

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

Citation: Myers v Cycling Canada Cyclisme, 2026 CASDRC 30

File No: SDRCC 26-0824

Date: 2026-06-17

(ORDINARY TRIBUNAL)

ELLA MYERS
(Claimant)

AND

CYCLING CANADA CYCLISME
(Respondent)

AND

ELLI CLARK and NICO KNOLL
(Affected Parties)

Before:

Marcel D. Mongeon (Arbitrator)

Appearances and Attendances:

For the Claimant:	Ella Myers (Athlete) Carolyn Myers (Representative)
For the Respondent:	Kris Westwood (Representative) Phil Abbott (Representative)
For an Affected Party:	Tyler Clark (Representative for Elli Clark)

DECISION WITH REASONS

I. INTRODUCTION

- [1] On June 9, 2026, the Claimant, Ella Myers, filed a Request—Ordinary Tribunal form, with the Sport Dispute Resolution Centre of Canada (the “SDRCC”) under Section 6.1 of the Canadian Sport Dispute Resolution Code (April 1, 2025) (the “Code”), to initiate an appeal challenging a team selection decision of the Respondent, Cycling Canada (“CC”). The internal-appeal step under the CC Appeal Policy was waived and the matter referred directly to the SDRCC, because the June 29, 2026 project start date fell within the minimum timeline the internal process requires; that referral was the subject of a screening decision dated June 9, 2026 (Exhibit C-03).
- [2] The Claimant has questioned the reasonableness of the interpretation and application of the selection criteria set out in Cycling Canada’s 2026 Mountain Bike XCO Selection Policy for the 2026 Summer U23 World Cup Project (La Thuille, Italy and Pal Arinsal, Andorra; 29 June–13 July, 2026) (the “Project”). That decision, communicated to athletes on May 28, 2026, named the Claimant as first alternate in the U23 Women category rather than as a selected team member of the two-person team.
- [3] On June 10, 2026, the SDRCC appointed me through its rotating list to act as Arbitrator under the Code to hear the appeal of the Claimant. The time constraints arising from the June 29, 2026 Project start date engaged the expedited mode of appointment.
- [4] A preliminary meeting was held by videoconference on June 12, 2026, at which the procedural calendar was fixed. The parties filed written submissions and supporting documentary evidence. The Arbitrator determined the matter on the documentary record.
- [5] The parties have acknowledged that an urgent decision is required in order that, if successful, travel arrangements may be made. Although it was originally suggested that a decision would have to be made by June 15, in questioning during the preliminary meeting it became apparent that this was a “soft deadline”. In any event, I have created a process for this matter that allows an expeditious consideration and resolution of the issues.
- [6] No short decision was issued. This is the Arbitrator’s Decision with Reasons, issued pursuant to the Code. For the reasons provided, this appeal is dismissed.

II. ISSUES TO BE DECIDED

- [7] I have identified the need to deal with the following issues in this appeal:
- a. Are there any jurisdictional issues that hinder my ability to make a decision?
 - b. Were the selection criteria for the Project appropriately established?
 - c. Was the selection decision for the Project made in accordance with the selection criteria?
 - d. If either of the previous two points are not established, did the departure cause the Claimant any prejudice; would a correct application of criteria have led to her selection?

III. ONUS OF PROOF

- [8] The Code in section 6.11 provides that in a team selection 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.

- [9] The Respondent accepts this 'reverse onus', acknowledging in its submission that, "as Respondent, CC has the duty to demonstrate that its selection policy was appropriately established, and that the disputed decision was made in accordance with that policy." (Exhibit R-01, page 3)

IV. PROCEDURE

- [10] Two Affected Parties were identified in the Claimant's initial request. The SDRCC notified the two potentially affected parties by email of a proceeding before the SDRCC that may affect them.
- [11] Elli Clark was represented by a family member at the Administrative / Preliminary Meeting who indicated the intention to not participate in the written submissions process. The other Affected Party Nico Knoll, did not respond following the SDRCC's email notice of this proceeding.

[12] The absence of an Affected Party and the non-participation of the other are noted for the record. However, because of the conclusion which I reach below, nothing turns on the presence of either Affected Party.

[13] As a result of the urgent circumstances of this appeal, at the Administrative / Preliminary Meeting that was held with the parties by video conference at 2:00 pm EDT on Friday, June 12, I set the following process for the hearing of this appeal:

- a. The process would take place only in writing. All documents would be submitted by the dates indicated and, thereafter, I would make my decision;
- b. Because of the reverse onus of proof in this case, the Respondent would be the first to file its documents;
- c. Documents of the parties would be filed on the following schedule:
 - i. June 12, 2026, 11:59 p.m. (ET) - Submissions by Respondent;
 - ii. June 15, 2026, 3:00 a.m. (ET) - Submissions by Claimant;
 - iii. June 15, 2026, 4:00 p.m. (ET) - Reply by Respondent.

[14] By a message from me to the Parties at 22:45 (ET) on June 12, I clarified my expectation for the filings that:

- 1) Cycling Canada shall submit all evidence, submissions (including policy and selection documents) and arguments that it wishes the arbitrator to consider first.
- 2) The Claimant shall submit all evidence, submissions (including policy and selection documents) and arguments that she wishes the arbitrator to consider second. This may include any evidence on any relevant matter that the Claimant considers necessary. Relevance means that the evidence, submissions or argument touch on a matter that was mentioned in the initial Notice of Appeal.
- 3) Cycling Canada may submit reply evidence, submissions and argument that it wishes. Reply evidence touches on matters that were raised by the Claimant that CC wishes to provide a reply or rebuttal to. Reply submissions shall not provide any evidence or submissions for anything that were not raised in the Claimant's material.

The purpose of the reply is to ensure that each party has an opportunity to respond to all matters as required. The reply may not raise any new issues as these should have been raised in the initial filing.

V. DOCUMENTS SUBMITTED

[15] I considered the following documents for this decision:

- a. Prior to my process order, the Claimant filed documents C-01 to C-08 inclusive on June 10 and C-09 on June 12;
 - b. Prior to my process order, the Respondent filed document R-01 on June 11;
 - c. On the basis of my process order, the Respondent filed documents R-02 to R-09 inclusive on June 12;
 - d. The Claimant filed document C-10 on June 14;
 - e. The Respondent filed documents R-10 and R-11 on June 15.
- [16] The arbitration proceeded based on the written submissions and supporting documentary evidence filed by the parties. I noted the following documents as being of special consideration given the issues in dispute: the Selection Policy (Exhibit C-08), the General Selection Policy (Exhibit C-06), the screening decision (Exhibit C-03), the Coach Panel recommendation (Exhibit R-06), internal panel notes (Exhibits R-05, R-07), and the Claimant's Additional Grounds for Appeal (Exhibits C-09, C-10).

VI. THE FACTS

- [17] The Claimant, Ella Myers, is a Canadian cyclist competing in the mountain bike cross-country (XCO) discipline in the U23 category. She applied for selection to the Project and was named first alternate.
- [18] The Respondent, Cycling Canada, is the national sport organization governing the sport of cycling in Canada and is the body responsible for the selection decision under appeal.
- [19] The operative key document for the Project is the Respondent's 2026 Mountain Bike XCO Selection Policy, version dated March 20, 2026 (the "Selection Policy," Exhibit C-08). This was established under the Respondent's General Selection Policy, version dated January 20, 2025 (the "General Selection Policy," Exhibit C-06). The Selection Policy provides at its General Information section that, unless expressly stated otherwise, selections are subject to the General Selection Policy.
- [20] The Selection Policy was developed by the Respondent's Mountain Bike XCO Coach Panel, Chief Technical Officer (CTO) and Director of High Performance Services (DHPS); circulated in draft to the Athletes' Council and the High Performance Committee; posted publicly with an anonymous feedback mechanism; and published in

final form on January 26, 2026. The policy-appeal window closed, unappealed, on February 25, 2026.

- [21] The Selection Policy establishes four (4) different priority levels for the selection criteria to the Project as follows (Exhibit C-08, p. 6):

Selections will be made in the following order of priority until the quota is filled or there are no more eligible athletes.

All results must be top half of the field or within 108% of the winner's time.

U23 Women and U23 Men:

1. Athletes finishing top 24 (women) or top 32 (men) in the U23 XCO at the 2025 World Championships or a U23 XCO World Cup in the 12 months prior to the selection date.

2. Athletes born in 2007 who finished top 8 in the Junior XCO at the 2025 World Championships.

3. The top Canadian finisher born 2004-2007 and not already selected in the events below providing they finish among the top 8 U23 athletes:

- UCI HC US Pro Cup XCO – Fayetteville USA (March 21, 2026; date TBC)
- UCI Continental Series XCO – Englewood USA (May 8-9, 2026)

4. Coach Panel discretion based on:

- Performances in the events listed in Appendix A;
- Historical results;
- Consideration of health-related circumstances.

Any ties will be broken by best placing. If there is still a tie, it will be broken by the athlete's number of UCI points. If there is still a tie, it will be broken at the discretion of the Coach Panel based on Section B, Clause 3 of the General Selection Policy.

If fewer athletes meet the selection criteria than quota spots available in each category, or if an athlete declines selection, CC reserves the right to strategically reallocate the quota spot to another category to support development or Performance.

- [22] The decision under appeal was CC's selection for the Project, communicated to athletes on May 28, 2026. The Claimant was named first alternate in the U23 Women category.
- [23] Also communicated at this time was that the size of the team had been reduced from the originally stated 4 for the Project (found in the original published Selection Policy) to 2.
- [24] At the Fayetteville event (March 21, 2026), the top-placed Canadian finisher was Elli Clark in 2nd place (1:09:51, which is 103.53% of the winner's time of 1:07:28, within the 108% threshold). The event winner was Rafaëlle Carrier, a Priority 1 athlete.
- [25] At the Englewood event (May 8–9, 2026), Alexia Harel finished 2nd, the top-placed Canadian finisher at that event. The Claimant finished 5th (1:21:33, which is 101.56% of the winner's time of 1:20:18, within the 108% threshold).

- [26] The Coach Panel's recommendation (R-06) wrote about the Priority 3 selection as follows:

Priority 3: The top Canadian finisher born 2004-2007 and not already selected in the HC and CS XCO events below providing they finish among the top 8 U23 athletes:

UCI Mountain Bike Continental Series – Englewood May 9, 2026

Alexia Harel – 2nd

No riders other than Alexia met this criterion as all other Top Canadian at these events met P1 but did not apply.

- [27] Appendix B of the Coach Panel's Recommendation document includes:

**Appendix B- Top 8 performances at events in Priority 3. Only Canadians listed
Placings from Fayetteville (March 21)**

...

Rafaelle Carrier P1

2. Elli Clark

3. Ella Myers

5. Lily Rose Marois – Did not apply

6. Maude Ruelland – did not apply

7. Marie Fay St. Onge

Nico Knoll, Alexia Harel and Aislin Hallahan not in attendance

Placings from Englewood, Wisconsin (May 9)

...

2. Alexia Harel

4. Lily Rose Marois - Did not apply

5. Ella Myers

6. Nico Knoll

7. Elli Clark

8. Marie Fay St. Onge

- [28] The Coach Panel's Recommendation included about a half-page of narrative concluding with: "Based on historical results demonstrating 2025 to 2026 progression the coach panel nominates Elli Clark."

- [29] The Coach Panel's Recommendation document is summarized on page 1 for the Project as follows:

Coach Panel Recommendation Summary

Category	Name of Athlete	Athlete is recommended through Priority #
U23 Women	Alexia Harel	3
U23 Women	Elli Clark	4
U23 Men	Soren Weselake	4
U23 Men	Alexander Woodford	4

I read this table to suggest that Alexia Harel has been selected by the Priority 3 criteria and Elli Clark through the Priority 4 route.

- [30] The internal deliberations corroborate that the Coach Panel applied Priority 3 to a single event rather than across both. A panel member recorded in the deliberation emails that Priority 3 “used [the] singular Top Canadian Finisher” (Exhibit R-07), the consequence of which was that the Fayetteville result fell outside the panel's Priority 3 assessment and the panel routed Elli Clark's selection through Priority 4 discretion instead.

VII. THE CLAIMANT’S SUBMISSIONS

- [31] The Claimant submitted that Priority 3 is ambiguous and, on a proper reading, either entitled her to selection or required that Elli Clark (not Alexia Harel) be a Priority 3 selection—which, she said, would have changed the composition of the pool assessed under Priority 4.
- [32] The Claimant submitted that, in exercising Priority 4 discretion, the Coach Panel relied on factors not disclosed as determinative—including fourth-year U23 status, a top-half World Cup benchmark, performance trajectory, peak performance, and head-to-head comparisons—and that the use of her fourth-year U23 status contravened Section B, Clause 3 of the General Selection Policy because it could not be applied to all athletes.
- [33] The Claimant submitted that the evaluative framework was applied inconsistently between herself and the selected athlete; that her health-related circumstances were not demonstrably incorporated; and that the head-to-head record in fact favours her.
- [34] The Claimant submitted that, while she does not dispute the Respondent’s right to reduce the team size, the failure to communicate the reduction in a timely way deprived her of the opportunity to make informed decisions about training, racing, and season planning.

VIII. THE RESPONDENT'S SUBMISSIONS

- [35] The Respondent submitted that the Selection Policy was appropriately established through a documented drafting and consultation process, and that the policy-appeal window closed, unappealed, on February 25, 2026.
- [36] The Respondent submitted that priorities 1 to 3 were objective and were correctly applied; that the phrase “not already selected in the events below” means not already selected under Priorities 1 or 2; that, per Section C, results considered for selection include all athletes and not only applicants; that the contested Priority 4 factors all constitute an analysis of “historical results” and therefore fall within the published criteria; and that both athletes’ illnesses were acknowledged as context.
- [37] The Respondent submitted that the team-size reduction was within the Respondent’s express reserved right to alter team size at any time, that the late communication was an internal oversight that did not contravene policy, and that it is unlikely athletes would have altered their programming had they known.

IX. ANALYSIS

Standard of review and deference

- [38] In approaching this appeal of the selection decision that the Respondent has made, the standard of review is reasonableness, not correctness.
- [39] I do not substitute my own selection for that of the Respondent. Rather, I must look at the initial decision to determine if it is coherent, rational, and justified, and devoid of arbitrariness, discrimination, or bad faith.
- [40] The level of my deference to the initial selection is calibrated to the breadth of the discretion the policy confers: objective, plainly worded criteria bind the Respondent to what it wrote and attract little deference; genuinely discretionary criteria attract substantial deference, provided the Respondent considered relevant factors, excluded irrelevant ones, and applied factors evenly across the athletes assessed.

A. Are there any jurisdictional issues that hinder my ability to make a decision?

- [41] The simple answer is that there are none. In addition, at the initial Administrative / Preliminary Meeting I confirmed that no party intended to raise any such issues. Although the normal appeal route for the Respondent would include an internal appeal

process, I am satisfied on the basis of the decision of the Independent Case Manager dated June 9 (Document C-03) that the appeal was both admissible and then transmitted to this tribunal on the basis of the need to expedite a final decision.

B. Were the selection criteria for the Project appropriately established?

[42] The second question posed is also quickly answered. The Respondent has shown on the evidence presented that the Selection Policy for the project was adopted in a rational system inviting comments and allowing for appeals.

[43] The Respondent has met its onus of proof that the Selection Policy was properly adopted.

C. Was the selection decision for the Project made in accordance with the selection criteria?

[44] The Claimant frames her appeal as a challenge to the application of the criteria. To the extent her submissions describe Priority 3 as ambiguous, the Respondent's reply supplies a coherent reading—that "not already selected" means not already selected under Priorities 1 or 2—which dispels the suggestion that the criterion is unintelligible. The live question is not whether Priority 3 is intelligible but how, intelligibly read, it was to be applied.

[45] How should Priority 3 be read?

[46] A reasonable reading of Priority 3 suggests that it is an objective criterion. It is correct that it has some ambiguities as pointed out in the submissions. First the issue of "not already selected" to me means not already selected under Priorities 1 or 2. On that reading the proviso removes from contention any athlete who has already qualified higher up the order—particularly the Priority 1 athletes—but does not itself limit the number of athletes Priority 3 can select. In addition, if an athlete has not applied for the Project, they are also removed from contention.

[47] The second issue is how to treat the fact that the criterion mentions two events? I adopt a reading for Priority 3 that selects the top eligible Canadian finisher at *each* of the two listed events.

[48] Three considerations drive that conclusion. First, the criterion lists two distinct events—one a Hors Catégorie race, the other a Continental Series race, held seven weeks apart with different fields. The more natural reading of a provision that lists two separate

qualifying events, held weeks apart before different fields, is that each event yields its own “top Canadian finisher” and so its own selection; a construction that drew only one athlete from the two events combined would treat a listed event as contributing nothing of its own to the selection it expressly governs. Second, the per-event reading is coherent with the structure of the criteria as published, under which the U23 Women's quota for this Project was four; the criterion must be construed as it stood when it was published and when athletes ordered their seasons around it, as argued by the Claimant, and the Respondent's later reduction of the team to two is an operational decision that does not retroactively narrow the meaning of the provision. Third, where a self-drafted selection criterion is genuinely open to a narrower and a broader reading, the broader, athlete-inclusive reading is to be preferred.

- [49] Applying the per-event reading to the record I find the following: for the Fayetteville (HC, Mar 21) event, Rafaelle Carrier, a Canadian, was the winner. However, she was not considered for selection to the Project as she is participating through another avenue. Elli Clark came second and should, on a reasonable reading, be the remaining “top Canadian finisher”. Clark’s time of 1:09:51 is 103.53% of the winner’s time of 1:07:28, well within the 108% threshold. For the Englewood (CS, May 9) event, Alexia Harel finished 2nd and was the top eligible Canadian finisher. Her time was necessarily faster than the Claimant’s 5th-place time of 1:21:33, which itself was 101.56% of the winner’s time, comfortably within the threshold.
- [50] On this reading, Priority 3 selects Elli Clark and Alexia Harel. No tie-break is engaged: Clark and Harel are not competing for one position but are each the top finisher at a different listed event. A clear reading of the Priority 3 criterion does not suggest that only one person would be selected through that avenue.
- [51] The Claimant does not qualify under Priority 3 on any reasonable reading: at Fayetteville she finished behind Clark (3rd to Clark’s 2nd), and at Englewood she finished 5th, behind Harel and others.
- [52] In my view the Coach Panel did not apply Priority 3 across both listed events. Its recommendation addressed only the Englewood event under Priority 3, named Alexia Harel as the sole Priority 3 selection, and recorded that “[n]o riders other than Alexia met this criterion.” That reasoning silently dropped the Fayetteville event from the Priority 3 screen.

- [53] The panel's internal deliberations confirm that this was a conscious narrowing rather than an oversight. A panel member recorded that Priority 3 “used singular Top Canadian Finisher,” with the acknowledged consequence that “Fayetteville [p]erformances get neglected by criteria outside Coach panel discretion” (Exhibit R-07). The panel thus understood that confining Priority 3 to Englewood removed the Fayetteville result from the objective screen and left it to be addressed, if at all, only through Priority 4 discretion.
- [54] The result is that the Coach Panel reached the correct outcome by an incorrect route. On the correct, per-event reading, Priority 3 selects Clark and Harel directly. The Coach Panel instead selected Harel under Priority 3 and Clark under Priority 4 discretion. The two athletes who should have been selected under Priority 3 are precisely the two athletes who were in fact placed on the team; the error lies in the method, not the membership. In confirming that membership I do not substitute my own selection for the Respondent's, contrary to the principle I set out at paragraph 39. I recognise that on a reasonableness review the path of an administrative decision can matter, and that a flawed route may in an appropriate case render a decision unreasonable notwithstanding that a defensible outcome was available. I need not decide whether the panel's confinement of Priority 3 to a single event would, standing alone, have that effect, because the consequence of the flaw is governed by the fourth issue I posed: whether the departure caused the Claimant any prejudice. For the reasons developed below, it did not. On the correct, per-event reading the same two athletes are selected under Priority 3, the Claimant remains first alternate, and she is no worse off than she would have been had the panel taken the route I have found to be correct. A methodological error that leaves the Claimant's position wholly unchanged affords no basis to disturb the selection.
- [55] An alternative analysis proposed by the Claimant is that Harel should not have been selected in Priority 3. This is based on an interpretation that Priority 3 should be read in a conjunctive fashion based on who was the top Canadian finisher combining the two events. Since Harel did not participate in one of those events, she should not have been chosen in Priority 3 according to this submission.
- [56] I do not accept this interpretation. It is opposed to the actual wording used in the Selection Policy: the criterion fixes “the top Canadian finisher” at each listed event and expresses no intention to aggregate results across events into a single combined ranking. For the reasons given above at paragraph 48, the per-event reading is the one

that gives effect to both listed events; the conjunctive reading does the opposite, treating the second event as a mere data point in a cross-event comparison rather than as an independent selection opportunity. A conjunctive reading would also require a comparison across two races with different fields, courses, and conditions, for which the policy supplies no mechanism. The textual and structural objections are sufficient on their own to dispose of this submission.

- [57] I turn finally to whether the Priority 4 decision was reasonable on the facts, since the Claimant submitted that it was made on undisclosed criteria. I note the internal communications at Exhibit R-07, page 5, which contain a removed paragraph, to suggest that impermissible factors may have driven the discretion. The deference owed to genuinely discretionary criteria under Priority 4 is high, but it is not unconditional: as I noted above, it holds only where the Respondent considered relevant factors, excluded irrelevant ones, and applied them evenly. The removed paragraph in R-07 does not displace that deference here. The balance of the record—the Coach Panel's recommendation (Exhibit R-06) and its concluding narrative (paragraph 28 above)—discloses the basis for the Priority 4 nomination and does not reveal reliance on any impermissible factor. The fact that a single paragraph was removed from an internal email chain, without more, is not a sufficient basis on which to find that the discretion was exercised on undisclosed or irrelevant grounds, and I decline to draw that inference.
- [58] **Primary disposition.** On the findings I have made about Priority 3, Priority 4 ought not to have been reached for this Project. The team was reduced to two U23 Women's positions. On the correct, per-event reading of Priority 3, those two positions are filled by Clark and Harel. With the quota exhausted at Priority 3, the order of priority does not descend to Priority 4 at all, and the Claimant—an alternate—is never assessed in a Priority 4 contest. The Coach Panel reached the correct result; its error was confined to the route, and that error left the composition of the team unchanged.
- [59] **Alternative disposition.** Even if I am wrong about the per-event reading, and the matter is approached as the Coach Panel approached it: Harel selected under Priority 3 and Clark under Priority 4 discretion; the result is the same. On that footing Priority 4 was reached and the Claimant was assessed within it, so her challenge to the exercise of that discretion must be addressed directly.
- [60] It fails, for three reasons.

- [61] First, the results-based factors the Claimant identifies—a top-half World Cup benchmark, performance trajectory, peak performance, and head-to-head comparison—fall within "historical results," a basis the published Priority 4 criterion expressly authorises, and for the reasons at paragraph 57 the record does not establish reliance on any undisclosed or impermissible factor.
- [62] Second, I do not accept that the panel's reference to the Claimant's fourth-year U23 status contravened Section B, Clause 3 of the General Selection Policy. That clause governs the breaking of ties, and the Priority 4 nomination of Clark was not a tie-break; it was a discretionary assessment within which a panel may reasonably have regard to where each athlete sits in her U23 progression. In any event, every athlete in the assessed pool has a definite U23 year, so the factor is capable of even application across the cohort and does not single her out.
- [63] Third, the Claimant's reliance on the head-to-head record does not carry the alternative case. Head-to-head was one consideration among several; even crediting the Claimant's submission that the head-to-head record favours her, the panel was entitled to weigh the express basis for its nomination, Clark's 2025-to-2026 progression (paragraph 28 above), together with the other historical-results factors, and to prefer Clark on that composite assessment. The panel considered relevant factors, did not import irrelevant ones, and reached a result within the range of defensible outcomes.
- [64] On the alternative reading, the Priority 4 decision is reasonable, and I will not interfere with it.

D. If either of the previous two points are not established, did the departure cause the Claimant any prejudice; would a correct application of criteria have led to her selection?

- [65] On either route, the question posed by the fourth issue is answered the same way: a correct application of the criteria would not have produced the Claimant's selection. Because the corrected, per-event reading of Priority 3 still leaves her as first alternate, and because even the Panel's actual Priority 4 route was reasonable, the methodological flaw in the Respondent's approach to Priority 3 caused the Claimant no prejudice.
- [66] I note for completeness that the only reason the corrected route still places the Claimant as an alternate is the Respondent's reduction of the team from four to two women,

communicated together with the selection decision on May 28, 2026. The Respondent relied on an express reserved right to alter team size, and the Claimant, while objecting to the timing of its communication, did not dispute the existence of that right (paragraph 34 above). I am satisfied that the reduction was within the Respondent's authority. Had the team remained at its published size of four, the corrected reading of Priority 3 (Clark and Harel) would have left two further positions to be filled under Priority 4 discretion, in which the Claimant would have been assessed. That is not this case. On the facts as they are, the Claimant suffered no prejudice from the Respondent's flawed method.

DECISION

- [67] For the reasons given, the appeal is dismissed.
- [68] Because the disposition does not disturb the selection of either Elli Clark or Alexia Harel, there is no need to deal with any selected athlete or any Affected Party.

ORDER

- [69] The appeal is dismissed. The Respondent's selection of the U23 Women's team for the 2026 Summer U23 World Cup Project is not disturbed.
- [70] The Arbitrator retains jurisdiction over any ancillary matters, including costs as provided under the Code.
- [71] This Decision is final and binding on the parties.

Signed this 17th of June 2026

Marcel D. Mongeon, Arbitrator