn at any time. Already paid entry fees are non-refundable." The International Skeleton Rules do not provide any additional consequences for late withdrawal of athletes.

The IBSF Code of Conduct for Executive Committee, Staff, Coaches, Advisor, Commission and Committee members requires coaches to acknowledge in Section 2 that "I am fully aware of the Olympic Movement Code on the Prevention of the Manipulation of Competitions and my responsibilities and duties thereof."

The Olympic Movement Code on the Prevention of the Manipulation of Competitions prohibits, among other things, "An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue benefit for oneself and/or for others.

The late withdrawal of athletes intuitively gives rise to concern that the action may have constituted impermissible manipulation, a matter that is within the competence of the IIU to adjudicate. At the same time, the express language of Section 7 of the IBSF Code of Ethics precludes any finding that conduct "expressly permitted" by the competition rules is "improper" or creates an "undue benefit." As a consequence, the IIU dismisses the complaints.

Notwithstanding the above conclusions, the IIU reminds the Canadian coach and the National Federation that, whilst acting within the letter of the IBSF Code of Conduct, it is expected that all parties concerned should also act within the spirit of the Code, whose aim is to promote fair play and ethical conduct at all times."

13. On 15 January 2026, the Applicant filed a request for investigation with the IOC Integrity Unit reporting "*the purposeful manipulation of a sports competition that occurred during the North America Cup (NAC) races held in Lake Placid, New York, from 9–13 January 2026*", formally requesting the opening of "*an independent investigation into this matter, which continues to impact Olympic qualification pathways across several countries*".

14. On 16 January 2026, the IOC Ethics and Compliance Office denied the request for investigation on the ground that that "[t]*his matter relates to an event under the International Bobsleigh & Skeleton Federation (IBSF) and is therefore outside*

the IOC's jurisdiction. We therefore refer you to the IBSF Integrity Unit for follow up. [...]".

15. On 19 January 2026, the Applicant filed a "*Complaint for Violation of the Olympic Movement Code on the Prevention of the Manipulation of Competitions and IBSF Code of Conduct; or, Alternatively, Petition for Appeal of the Decision Issued by IBSF Interim Integrity Unit*" before the IBSF Appeals Tribunal, seeking i.a. :

"[...]

7.1.2 That the decision of the IIU be set aside;

7.1.3 A determination that the decision by Bobsleigh Canada Skeleton to withdraw four (4) of its athletes from the NAC Lake Placid Race was in violation of the Olympic Movement Code on the Prevention of the Manipulation of Competitions and that the BCS coaches violated the IBSF Code of Conduct by violating said rules.

7.1.4 That full ranking points (i.e., 100% of the available points as opposed to 75%) be awarded for the 11 January 2026 NAC Lake Placid Race 7; and

7.1.5 That the 18 January 2026 Ranking List be updated to reflect the full points. [...]"

16. Mirela Rahneva (22 January 2026), Kellie Delka (21 February [*recte* January] 2026), Mike Douglas (21 January 2026), Brazilian Ice Sports Federation (21 January 2026), Malta Bobsleigh and Skeleton Federation (20 January 2026) and Virgin Islands Winter Sports Federation (23 January 2026) submitted letters of support and requested to join Katie Uhlaender'*s* appeal as interested parties.

17. On 22 January 2026, the IBSF filed some determinations to the BSF Appeals Tribunal; it does not proceed from the evidence on records when these determinations, filed by the Applicant in these proceedings, were communicated to the Applicant:

"*1. The* IBSF *does not object to this matter being heard by the IBSF Appeals Tribunal.*

2. While the IBSF has brought the complaints about the withdrawal of female Canadian athletes before the Interim Integrity Unit (IIU) for investigation, it has taken note of the decision by the IIU and accepts it.

3. The IBSF is not a party to the proceedings before the IBSF Appeals Tribunal. The IBSF does *not apply for admission as a party in the proceedings before the IBSF Appeals Tribunal, and it has no further interest in this matter.*

4. The IBSF points out that the outcome of the proceedings before the IBSF Appeals Tribunal does not affect in any way the allocation of Quota Places

for the Women's Skeleton competitions at the Olympic Winter Games Milano Cortina 2026 to National Olympic Committees. The allocation of two (2) Quota Places to the USOC [sic] *remains unchanged.*

5. *The IBSF has no influence whatsoever on how the NOCs and national skeleton federations use their quotas and to whom they assign a starting place in the Olympic Skeleton competitions. Hence, it is at the sole discretion of the USOPC and USA Bobsled & Skeleton, under their own rules, how the two Quota Places for Women's Skeleton are allocated.*"

IV. IBSF APPEAL TRIBUNAL'S INTERIM ORDER AND FINAL ORDER

18. On 23 January 2026, the IBSF Appeals Tribunal issued an "Interim Order" (the "Interim Order"), indicating that "[...] *the Appeals Tribunal will address further adjudication of the Complaint in a final order, but this Order shall be considered final for purposes of any appeal to CAS*".[1] The Interim Order provides as follows:

"*The IBSF Appeals Tribunal met to consider the Petition of Katie Uhlaender. Having considered the submissions of Ms. Uhlaender, letters in support of her Complaint, and the evidence related thereto, the Appeals Tribunal rules as follows:*

1. *The IBSF Appeals Tribunal considered this matter de novo without attributing weight to the decision of the IBSF Interim Integrity Unit.*

2. *The IBSF Appeals Tribunal does not have authority to dictate that full points be awarded to an IBSF North American Cup race at which only nineteen athletes were drawn following the completion of the official training.*

3. *The IBSF Appeals Tribunal will issue a detailed explanation of its decision together with directions concerning further administration of the Complaint shortly. To be clear, the decision announced herein is not an affirmation of the IIU decision or its reasoning.*

4. *Because of the timing of this decision, this decision shall constitute a final decision of the IBSF Appeals Tribunal and exhaustion of IBSF administrative procedures for purposes of any appeal to the Court of Arbitration for Sport, notwithstanding the contemplation of a more detailed decision later.*"

19. On 27 January 2026, the Applicant stated that "[y]*our submission that the Operative Award is to be considered final for purpose of any appeal to CAS is inconsistent with both the IBSF Statutes and the CAS*" and requested a "*Reasoned Decision as soon as possible*".

[1] The cover email notifying the Interim Order describes the enclosed document as "*the Appeals' Tribunal's Operative Award*". The Panel will however refer to the title used in the document.

20. On 28 January 2026, the IBSF Appeals Tribunal issued a fully reasoned award, titled "*Final Order*", with the following "*Conclusion and Order*" (the "Final Order"):

"*30. The Appeals Tribunal is satisfied that the action of the Canadians was intentional and directed to reducing the points available to athletes who slid at the final Lake Placid NAC. Because the resolution below makes any detailed discussion of the substantive merits of the Complaint unnecessary, the Appeals Tribunal notes — but does not decide — the legal questions that are presented:*

A. Whether the express allowance of withdrawal of an athlete at any time in International Skeleton Rule 8.6(d) necessarily shields that withdrawal from being "improper" under the Olympic Movement Code.

B. Whether a group of athletes' unexplained decision not to participate in official training (as here) is materially the same as "withdrawing" from a race.

C. The extent to which (and conditions under which) an action that is not a violation of the competition rules is considered "improper" or produces a benefit that is "unjust" under Rule 2.2(a) of the Olympic Code on Manipulation. Compare IBSF Code of Ethics, Section 7 (rule requiring fair play exempts conduct expressly permitted by competition rules) with Olympic Movement Code Rule 2.6 (for purposes of determination of violation of Olympic Movement Code, it is not relevant "[w]hether or not the manipulation included a violation of a technical rule of the respective Sports Organization).

D. The extent to which the number of racers in an IBSF skeleton race is part of the "unpredictable part of the sports competition" protected from manipulation under Rule 2.2(a) of the Olympic Movement Code.

31. The Olympic Movement Code does not permit the Appeals Tribunal to ascribe full points to an IBSF NAC race in which only 19 athletes were drawn. The specific sanctions available are directed toward punishment of the "Participant" at issue, and the Olympic Movement Code has no provision for the remediation of alleged manipulation beyond consequences that can be visited on the offender. Although the disqualification of an athlete and cancellation of results may have collateral impacts (other participants moving up in official finishes, for example) the Olympic Movement Code does not set out standards or means by which event records can be changed other than through sanctions

32. Similarly, the Appeals Code does not permit the Appeals Tribunal to order that the IBSF award full (100%) points to a race in which only 19 athletes were drawn. To the extent that the Appeals Code authorizes the "voiding of any action" or "invalidation or modification of results," the relief sought by Ms. Uhlaender is outside the scope of such authority.

33. Specifically, Ms. Uhlaender is not primarily asking that the Participant(s) who caused this issue be sanctioned, but rather that the Appeals Tribunal rewrite the race records as though 21 athletes participated. This is not allowed under the

International Skeleton Rules, The Appeals Code, or the Olympic Movement Code.

Based on the foregoing, the Complaint is dismissed."

21. The notification process of the Final Order does not proceed from the evidence on records; it is alleged, without it being controverted, that the Final Order was communicated at least to the Applicant on 28 January 2026.

V. THE CAS PROCEEDINGS

22. On 30 January 2026 at 11:54 (Milan time), the Applicant filed a "Statement of Appeal and Appeal Brief" with the CAS Ad Hoc Division against the Respondents to challenge the Final Order with supporting evidence; the Applicant specifically indicated that "[she] *intends for this Statement of Appeal to also serve as her Appeal Brief, in light of the expedited nature of this Appeal and the Ad Hoc Division*" ("Application", par. 8.2). The Applicant formally designated several "*witnesses"*, including the persons named above in par. 16) to "*testify consistent with their statement as an interested party*".

23. On 30 January 2026 at 13:26 (Milan time), the CAS Ad Hoc Division notified the Application to the Respondents and the Interested Parties.

24. On 30 January 2026 at 17:20 (Milan time), the CAS Ad Hoc Division notified the Parties of the composition of the Panel:

President:	Dr Isabelle Fellrath, Attorney-at-Law, Morges, Switzerland
Arbitrators:	Mr James Drake KC, Barrister, London, United Kingdom
	Prof. Luigi Fumagalli, Professor and Attorney-at-Law, Milano, Italy

25. The Applicant was invited to clarify by 30 January 2026 at 20:00 (Milan time) whether the persons named in par. 16 above were witnesses and/or interested parties, and Respondents invited to file their reply (Article 15 lit. b of the CAS Ad Hoc Rules) and USOPC and IOC an *amicus curiae* brief until 31 January 2026 at 17:00 (Milan time).

26. The Parties, USOPC and IOC were also summoned to appear at a hearing to be held by videoconference (Article 15 lit. c para. 1 of the CAS Ad Hoc Rules) on 1 February 2026, at 15:00 (Milan time). It was further specified that:

"*5. The purpose and contents of the hearing are set forth in Article 15 lit. c para. 2 of the CAS Ad Hoc Rules [...] Therefore, if the Parties have any persons to be heard as witnesses or expert-witnesses, they are requested, to every extent possible, to make these persons available.*

After the hearing, the Panel of arbitrators will proceed to issue a final decision.

6. Whether or not the Parties attend the hearing, they should be aware that they may be bound by the decision that the Panel will issue. [...]"

27. There were no objections to the appointment of the Panel.

28. Within the set time and deadline, the Applicant submitted that "[...] *the individuals identified at par. 3.17 of the Statement of Appeal should be considered as interested parties*".

29. On 31 January 2026, at 09:59 (Milan time), the IOC submitted that it "[...] *considers that after receiving the answers and the amicus briefs, the Panel will be sufficiently informed, and holding a hearing would be entirely unnecessary*".

30. On 31 January 2026, at 10:11 (Milan time), the CAS Ad Hoc Division invited "*the Interested Parties to file* amicus curiae *briefs or, in the alternative, to confirm that they will rely on their written "statements of support" already on file, by today, 31 January 2026 at 17:00 (Milan time). If the Respondents have objections in this regard, they shall inform the Panel accordingly by today, 31 January 2026 at 13:00 (Milan time)*".

31. On 31 January 2026, at 11:33 (Milan time), the CAS Ad Hoc Division informed the Parties and Interested Parties that the President of the CAS Ad Hoc Division extended the time-limit for the Panel to give a decision until 2 February 2026 at 17h00 (Milan time).

32. On 31 January 2026, the Third Respondent (at 16:20, Milan time) and the First Respondent (at 17:07 Milan time) filed their respective Replies to the Application filed by the Athlete, with supporting evidence. The Second Respondent, whilst requesting a copy of "*all relevant materials*", did not file any reply within the imparted time.

33. On 31 January 2026, within the imparted time, the IOC (16:58, Milan time) and the Virgin Islands Winter Sports Federation (17:00, Milan time) filed *amicus curiae* briefs, and the Malta Bobsleigh and Skeleton Federation informed the Panel that they would be relying on their statement of support already on file. Mirela Rahneva, Kellie Delka, Mike Douglas, CBDG, and the Danish Bobsleigh and Skeleton Federation did not file any *amicus curiae* brief within the imparted time.

34. On 31 January 2026, at 17:28 (Milan time), the Applicant submitted Exhibit-033 in response to IOC's *amicus curiae* brief (par. 16), specifying that "*[i]n submitting this responsive exhibit, Appellant does not concede the accuracy of the IOC's claim that "The Applicant does not allege, let alone demonstrate, that the USOPC would have selected her to participate in the 2026 Winter Olympic Games had she been ranked 17th in the IBSF World Rankings. See Statement of Appeal, at par. 3.8 and 6.9.1"*.

35. On 31 January 2026, at 17:33 (Milan time), the CAS Ad Hoc Division circulated the Parties and Interested Parties' submissions, communication and *amicus curiae* briefs, and, on behalf of the Panel, invited the Applicant to file her position on the issue of the jurisdiction of the CAS Ad Hoc Division by 1 February 2026 at 07:00 (Milan time), and at 18:02 (Milan time), the Applicant's Exhibit-033 and email; it further summoned the remaining Interested Parties to appear at a videoconference hearing before the Panel of arbitrators.

36. On 1 February 2026, at 03:47 (Milan time), the Applicant filed submissions on the issue of the jurisdiction of the CAS Ad Hoc Division; she also submitted evidence missing from her Application.

37. On 1 February 2026, at 09:46 (Milan time), the IOC reiterated that the Panel should consider itself sufficiently informed to adjudicate the matter without holding a hearing.

38. On 1 February 2026, at 11:13 (Milan time), the CAS Ad Hoc Division confirmed that the hearing was maintained and circulated the link to access the video conference hearing to all Parties and Interested Parties, including those who had not confirmed their attendance.

39. In accordance with Article 15 lit. c of the CAS Ad Hoc Rules, the Parties and Interested Parties, to the extent set out below, participated at the hearing which was held by videoconference on 1 February 2026, from 15.00 to 20:00 (Milan time). The Panel was assisted by Delphine Deschenaux-Rochat, Counsel at the CAS, and joined by the following persons, all attending remotely:

    - for the Applicant: Katie Uhlaender, party; Howard L. Jacobs, Leah M. Bernhard and Katlin F. Freeman, counsel.
    - for the First Respondent: Kien Tran, BCS CEO, party; Justin Safayeni, Aimee Huntington, Adam Klevinas, counsel.
    - Second Respondent Joe Cecchini, party; R. Fitzgerald Scott counsel.
    - For the Third Respondent: Heike Größwang, IBSF General Secretary, party; Stephan Netzle, counsel.

40. Some of the Interested Parties also attended, namely IOC: Antonio Rigozzi, counsel; Mirela Rahneva; Brazilian Ice Sports Federation: Emilio de Souza Strappason, President; Malta Bobsleigh and Skeleton Federation: Sarah Krebs, Secretary General; Virgin Islands Winter Sports Federation: Brigitte Berry, Treasurer, Interested Party; Craig M. O'Shea, counsel and Katie Tannenbaum, skeleton athlete; and Danish Bobsleigh and Skeleton Federation: Tom Johansen, General Manager.

41. USOPC was not represented, but Kacie Wallace, Athlete Ombuds, attended. Kellie Delka and Mike Douglas did not attend.

42. The Panel heard evidence from Katie Uhlaender and Joe Cecchini. The Parties and had full opportunity to examine and cross-examine Katie Uhlaender and Joe Cecchini, to present their case, to submit their arguments and answer the questions posed by the Panel, and the Interested Parties could express their positions.

43. Before the hearing was concluded, the Parties confirmed that they had full opportunity to present their case and that they did not have any objection with the procedure adopted by the Panel and that their right to be heard had been respected.

44. The Panel confirms that it carefully heard and took into account in its decision all of the submissions, evidence, and arguments presented by the parties, even if these have not been specifically summarised or referred to thereafter.

VI. THE PARTIES' SUBMISSIONS AND REQUESTS FOR RELIEF

45. The Parties' submissions and arguments shall only be referred to in the sections below if and when necessary, even though all such submissions and arguments have been considered.

A. Applicant

a. Applicant's Submissions

46. The Applicant's submissions can be summarized as follows:

47. Scope of the Application:

- The Applicant expressly stipulates in the Application that the "*findings of the IBSF Appeal Tribunal that the Canadian's actions were undertaken with the intent to manipulate the points available to athletes who competed at the 11 January 2026 North American World Cup Race in violation of the IOC's Code of Ethics*" are not disputed.
- Nevertheless, the Applicant's formal prayer in arbitration includes a determination that Bobsleigh Canada Skeleton's withdrawal of four athletes from the NAC Lake Placid race violated the Olympic Movement Code, and the BCS coaches breached the IBSF Code of Conduct (below par. 51), which the Applicant expressly confirmed at the hearing.

48. Admissibility and jurisdiction: the CAS Ad Hoc Division has jurisdiction over this matter:

- The dispute as to whether the IBSF has the authority to issue full points to the race to remedy the injustice that resulted from the impermissible conduct based on its findings that the Canadians violated the IOC's Code of Conduct and illegally arose from the issuance of the Final Order, i.e. within the "*period*

of ten days preceding the Opening Ceremony of the Olympic Games" scheduled to take place on 6 February 2026.

- The Interim Order cannot not be considered final for purpose of any appeal to CAS, the Interim Order reserving "*further adjudication of the Complaint in a final order*" in its transmittal email, and in effect the 21 days deadline to challenge "*by way of appeal*" to CAS the IBSF Appeals Tribunal "*decisions*" under Article 18.3 of the IBSF Statutes/Article R49 of the Code of Sports-arbitration for Sport (the "CAS Code") applied as from the notification of the complete, reasoned decision.

49. Burden of proof: CAS precedent has readily established that the burden of proof in cases involving match fixing or match manipulation should be to a comfortable satisfaction, defined as being greater than a mere balance of probability, but less than proof beyond a reasonable doubt.

50. Merits:

- The First and Second Respondents' decision to pull the four healthy BCS athletes to "eliminate the odds" of Jane Channell being surpassed in the IBSF Ranking which would result in BCS only earning one female skeleton athlete quota place for the 2026 OWG instead of two, meets the classic definition of competition manipulation under the Olympic Movement Code on Prevention of Manipulation of Competition (Article 2.2), as confirmed by the Final Order.
- IBSF Appeals Tribunal Code, Section VIII.G gives the IBSF Tribunal power to invalidate or modify results from an IBSF sports contest; consequently, the IBSF Appeal Tribunal's finding that it does not have the authority to award full points for the race is erroneous.

b. Applicant's Prayer for Relief

51. The Applicant requests the Panel:

"*8.1 Appellant respectfully requests that the Panel find as follows:*

8.1.1 That the appeal of Katie Uhlaender is admissible and will be decided on an expedited basis;

8.1.2 That the decision of the IIU be set aside;

8.1.3 A determination that the decision by Bobsleigh Canada Skeleton to withdraw four (4) of its athletes from the NAC Lake Placid Race was in violation of the Olympic Movement Code on the Prevention of the Manipulation of Competitions and that the BCS coaches violated the IBSF Code of Conduct by violating said rules.

8.1.4 That full ranking points (i.e., 100% of the available points as opposed to 75%) be awarded for the 11 January 2026 NAC Lake Placid Race 7; and 8.1.5 That the 18 January 2026 Ranking List be updated to reflect the full points.

8.2 The Appellant intends for this Statement of Appeal to also serve as her Appeal Brief, in light of the expedited nature of this Appeal and the Ad Hoc Division.

8.3 Appellant further designates the following witnesses:.

8.3.1 Katie Uhlaender, who will testify as to her background and experience as an elite skeleton athlete, the circumstances surrounding the 11 January 2026 NAC Lake Placid Race 7, her communications with Joe Cecchini, and the impact of the Canadian's actions on her athletic career and ability to compete in the 2026 Winter Olympic Games.

8.3.2 Jack Thomas, who may be called upon to testify regarding his communications 27with Joe Cecchini about his decision to withdraw BCS athletes from the 2026 NAC Lake Placid Race and the impact that such actions have on other athletes and the sport of Skeleton.

8.3.3 Mirela Rahneva (Canada), who may be called upon to testify consistent with their statement as an interested party.

8.3.4 Kellie Delka & Mike Douglas (Puerto Rico), who may be called upon to testify consistent with their statement as an interested party.

8.3.5 Emilio de Souza Strappason (Brazil), who may be called upon to testify consistent with their statement as an interested party.

8.3.6 Sarah Krebs (Malta), who may be called upon to testify consistent with their statement as an interested party.

8.3.7 Tom Johansen (Denmark), who may be called upon to testify consistent with their statement as an interested party.

8.3.8 Enrique Rodriguez (Virgin Islands), who may be called upon to testify consistent with the statement submitted on behalf of the Virgin Islands as an interested party.

8.3.9 Katie Tannenbaum (Virgin Islands), who may be called upon to testify regarding the circumstances surrounding the 11 January 2026 NAC Lake Placid Race 7,

8.3.10 Appellant reserves the right to designate additional witnesses in response to any arguments or issues raised by Respondents."

B. First Respondent

a. First Respondent's Submissions

52. The First Respondent's submissions can be summarized as follows:

53. Admissibility and jurisdiction:

- The CAS Ad Hoc Division's jurisdiction is limited to appeals in respect of disputes that arise during the Olympic Games or ten days prior to the Opening Ceremony, *i.e*. by 27 January 2026.
- The dispute "crystallized" at the very latest on 23 January 2026 with the Interim Order concluding that the IBSF Appeals Tribunal lacked the authority to award the Applicant the full points she seeks which is the very essence of what the Applicant seeks to challenge before the CAS Ad Hoc Division.

54. Admissibility:

- The withdrawal of Canadian racers did not affect in any way the allocation of quota places for the women's skeleton competitions at the 2026 OWG to National Olympic Committees.

55. Merits:

- Even under the disputed assumption of a sanctionable conduct, the IBSF Appeals Tribunal correctly determined the limits of its own authority under paragraph VIII.G of the IBSF Appeals Tribunal Code to "modify results", which applies for example when a particular athlete engages in wrongdoing during a race, with a consequent impact on race results. The IBSF Appeals Tribunal Code does not contemplate or allow for the wholesale revision of race record based on the fiction of 21 race participants.
- Such relief would further be predicated on the flawed assumption that every single race participant would achieve the same standing in a hypothetical race with additional racers that never actually occurred.
- Strategic withdrawals from competition are common and expressly in skeleton allowed without limitation or consequences (sect. 8.6(d) IBSF International Skeleton Rules, "ISR"); *in casu*, withdrawal was decided after IBSF officials' prior confirmation that it was permitted, and the IBSF Appeals Tribunal did not subsequently make any findings of competition manipulation on that account, expressly declining to decide that issue leaving it an open question.

b. First Respondent's Prayer for Relief

56. The First Respondent requests the Panel:

"BCS respectfully requests *that this appeal be dismissed.*"

C. Second Respondent

57. The Second Respondent did not file any submission and did not make any formal request.

D. Third Respondent

a. Third Respondent's Submissions

58. The Third Respondent's submissions can be summarized as follows:

59. Jurisdiction:

- The CAS Ad Hoc Division is no appellate body; it settles disputes which arise on the occasion of, or in connection with the Olympic Games. The formal reference point for the jurisdiction *ratione materiae* of the CAS Ad Hoc Division is a dispute, and for temporal jurisdiction when the dispute arose.
- In the present case, the dispute arose on 11 January 2026, i.e. at the skeleton competition in Lake Placid, after the Canadian team withdrew four of its athletes from competition resulting in a reduction of points for the results of the competitors, or at the latest on 15 January 2026 when the Athlete learned of the result of the IIU investigation and disagreed with the outcome. The IBSF Appeals Tribunal procedure was not the beginning of the dispute, but rather the culmination of it; the date of the IBSF Appeals Tribunal's decision may be relevant for the calculation of the deadline of an appeal to the CAS Appeals Arbitration Division but is irrelevant to determine whether the CAS Ad Hoc Division has jurisdiction.

60. Admissibility:

- The Applicant lacks sufficient interest worth of legal protection as the case pertains to the allocation of quota places to skeleton athletes representing the USA. This is not for the IBSF to decide but is in the power of the USOPC and the national federation responsible for skeleton, irrespectively of the outcome of this procedure. When USOPC reported Kelly Curtis and Mystique Ro as the athletes selected for the US skeleton team on 26 January 2026, and published it on the USOPC's website on 28 January 2026, USOPC was well aware of but did not take into consideration the ongoing dispute concerning Katie Uhlaender and her claim that she should be awarded more points because of the withdrawal of the Canadian athletes, which would then place her ahead of Mystique Ro.
- Even if the Applicant would be awarded the "full ranking points" for the 11 January 2026 NAC Lake Placid Race 7, this would not lead to an additional quota place for the team USA, nor would the Applicant automatically qualify for the 2026 OWG. It would still be up to the USOPC and USA Bobsled Skeleton to replace one of the already nominated athletes by the Applicant and ask for a late amendment of their nomination list.

61. Merits:

- IBSF agrees with and accepts the IBSF Appeals Tribunal's finding that "*it is satisfied that the action of the Canadians was intentional and directed to reducing the points available to athletes*"; the IBSF Appeals Tribunal referred to "actions" without qualifying them as "manipulation", which is a legal term; it did not find that BCS and/or Mr Cecchini intentionally manipulated the outcome of the competition.

- The IBSF Appeals Tribunal rightly held that it has no legal authority to amend the ranking of the NAC Lake Placid competitions and award the Applicant more points.

b. Third Respondent's Prayer for Relief

62. The Third Respondent requests the Panel:

"*1. Not to accept the Application because of lack of jurisdiction.*

2. Subsidiarily, and in case the Panel accepts jurisdiction of the CAS Ad Hoc Division, it shall dismiss the Application in its entirety to the extent that it is admissible.

3. To order the Applicants to pay a fair contribution towards the Respondent's legal costs to be determined by the Panel.

Procedural Request

1. The Panel shall decide on its jurisdiction based on the written of the Appellant and this Reply, without holding a hearing.

2. If the Panel accepts its jurisdiction, it shall decide the dispute on the merits of the Application based on the written submissions *without holding a hearing.*

3. If the Panel prefers to hold a hearing, witnesses and interested parties which already submitted a written statement, shall not be heard at the hearing."

VII. INTERESTED PARTIES' *AMICUS CURIAE* BRIEFS

A. IOC

63. IOC's *amicus curiae* can be summarized as follows:

64. Jurisdiction:

- According to Article 1(1) of the CAS Ad Hoc Rules, to fall within the CAS Ad Hoc Division's jurisdiction a dispute must not only be covered by Rule 61 (that is "*relating to disputes arising on the occasion of, or in connection with, the Olympic Games*"), but it must also either arise during the Olympic Games themselves or within the 10-day period before the Opening Ceremony. The relevant date to determine whether the Panel has jurisdiction ratione temporis is not the date on which it could be said to have "crystallized" or indeed the moment when the time limit to appeal starts running (as discussed in *Blake*), which is an issue of admissibility, specifically whether an appeal has been timely filed, but the date on which the dispute arose as discussed in *Cook Islands*). In exceptional circumstances, the moment when the dispute arose may possibly be postponed, specifically in cases where "*the decision is not*

self-explanatory and requires some explanation in order for the Parties to know with certainty that they are in disagreement".

- In the present case, the dispute arose at the latest when the IBSF's competent body finally rejected the Applicant's request that "*IBSF award full ranking points*" for the Event. It is common ground that this was when the IBSF Appeals Tribunal issued the Interim Order on 23 January 2026. Despite some unusual terminology, the decision challenged by the Applicant was clearly decided on 23 January 2026 in the Interim Order, with no room for interpretation whatsoever.

65. Admissibility:

- The Applicant lacks sufficient legal interest in the outcome of the decision at the moment of the filing of her request as well as at the moment the decision is being rendered, hence her case is inadmissible, as per constant CAS case law. Quotas are allocated to national Olympic committees ("NOCs") and not directly to athletes (Section B.4 of the IBSF Qualification System), and under Rule 27.7.2 of the Olympic Charter ("OC"), NOCs have the exclusive right to "*send competitors, officials and other team personnel to the Olympic Games in accordance with the Olympic Charter*". Accordingly, even if the Panel were to grant the Applicant's requests, this would not change the fact that USOPC allocated two quota places for women's skeleton and was free to choose which athletes to send to the 2026 OWG. The Applicant does not allege, let alone demonstrate, that the USOPC would have selected her to participate in the 2026 OWG had she been ranked 17th in the IBSF World Rankings. Incidentally, USOPC retains discretion to select the athletes to be entered for the women's skeleton event and could have therefore (in IOC's understanding) still decided to select the Applicant to be sent to the 2026 OWG (Rule 27.7.2 OC).

66. Merits:

- The relief sought would necessarily entail modifying the official ranking and, as a direct consequence, could possibly deprive Ms Mystique Ro of her place in the 2026 OWG and other NOCs and athletes; the Applicant has not established that the relief she is seeking does not affect any other parties than the ones she has listed as respondents; consequently, her contention that she "*does not believe that any individual athletes are necessary parties to this action*" is particularly misplaced;
- The Panel has no power to grant the requested relief without all the potential athletes participating in the arbitration and should thus dismiss the Application.

67. The IOC concludes that the "*Panel should decline jurisdiction over the Application and, in any event, dismiss the Application on the merits to the extent it is admissible*".

B. Virgin Islands Winter Sports Federation

68. The Virgin Islands Winter Sports Federation expressly adopts "*all authority, evidence, and legal argument set forth by Ms. Uhlaender and her counsel*", with the following addition beyond the Applicant's case, considering similar manipulation occurred in Park City NAC Event 3 and Park City NAC Event 4 :

    - The IBSF itself found that its own rule, wherein athletes are awarded reduced qualifying points based on the size of the competition field, has resulted in unfair gamesmanship, and the Final Order found that this rule has resulted in event manipulation, specifically finding that "*the Appeals Tribunal is satisfied that the action of the Canadians was intentional and directed to reducing the points available to athletes who slid at the final Lake Placid NAC*" and that the Olympic Movement Code draws no such distinction between conduct technically comporting with competition rules and other manipulation, hence "*it is not relevant '[w]hether or not the manipulation included a violation of a technical rule of the respective Sports Organization*.'"
    - With broad competition manipulation already found by IBSF to have occurred, the only equitable remedy to prevent such manipulation from staining the 2026 OWG is to strike the IBSF Rule requiring lesser awards of qualifying points based on the number of drawn athletes, and order a reweighing of qualifying points awarded throughout the 2025-26 NAC. Such exceptional measures are fully within the authority and intent of the Olympic Movement Code (Article 10 of the IOC Code of Ethics Rules of Procedure – Olympic Games; Olympic Movement Code on the Prevention of the Manipulation of Competitions, § 5.1), and therefore, within the authority and discretion of CAS. Permissible measures under § 5.1 are not defined, but rather are used as a broad term of permissible relief which may be awarded in circumstances of competition manipulation. This implies that, while the ability to sanction participants is limited, broad discretion is authorized to craft "measures" which ensure fair play in competition.

69. The Virgin Islands Winter Sports Federation concludes that the Panel should within the discretionary authority afforded by the Olympic Movement Code, "[...] *strike the IBSF's unfair rule on the basis of proven competition manipulation and order the reweighing of all qualifying points awarded in the 2025-26 North American Cup* [...]" and "[...] *order the IBSF to extend invitations to Katie Uhlaender, Katie Tannenbaum, and any other Skeleton athlete or National Olympic Committee who would have qualified for Milano-Cortina but for the lesser qualifying points awarded in the above-mentioned events*".

70. The other Interested Parties did not file specific *amicus curiae* briefs in these proceedings, Malta Bobsleigh and Skeleton Federation expressly referring to the statement of support already on file.

VIII. JURISDICTION

71. This Panel has been formed under the arbitration rules applicable to the CAS Ad Hoc Division, a special adjudication authority with jurisdiction limited to specific disputes occurring within a strictly set timeframe. The jurisdiction of the CAS Ad Hoc Division is set out in Article 1 of the CAS Ad Hoc Rules and Article 61 of the OC.

72. Rule 61 ["*Dispute Resolution*"] of the OC provides (with emphasis added):

> "*2. Any dispute arising on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport (CAS), in accordance with the Code of Sports-Related Arbitration*".

73. Article 1 ["*Application of the Present Rules and Jurisdiction of the Court of Arbitration for Sport (CAS)*"] of the CAS Ad Hoc Rules provides (with emphasis added):

> "*The purpose of the present Rules is to provide, in the interests of the athletes and of sport, for the resolution by arbitration of any disputes covered by Rule 61 of the Olympic Charter, insofar as they arise during the Olympic Games or during a period of ten days preceding the Opening Ceremony of the Olympic Games.*
>
> *In the case of a request for arbitration against a decision pronounced by the IOC, an NOC, an International Federation or an Organising Committee for the Olympic Games, the claimant must, before filing such request, have exhausted all the internal remedies available to him/her pursuant to the statutes or regulations of the sports body concerned, unless the time needed to exhaust the internal remedies would make the appeal to the CAS Ad Hoc Division ineffective*."

74. The decisive factors to ascertain the jurisdiction of the Ad Hoc Division thus pertain to (a) subject matter of the dispute ("arose on the occasion of, or in connection with, the Olympic Games") – which appears uncontroversial for a dispute regarding qualifying spots and athletes for the 2026 OWG hence will not be further addressed – and (b) when the dispute arose.

75. This was all addressed an explained in OG 14/003 in the following terms, with which the Panel agrees and respectfully adopts:

> "*5.21 It has to be stated at the outset that the date when the dispute arose cannot, per se, be the date when the Request for Arbitration is filed. A dispute has to be distinguished from a claim. It is clear that the dispute will have arisen before the formal presentation of a claim to a tribunal. Otherwise, any required time frame in which the dispute has to arise for it to be able to be submitted to a dispute resolution mechanism would have no useful meaning.*
>
> *5.22 It remains to determine when the present dispute arose, which requires the Panel to determine what constitutes a dispute. Many dispute settlement bodies*

have reflected on such a question, but the most famous and often cited definition was given by the International Court of Justice (ICJ) a century ago, and constantly repeated. It is not the place here to cite the extensive international jurisprudence referring to this definition, but the Panel finds it relevant to cite the initial definition of a dispute: "A dispute is a disagreement on a point of law or fact, a conflict of legal views or of interests between two persons" (PCIJ, The Mavrommatis Palestine Concessions, Serie A, n° 2, August 30th 1924, Rec. p. 11).

*5.23 During the hearing, the Applicant referred to the Schuler case (CAS OG 06/*002*), presumably in order to argue that the dispute did arise in the required time frame and submitted that this Panel should follow similar reasoning. The Panel does not consider that the reasoning in Schuler can be used as guidance for its decision, as will be explained below.*

[...]

5.25 The Panel considers that the facts are not the same as in the present case, as in Schuler, the explanation for the exclusion from the Olympic Games was inside the required period for the ad hoc Division to have jurisdiction ratione temporis. In the present case, to the contrary, the explanation was not given on a date inside the required period, as it was either on 20 January 2014, which is the date of the letter of explanation, or on 22 January 2014, which is the date on which the Applicant says that she received that letter. The Panel did not consider it necessary to make a finding as to the date of notification, as both dates are well outside the period for which the ad hoc Division has jurisdiction.

5.26 More importantly, the Panel has not been convinced by the legal reasoning adopted in the Schuler case, which was not based on the date on which she received *the explanation for the Decision, i.e. on the date on which the Applicant understood the elements of the dispute, but the date on which she decided to file her case after having "considered the issue" [...].*

5.27 Such conclusion could extend the jurisdiction of the ad hoc Division outside the precise *and limited framework set by the Rules, which this Panel is required to respect and apply. An athlete having been excluded one month before the Olympic Games could come to the ad hoc Division and bring his/her case 10 days before the Opening Ceremony, arguing that he/she had to consider the issue before filing an application and that the dispute only arose when he/she decided to file an application. This would make a mockery of Article 2 § 1 of the CAS ad hoc Rules.*

5.28 It is accepted that the date when a dispute arises is in general – in fact in most cases – the date of the decision with which the Applicant disagrees ("a disagreement on a point of law or fact" as stated by the ICJ). Such a date can arise later, in some cases, if, for example, the decision is not self-explanatory and requires some explanation in order for the Parties to know with certainty that they are in disagreement. Evidence would be required to establish whether a later date

than the date *of the decision should apply. There was no such evidence in the present case. General distress, which the Applicant says she has suffered, does not of itself delay the date on which the dispute arises.*"

76. Consequently, the issue to be determined for the purpose of *ratione temporis* jurisdiction is when "*a disagreement on a point of law or fact, a conflict of legal views or of interests between two persons*" occurred between the Athlete and the Respondents; or, as it was put in OG 26/01 par. 31.(i) "*when there is a specific disagreement on a point of law or fact and one party's claim is positively opposed by the other*".

77. The decisive issue to determine the jurisdiction of the CAS Ad Hoc Division is thus not whether the 23 January 2026 Interim Order or indeed the prior 15 January 2026 IBSF/IIU "full decision" were final or not (based on an unwarranted analogy of Article 18.3 of the IBSF Statutes and Article R49 of the CAS Code which are both strictly limited to challenge "by way of appeal" to CAS as in effect acknowledged by the Applicant).

78. It appears from the above reported narrative (par. 10 to 12) that the trigger of the dispute referred to arbitration would appear to have been the First and Second Respondents' decision to withdraw four Canadian athletes from the NAC Race in Lake Placid on 9 January 2025 inciting the Applicant to submit evidence in an ongoing general IBSF Interim Integrity Unit ("IIU") investigation that was eventually closed with the 15 January 2026 decision.

79. From the chronology of events set forth above, it is apparent that the decision on the part of the First Respondent and/or the Second Respondent to withdraw their athletes from the 11 January 2026 race was the decision with which the Athlete took issue formally by the filing of her "*Complaint for Violation of the Olympic Movement Code on the Prevention of the Manipulation of Competitions and IBSF Code of Conduct and/or Petition for Appeal of the Decision Issued by IBSF Interim Integrity Unit*" before the IBSF Appeals Tribunal (above par. 15), so that, at that point in time, there was as between the Athlete and the First Respondent and the Second Respondent a specific disagreement on a point of law or fact and one party's decision has been positively opposed by the other.

80. Further, the Third Respondent in turn responded to the various matters raised by the Athlete in her Complaint in its submission to the IBSF Appeals Tribunal dated 22 January 2026 (above par. 17) thereby positively opposing the position taken by the Athlete, which position was reinforced still further by the Interim Order the IBSF Appeals Tribunal on 23 January 2026, by which the Athlete's request for reinstatement of full ranking points was rejected. (above par. 18). In the Panel's view, the dispute between the Parties had certainly arisen by that date of 23 January 2026 at the latest and, that being so, is outwith the temporal jurisdiction of the Ad Hoc Division Tribunal.

81. The Panel concludes that the latest date on which the dispute could reasonably have said to have arisen was 23 January 2026, because by that date also the IBSF, in the letter dated 22 January 2026, had expressed its position, opposing the Applicant's claim.

82. Contrary to the Applicant's contention, in fact, the subsequent Final Order changed nothing with respect to the Applicant's request that full ranking points be awarded: first, the same conclusion is mentioned in the Interim Order; second, the email sent by the Applicant to the IBSF Appeals Tribunal was simply meant to obtain the reasons in support of the position already and finally expressed by the IBSF.

83. On this basis the Tribunal finds that it has no jurisdiction to hear the dispute subject of the filed Application.

IX. CONCLUSION

84. In view of all these considerations, the Ad Hoc Division of the Court of Arbitration for Sport has no jurisdiction to deal with the Application filed by Katie Uhlaender on 30 January 2026.

85. In the circumstances, the Panel does not comment further on admissibility and the merits.

X. COSTS

86. According to Article 22 para. 1 of the CAS Ad Hoc Rules, the services of the CAS ad hoc Division "*are free of charge*".

87. According to Article 22 para. 2 of the CAS Ad Hoc Rules, parties to CAS Ad Hoc proceedings "*shall pay their own costs of legal representation, experts, witnesses and interpreters*".

88. Consequently, there is no order as to costs.

DECISION

On these grounds, the Ad Hoc Division of the Court of Arbitration for Sport renders the following decision:

1. The CAS Ad Hoc Division established for Milano-Cortina 2026 Olympic Winter Games has no jurisdiction to deal with the application filed by Katie Uhlaender on 30 January 2026.

2. All other and further motions or prayers for relief are dismissed

Seat of arbitration: Lausanne, Switzerland
Date: 2 February 2026

THE AD HOC DIVISION OF THE COURT OF ARBITRATION FOR SPORT

Isabelle Fellrath
President of the Panel

James Drake
Arbitrator

Luigi Fumagalli
Arbitrator