

## **BWF APPEALS PANEL SUMMARY REPORT**



**Event** YONEX CANADA OPEN 2013 GRAND PRIX  
**Date** 21 July 2013  
**Appeal** Appeal against the decision of the Disciplinary Committee  
**Respondent** Bodin Issara (THA-BWF ID 75983)  
**Player** Bodin Issara (THA-BWF ID 75983)

---

### **Overview**

A Disciplinary Committee hearing that took place on 2 August 2013 and 6 August 2013 found that Bodin Issara had breached the Player's Code of Conduct under each of the following clauses:

- Clause 4.1- Inappropriate Conduct
- Clause 4.14 – Oral Abuse
- Clause 4.15 – Physical Abuse
- Clause 4.16 – Unsportsmanlike Conduct
- Clause 5.1 – Conduct contrary to the integrity of the Game

The Disciplinary Committee ruled that Bodin Issara:

- is suspended from all BWF sanctioned Badminton competitions for a period of two years (24months) with an effective date of 21 July 2013.
- shall forfeit world ranking points and prize money earned from the Yonex Canada Open 2013.

Bodin Issara lodged an appeal against only that part of the ruling that he be suspended from all BWF sanctioned Badminton competitions for a period of two years (24months) with an effective date of 21 July 2013.

In accordance with the BWF Judicial Procedures document, the Appeal Panel decided that the appeal would be dealt with using only written reports and evidence. That is to say, the Appeal Panel reviewed all of the evidence that had been submitted to the BWF Disciplinary Committee by Bodin Issara, the reasons for the Disciplinary Committee decision in respect of Bodin Issara's period of suspension, the Appeal Submissions made by Bodin Issara and further Submissions made by Bodin Issara.

---

### **Appeal Panel Decision**

Appeal procedures are covered under BWF Judicial Procedures, Section 3 Disciplinary Regulations and Section 4 Appeals Regulations.

According to Section 4 Appeals Regulations, Clause 2.6, an Appeals Panel can (that is, has the power to) reverse a finding of guilt or can (that is, has the power to) vary the penalty imposed by the original Disciplinary Committee. Variation of

a penalty can be to increase or decrease any element of the penalty as the Appeals Panel at its sole discretion sees fit. Equally, an Appeals Panel can decide not to reverse a finding of guilt or can decide not to increase or not to decrease any element of the penalty imposed by the Disciplinary Committee.

The Appeals Panel has decided unanimously that because of proven breaches of five clauses of the Player's Code of Conduct by Bodin Issara it was within the power of the Disciplinary Committee to have ruled as it did, namely that Bodin Issara be suspended from all BWF sanctioned Badminton competitions for a period of two years (24months) with an effective date of 21 July 2013.

Therefore, the decision of the Disciplinary Committee in this case is upheld and the Appeal has been dismissed.

Also, in accordance with paragraph 1.2.6 of the BWF Judicial Procedures document the Appeal deposit amount of US \$500.00 paid by Bodin Issara is not returnable.

**Appeals Panel members:**

Gregory Vellacott  
B. Juris., LL.B., Barrister and Solicitor of the Supreme Court of Western Australia and High Court of Australia (Chair)

Ng Chin Chai  
LL.B., Advocate and Solicitor of the High Court of Malaya

Andrej Pohar  
LL.B., Attorney at Law.

Dated the 23<sup>rd</sup> day of October 2013

Note:

Appeal of Decision of the Appeals Panel

Pursuant to paragraph 2.7 of the BWF Judicial Procedures document Bodin Issara has the right of appeal within 21 days of his receipt of the Decision and such appeal must be filed with the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland following the procedures of that Court and that Court's decision will be final.