

FIS Cross-Country Appeals Commission
Chairman Karl-Heinz Lickert

INTERNATIONAL SKI FEDERATION

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To:
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Buchenbach 13th January, 2012, 18:00 hrs CET

Object:

Ruling of Appeals Commission to Appeal against the Jury Decision Disqualification of Mr Torin Koos at the A-Final of the US Senior National Championships in Rumford, Maine, USA, Codex 3290 on January 8, 2012

Decision:

The Appeals Commission rejects the appeal and supports the Jury decisions:
Written Reprimand acc. ICR 391.5 violation of start procedure in race codex 3294, second
Written reprimand acc. ICR 340.1.4 Obstruction in race codex 3290, and as a consequence
acc. ICR 392.7 the disqualification.

Reasoning:

1. The sanction - Written Reprimand - given to Mr. Koos on January 6, 2012 in 30 km CL Codex 3294 is correct.
An appeal could have been submitted within 72 hours after the publication of the results. Therefore, the appeal which has been officially and correctly made was after the deadline and cannot be accepted.
2. The appeal of Mr. Koos in the Sprint Finals Codex 3290 has been submitted on time, but there is no clear evidence according to *ICR 225.3.2 "All appeals and responses must be submitted in writing, including any evidence the parties intend to offer in support of or in response to the Appeal."*
3. According to the TD Report – see above – and the Sanctions Form signed by the athlete, Mr. Koos received a second written reprimand for violation of ICR Art. 340.1.4 Obstruction - overtaking skier did not have skis in front of overtaken skier before skiing his best line. He displaced the skier to the left of him while moving to the left in anticipation of a left turn."
This decision was made on the basis of the FIS Jury Guidelines and is correct.
4. According to the TD report and the Cross-Country Official Protest Form Mr. Björn Bakken filed a protest – so Mr. Koos must have been informed about the procedure.

5. Mr. Ken Slaughter, the TD states: "The athlete was allowed to state his case to the jury, the jury took the written statements under consideration and then the jury voted in favor of upholding the jury's decision".
6. The Appeals Commission concludes that the competitor's / coaches' decision to appeal both sanctions was made when they realized that the second written reprimand meant a disqualification (DSQ).

This also explains that the reasoning in both, the **Appeal to FIS regarding to Torin Koos' disqualification at the A-Final of the US Senior National Classic Sprint Championships in Rumford, Maine, US** and in the **Notes about the U.S. Nationals Classic Sprint by defendant Torin Koos** is an unclear mix of arguments based on emotional reactions rather than facts and counterevidence. It also explains why the appeal was made against both sanctions.

The disqualification, however, is an automatism as according to ICR 392.7 an athlete is disqualified if he/she "receives a second written reprimand in the same season (mandatory DSQ). For this, another hearing is not mandatory.

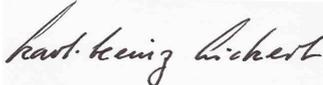
7. ICR 394.1.1 states that an appeal "can be made
 - against decisions of the Jury (**see also ICR 224.11**)
 - against the official result lists. This appeal has to be directed exclusively against an obvious and proven calculation mistake".

An appeal cannot be made against rules of the ICR.

8. Technically, the **Appeal to FIS regarding to Torin Koos' disqualification at the A-Final of the US Senior National Classic Sprint Championships in Rumford, Maine, US** and the **Notes about the U.S. Nationals Classic Sprint by defendant Torin Koos** are not correct, as both do not show a date of issue and a signature.

Yours sincerely,

FIS Cross-Country Appeals Commission



Karl-Heinz Lickert