

A tumble in time: CAS ruling flips Olympic gymnastics bronze medal

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When the Court of Arbitration for Sport reallocated an Olympic bronze medal from US gymnast Jordan Chiles to Romanian gymnast Ana Bărbosu, the ruling underscored the critical importance of strict compliance with timelines as prescribed by existing sports regulations. It stresses the delicate balance between in-game autonomy and the need for procedural fairness in sports, an area where Ogier in Ireland's sports law team can provide essential advice on compliance and dispute resolution.

Background

The decision made by the Court of Arbitration for Sport (**CAS**) ([CAS OG 24-15 Federation Romanian Gymnastics and Ana Maria Bărbosu v. Donatella Sacchi and Fédération Internationale de Gymnastique](#)) stems from the Women's Floor Exercise Gymnastics Final at the Paris Olympic Games on 5 August 2024 where Chiles had initially challenged the score awarded to her (known as an "inquiry" in gymnastics), causing her to be moved from 5th to 3rd place in the standing. Bărbosu successfully overturned that inquiry at CAS on the basis that the inquiry was made four seconds outside the required one-minute time frame, effectively moving Bărbosu into 3rd and Chiles down to 5th in the standing.

Article 8.5 of the Fédération Internationale de Gymnastique (**FIG**) Technical Regulations 2024 (the **Regulations**) provides that a gymnast's coach can submit an inquiry with respect to the D Score (difficulty score), provided that the request is:

"...made verbally immediately after the publication of the score or at the very latest before the score of the following gymnast/athlete or group is shown [...]. For the last gymnast or group of a rotation, this limit is one (1) minute after the score is shown on the scoreboard. [...] Late verbal inquiries will be rejected".

Chiles' coach made an inquiry under this provision. However, she did so four seconds after the one-minute timeline had lapsed. The CAS judgment noted that this fact was not disputed by the parties.

The appeal, initiated by the Romanian Gymnastics Federation against FIG, challenged the validity of the final scores, specifically the timing of the inquiry that led to an increase in Chiles' score that resulted in her bronze medal.

| The decision

USA Gymnastics and Chiles fully supported FIG's defence, which emphasised the "field of play" principle. This principle traditionally shields the autonomy of in-game decisions from judicial review unless evidence of corruption, fraud or bad faith is presented. They argued that the challenge to the timeliness of the inquiry fell within this principle and should be dismissed.

While the CAS Panel agreed that this principle is the bedrock of sports law and CAS jurisprudence, it differentiated between field-of-play matters and procedural compliance issues, such as the timing of an inquiry. It determined that the late submission of Chiles' inquiry fell outside the field-of-play doctrine and violated the clear, mandatory guidelines in the Regulations, invalidating the inquiry's result and the subsequent score increase for Chiles.

Critical to the CAS Panel's decision was the total absence of a monitoring system to ensure the timeliness of inquiries, a procedural shortfall the CAS Panel held FIG responsible for, noting that this "manifest failure" caused pain and grief to the athletes. Indeed, Article 8.5 expressly states "the person designated to receive the verbal inquiry has to record the time of receiving it", but FIG could not point to such a designated person.

The CAS Panel also dismissed the suggestion of a "fair play" award of three bronze medals, noting that they could not apply equitable principles over legal rules and the only way this outcome could be reached would be through a consent award, to which FIG objected. Consequently, Chiles' original score was reinstated, moving her to fifth place and retrospectively awarding bronze to Bărbosu.

| The possibility of an appeal

USA Gymnastics has signalled its intention to appeal the ruling to the Swiss Federal Tribunal, citing new evidence that the inquiry was notified within the one-minute timeline, procedural concerns regarding notification of the proceedings and conflict of interest disclosures, particularly relating to President of the CAS Panel, Dr Hamid Gharavi, and his connection to Romania. However, the Parties' attention was drawn to his disclosure that he acted as counsel for Romania prior to the proceedings and no objection was raised, so this argument may be difficult to maintain.

The threshold for overturning CAS decisions is notably high, limited to jurisdictional errors, procedural violations affecting the fairness of the hearing or conflicts with public policy.

The International Olympic Committee (the **IOC**) confirmed the ruling and ordered Chiles to return her medal, while Bărbosu received her bronze medal in her home country on Friday 16 August with the IOC present. The reallocation of medals to date has largely been limited to instances of doping and other rules breaches by athletes, such as being underage or throwing medals to the floor during the awards ceremony.

Conclusion

This ruling underscores the critical importance of strict compliance with timelines prescribed in sports regulations, including the mechanism for recording the time of notifications where relevant, and highlights the intricate balance between the autonomy of in-game decisions and the necessity for procedural integrity in competitive sports.

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