



Introduction

- Claimant:** Milaine Cloutier
- Respondent:** Badminton Canada
- Type of Dispute:** Application for AAP Funding
- Arbitrator:** Prof. Richard H. McLaren, C.Arb
- Date of Decision:** November 6th, 2003



Dispute Summary

Milaine Cloutier appealed a decision by Badminton Canada not to support her application for funding under Sport Canada's Athlete Assistance Program (AAP).





Background Facts

Milaine Cloutier received financial support under Sport Canada's Athlete Assistance Program (AAP) for 11 years.

She was nominated for the 2002-03 carding period, but was advised that the Board of Directors for Badminton Canada would not support the application. The Board did not feel there was an adequate training and competition commitment.

All internal appeal options were exhausted before the parties pursued arbitration through ADRsportRED.

Through the appeal, Ms. Cloutier wanted Badminton Canada's decision overturned so that her application for AAP funding could go forward to Sport Canada. She also sought \$13,200 in damages from Badminton Canada.



Claimant's Position

Ms. Cloutier's case was based on the following arguments:

- Badminton Canada's decision-making process did not follow the association's own guidelines;
- The Board of Directors was not empowered by the association to make such decisions; and,
- The decision-making process was flawed in that important, objective information was not considered by the Board.





Respondent's Position



Badminton Canada's case was based on the following arguments:

- Ms. Cloutier had indicated that her playing partner's pregnancy and a lack of vacation time prevented her from committing to a significant international competition schedule;
- The association's decision was made in accordance with normal procedures and within its by-laws, taking into account all the relevant information that had been made available; and,
- The neutral appeal committee had supported the original decision, thereby validating the process and procedures.



Arbitrator's Analysis

Prof. Richard H. McLaren C.Arb concluded that Badminton Canada had sufficient authority to require athletes to submit an overview of their training and competitive program to be accepted for AAP funding.

He further concluded that Ms. Cloutier had not provided a satisfactory level of information to support her application.

Prof. McLaren confirmed the Board's authority to reject Ms. Cloutier's application for AAP funding and determined that the Board had considered all the objective and relevant information:

“Carding is a forward-looking support program and not a reward for past accomplishments. The Board could and did have the right not to approve Ms. Cloutier for the carding cycle based on their assessment of her training and competitive commitment.”



Ruling

The appeal was dismissed.



[Click here](#) for the full text of this **ADRsportRED** judgment.



Lessons Learned

1. A procedural glitch cannot amount to an order to grant carding unless the irregularity is substantial;
2. The board of a national sport organization (NSO) can delegate part of its authority to an internal committee, but this delegation is never irrevocable. The board always keeps residual authority over this delegated power;
3. Carding is granted based on potential future achievements and not on past performances;
4. If an athlete's training and competition schedules are considered inadequate by the decision-making authority, and if there is no proof of any lack of objectivity in the way the decision was rendered, then such a decision must be respected by the arbitration panel; and,
5. Every effort must be made to ensure that decisions rendered by internal appeal committees are well articulated and well understood.