

Swiss Supreme Court upholds request for revision of CAS arbitration award in Jordan Chiles Olympic medal dispute

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In *Decision 4A_510/2024 / 4A_512/2024*, the Swiss Supreme Court upheld requests for revision of a Court of Arbitration for Sport (CAS) award that deprived a US gymnast of her Olympic bronze medal at the 2024 Olympic Games. The court found that evidence discovered shortly after the award was rendered could have materially affected the outcome of the dispute. It annulled the award and remanded the case to CAS for reconsideration. In a separate judgment delivered on the same day (*Decision 4A_494/2024*), the court dismissed an application to set aside the same award.

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The Swiss Supreme Court has annulled and remanded for reconsideration the Court of Arbitration for Sport (CAS) award that deprived US gymnast Jordan Chiles (JC) of her 2024 Olympic bronze medal. However, the set-aside application against the same award was dismissed.

At the 2024 Olympic Games, JC was initially awarded the bronze medal in the women's artistic gymnastics floor final, after her coach's oral inquiry led to an increase of her score. However, a CAS panel later ruled that the inquiry was submitted four seconds after the expiry of the 60-second regulatory time limit and was, therefore, without effect. As a result, JC lost her medal.

The day after the operative part of the award (but not the reasons) was notified to the parties, new audio-visual evidence emerged showing that the oral inquiry was not out of time. However, the CAS refused to admit the new

evidence, ruling that the award had become *res judicata*, even though the fully reasoned award had not yet been issued.

Several applications were filed to both set aside and revise the award.

The Supreme Court dismissed the set-aside application. First, it found that JC had forfeited her right to challenge the independence and impartiality of the presiding arbitrator, and (obiter) because there were no grounds for challenge. Second, the CAS panel was bound by the operative part of the award, precluding the introduction of evidence discovered afterwards, even if its reasons were not yet notified.

In another same-day decision, the Supreme Court upheld the requests for revision, finding that the newly discovered evidence could demonstrate that the oral inquiry had been made within the 60-second deadline. Therefore, it could have materially affected the outcome of the dispute. As a result, it annulled the award and referred the case back to CAS for reconsideration in light of the newly available evidence. (*Decisions 4A_494/2024 and 4A_510/2024 / 4A_512/2024 (Swiss Supreme Court) (23 January 2026)*).

Background

Swiss Private International Law Act (PILA)

Article 190(1) of the PILA provides that an award is "final from the time when it is communicated".

Under the PILA, an award rendered by a Swiss-seated arbitral tribunal may be challenged where, among other things, the tribunal was improperly constituted or the parties' right to be heard was violated (*article 190(2)(a) and (d)*).

Revision of an award may be requested where, after the award is rendered, a party discovers evidence which, despite the exercise of due diligence, it was unable to invoke in the previous proceedings and that is objectively capable of changing the outcome of the dispute (*article 190(a)(1)(a), PILA*). Evidence that postdates the award is excluded.

See further, [Practice note, Arbitration in Switzerland: Challenges to awards](#).

CAS and sports-related arbitration

Arbitration rules applicable to the CAS Ad Hoc Division for the Olympic Games (CAS Ad Hoc Rules)

Article 19(2) of the Court of Arbitration for Sport (CAS) Ad Hoc Rules provides that the panel "may decide to communicate the operative portion of the award, prior to the reasons. The award shall be final from such communication" (in the French-language version, "final" appears as "*exécutoire*", meaning "enforceable").

The decision is "enforceable immediately", and is considered final and binding on the parties, "subject to recourse available in certain circumstances pursuant to Swiss Law within 30 days from the notification of the original decision" (*article 21*).

For further discussion, see [Practice note, Arbitration at the Court of Arbitration for Sport: Ad Hoc Procedure](#).

Code of Sports-related Arbitration (CAS Code)

Article R.46(2) of the CAS Code also permits the panel to communicate the operative part of the award, with the reasons to follow. Like the CAS Ad Hoc Rules, it specifies that the award is enforceable from such notification by courier or email.

Technical Regulations of the International Federation of Gymnastics (FIG Technical Regulations)

Article 8.5 of the FIG Technical Regulations provides, among other things, that oral inquiries in relation to the scoring of the last gymnast's performance must be made within 60 seconds of the score being shown on the scoreboard. Verbal inquiries after that will be rejected.

Facts

At the women's artistic gymnastics floor final at the 2024 Olympic Games, US gymnast Jordan Chiles (JC) was initially awarded the bronze medal, following her coach's oral inquiry under the FIG Technical Regulations, which led to her score being increased.

The Romanian Gymnastics Federation, whose gymnast lost out as a result, initiated arbitration to challenge the event jury's decision before the CAS Ad Hoc Division. Among other things, the oral inquiry by JC's coach was said to be four seconds out of time.

The presiding arbitrator disclosed that he represented Romania in unrelated investment treaty arbitrations. The proceedings lasted four days.

Due to repeated errors by CAS in the notification process, JC and USA Gymnastics (US Parties) were only notified of the proceedings three days after they had started. As a result, they only had a few hours to make written submissions, with less than 24 hours before the oral hearing. They were informed of the existence of the presiding arbitrator's disclosure but did not receive, nor request it.

Relying on a timing report that recorded the moment when the US coach's oral inquiry was registered (but not when it was actually verbally made), the CAS panel ruled that the inquiry was four seconds out of time and, therefore, without effect. As a result, JC lost her medal.

Shortly after the operative part of the award was notified (but before the fully reasoned award was issued), audio-visual evidence emerged showing that the oral inquiry was made within the 60-second time limit. The US Parties requested that the panel reopen proceedings to examine this newly discovered evidence. The CAS denied the request because the award acquired *res judicata* effect when the operative part was notified, even though the fully reasoned award had not yet been issued.

JC filed an application at the Swiss Supreme Court to set aside the award for:

- Improper constitution of the arbitral tribunal (*article 190(2)(a), PILA*), having found out about the presiding arbitrator's representation of Romania in investment arbitrations only after the award was rendered.
- Violation of her right to be heard (*article 190(2)(d), PILA*), for the CAS' refusal to consider the evidence submitted between the notification of the operative part and the notification of the fully reasoned award.

The US Parties each submitted a request for the award to be revised based on the newly discovered evidence (*article 190(a)(1)(a), PILA*). The Romanian Gymnastics Federation and two Romanian athletes also challenged other aspects of the CAS award.

Decision

The Swiss Supreme Court upheld the US Parties' revision requests and remitted the award to CAS for reconsideration. All other challenges were dismissed. This update addresses only the decisions rendered in relation to JC's set-aside application and the US Parties' revision requests.

JC's set-aside application dismissed

Challenge to the presiding arbitrator inadmissible

The challenge to the presiding arbitrator was inadmissible, as JC failed to undertake basic investigations to comply with the duty of inquisitiveness (*devoir de curiosité*) under Swiss law. Having been notified about the existence of a disclosure, JC should have requested details. As a minimum, she should have consulted the presiding arbitrator's CV, which was readily available online.

Even if the challenge were admissible, it was without merit. There was no clear conflict of interest between the arbitrator's role in the CAS proceedings and representing Romania in unrelated investment arbitrations. In particular, the Romanian Gymnastics Federation and gymnasts could not be equated to agents of the Romanian state. It followed that it could not be said that the arbitrator had a significant financial or personal interest in either of the parties or the case, nor that he currently or regularly acted for one of them (*articles 1.4 and 2.3.1, IBA Guidelines on Conflicts of Interest in International Arbitration*).

Violation of right to be heard dismissed

The refusal of the CAS panel to reopen proceedings raised an issue not previously addressed by the Supreme Court, namely, when an award becomes binding, where its operative part is notified to the parties, with the reasons notified only later.

While the statutory time-limit to challenge an award starts running as from the notification of the reasons, the court held that this does not mean that the notification of the operative part is without legal effect. Moreover, it is the operative part of an award, not the reasons, that carries *res judicata* effect, binding both the parties and the arbitral tribunal. For the court, it would be "shocking" for an arbitral tribunal to notify the operative part of an award to the parties, only to later change its mind and reach a different outcome in its fully reasoned award.

However, the court declined to finally decide this point for all types of arbitrations. Applying the provisions of the CAS Ad Hoc Rules, and commentaries on similar provisions in the CAS Code, the court found that the award was final as from the notification of its operative part. This was consistent with the CAS Ad Hoc Division's duty to provide swift resolution of disputes arising during the Olympic Games.

As the operative part of the award bound the CAS panel also, it could not reopen proceedings to consider evidence submitted after that point and had not violated JC's right to be heard by refusing to do so.

US Parties' revision requests upheld

The court reaffirmed the "field of play doctrine", which generally precludes judicial review of technical decisions made during sports competitions, absent evidence of fraud or arbitrariness. While questioning the appropriateness of the CAS panel's decision to treat the event jury's decision on whether to admit the oral inquiry as reviewable, rather than as a "field of play" decision, the court found that the revision requests were admissible in the exceptional circumstances here.

The court concluded that the cumulative conditions necessary for the revision of an arbitral award on the basis of newly discovered evidence were satisfied in this case. Among other things, the newly discovered audio-visual evidence was conclusive, in that it was capable of changing the outcome of the decision in favour of the US Parties.

The court was not required to assess the reliability of the new evidence. It was sufficient that it was prima facie capable of influencing the outcome, with the full assessment of the evidence's reliability reserved to the arbitral tribunal on remission.

Although the recording was compiled only after the issuance of the operative part of the award, all underlying video and audio sequences were created during the event itself and, given the exceptional circumstances, there was no lack of diligence on the US Parties' part in failing to produce the recording earlier.

Therefore, the CAS award was annulled and the case remitted to for reconsideration.

Comment

This was the first time the Swiss Supreme Court has had to address the issue of when an award that is notified in two stages (the operative part, followed by the fully reasoned award) is deemed final under Swiss law.

Since the new evidence was discovered only after the operative part was notified, but before the fully reasoned award was given, the issue was decisive in determining the type of challenge available (set-aside or revision).

The court avoided deciding on the issue in general abstract terms for all types of arbitrations. Instead, it found that, under the applicable procedural rules, the CAS panel was bound by the operative part notified to the parties. The appropriate challenge against the award was therefore revision.

The court considered that all conditions for revision were fulfilled, stressing the highly exceptional circumstances of the case, as it rarely grants such requests.

The court also made it clear that, notwithstanding any time constraints, parties are expected to undertake basic investigations into arbitrators based on their duty of inquisitiveness, failing which they forfeit their right to challenge them in set-aside proceedings.

Cases

Decisions [4A_494/2024](#) and [4A_510/2024](#) / [4A_512/2024](#) (Swiss Supreme Court) (23 January 2026) (French language).

The authors of this update represented USA Gymnastics in its successful revision application to the Swiss Supreme Court.

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