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**Tribunal dismisses appeal against non-nomination for NZ Athletics team**

The Sports Tribunal has dismissed an appeal by Paul Martelletti against a decision of Athletics New Zealand (ANZ) not to nominate him for the Men's Marathon Event at the 2016 Rio Olympic Games.

Mr Martelletti appealed on the grounds that ANZ's Nomination Criteria was not properly followed or implemented and there was no material on which the nomination decision could reasonably be based. The overriding criteria for nomination was the capability to achieve a top 16 placing at the Rio Games.

Mr Martelletti competed in two IAAF Marathon Events in 2016, the London Marathon in April and the Gold Coast Marathon in July, aiming to be nominated for the Rio Games. At both events, Mr Martelletti was suffering from a cold. While his finishing times at both events was under the IAAF qualification time of 2:19 (2 hours 19 minutes), they were outside ANZ's 'A' and 'B' Performance Standards of 2:12 and 2:14 respectively.

Mr Martelletti and his coach considered that based on his fitness and form leading into and after the London Marathon at shorter distances (10km, 10,000m (track) and half-marathon) that he had been on course to achieve the 'B' Standard of 2:14. The Tribunal was invited to make a theoretical assessment of the time Mr Martelletti could have achieved had he not been suffering from a cold and had the benefits associated with starting in the elite running group at the London Marathon. The Tribunal, considered that even with the benefit of expert evidence, it would be extremely difficult and inappropriate to make such a theoretical extrapolation which would override the judgement and experience of the ANZ selectors.

The Tribunal concluded that the ANZ selectors had established a clear rational basis for its decision not to nominate Mr Martelletti placing appropriate weight on a range of factors including his ranking of 132<sup>nd</sup> in relation to the marathon starting field at the Olympics based on best performances in the previous 18 month qualifying period.

The appeal was accordingly unanimously dismissed.

The decision in this case is available from the website of the Sports Tribunal ([www.sporttribunal.org.nz](http://www.sporttribunal.org.nz)). See *Paul Martelletti v Athletics New Zealand* (ST 13/16). Copies can also be obtained directly from The Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: [info@sporttribunal.org.nz](mailto:info@sporttribunal.org.nz)).