

SPORT DISPUTE RESOLUTION CENTRE OF CANADA

BETWEEN:

JESSI WILKINSON

Claimant

and

BOWLS CANADA BOULINGRIN

Respondent

and

MIKE MCNORTON, ERIK GALIPEAU,
PATRICK BIRD and AUSTIN CHAMBERS

Affected Parties

Determination on Request for Clarification

PARTIES AND PROCEDURAL BACKGROUND

1. The Claimant, Jessi Wilkinson, appealed the decision of the Bowls Canada Boulingrin (BCB) Selection Panel to not select him for the 2023 – 2026 National Senior Squad alleging that the respondent erred in its application of the High Performance Program National Senior Squad Selection Criteria 2023-2026.
2. In a reasoned decision dated March 25, 2024 I denied the Claimant's appeal.
3. After issuance of my decision the Claimant wrote to the Tribunal to request that the documentation he submitted be kept confidential. BCB did not oppose this request.
4. The Claimant wrote a second time to the Tribunal seeking to have other portions of the decision made confidential.
5. After consideration of his initial request I amended my decision to anonymize the list of submitted documents detailed in paragraph 8 of my decision. I refused the second request to anonymize other portions of the decision as those were integral to the reasons for the decision and consisted of material directly submitted by the Claimant in his Request and supporting materials.

6. On March 28, 2024 my amended reasoned decision was published and communicated to the parties.
7. While all communications with an arbitrator are required to be through the mechanism of the Tribunal, a fact agreed to by all parties at the Administrative Meeting, on March 30, 2024 I received a series of emails directly to my personal email from the Claimant seeking further redress or clarification or explanations.
8. The SDRCC subsequently advised the Claimant of the provisions of section 5.15 (a) of the Code:

5.15 Clarification of an Award or Decision

(a) If a Party believes the award or the decision is unclear, incomplete or ambiguous; contradictory or contrary to the reasons; or contains clerical or numerical mistakes, a Party may apply to the Panel for clarification.

9. On April 1, 2024 the Claimant filed a new document titled “points of clarification letter”. In this letter he raises concerns about two sets of facts that are not referenced in my reasoned decision.
10. It is a long-held tenet in administrative decision making that not every piece of evidence submitted must be referred to in a decision. The requirement in a reasoned decision is to refer to sufficient evidence or submissions to allow a reader to understand how and on what basis a decision was reached.
11. Accordingly, I do not accede to the Claimant’s request for clarification of my decision.

Signed at Victoria, BC this 3rd day of April, 2024



Peter R. Lawless, KC

Arbitrator