

ARBITRAL AWARD

(BAT 0912/16)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Mr. Ulrich Haas

in the arbitration proceedings between

Mr. Joshua Neville Carter

- Claimant -

represented by Mr. Ergun Benan Arseven and Mr. Metin Abut,
attorneys at law, B3 Blok Kat: 10, Nispetiye Caddesi,
34337 Etiler Besiktas, Istanbul, Turkey

vs.

Karsiyaka Spor Kulübü
Yali Caddesi No. 396, 35540 Izmir, Turkey

- Respondent -

represented by Mr. Selim Cinar, general manager

AWARD

Upon providing all parties with an opportunity to be heard, having ascertained his jurisdiction and considered the factual and legal arguments as well as the requests for relief submitted in this case, the Arbitrator decides as follows:

- 1. Karsiyaka Spor Kulübü is ordered to pay to Mr. Joshua Neville Carter the amount of USD 184,800.00 for unpaid salary plus interest at 5% per annum on the amount of USD 8,800.00 from 16 February 2016 until payment, on the amount of USD 44,000.00 from 16 March 2016 until payment, on the amount of USD 44,000.00 from 16 April 2016 until payment, on the amount of USD 44,000.00 from 16 May 2016 until payment and on the amount of USD 44,000.00 from 16 June 2016 until payment.**
- 2. Karsiyaka Spor Kulübü is ordered to pay to Mr. Joshua Neville Carter the amount of USD 10,000.00 for unpaid bonus payments plus interest at 5% per annum from 1 March 2016 until payment.**
- 3. Karsiyaka Spor Kulübü is ordered to pay to Mr. Joshua Neville Carter the amount of USD 1,500.00 by way of late payment penalty fees.**
- 4. Karsiyaka Spor Kulübü is ordered to pay to Mr. Joshua Neville Carter the amount of EUR 8,000.00 as a contribution towards his legal fees and expenses. Karsiyaka Spor Kulübü shall bear its own legal fees and expenses.**
- 5. The costs of this arbitration until the present Award, which were determined by the President of the BAT to be in the amount of EUR 6,000.00, shall be borne by Karsiyaka Spor Kulübü. Accordingly, Karsiyaka Spor Kulübü shall pay to Mr. Joshua Neville Carter the amount of EUR 6,000.00.**
- 6. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced by the requesting party.**
- 7. Any other or further-reaching requests for relief are dismissed.**

Geneva, seat of the arbitration, 29 June 2017

Ulrich Haas
(Arbitrator)

Notice about Request for Reasons

in accordance with Articles 16.2.1 and 16.2.2 of the BAT Rules:

“16.2.1 By agreeing to submit their dispute to arbitration under these Rules, the Parties agree that,

- a) where the value of the dispute does not exceed EUR 30,000, the Arbitrator will issue an award without reasons.*
- b) where the value of the dispute is between EUR 30,001 and EUR 200,000, and a Respondent fails to pay its share of an advance on costs, upon request by a Claimant the Arbitrator may decide to issue an award without reasons and reduce the advance on costs in accordance with Article 9.3.1 above.*

16.2.2 If Article 16.2.1(a) applies or if the Arbitrator decides to issue an award without reasons in accordance with Article 16.2.1(b), the Arbitrator shall deliver reasons only if a party

- a) files a request to that effect at any stage from when the Request for Arbitration is filed until no later than ten (10) days after the notification of the award without reasons; and*
- b) pays the respective advance on costs as determined and within the time limit set by the BAT Secretariat.”*

On 17 January 2017, the BAT Secretariat informed the Parties that the amount of the advance on costs to be paid for a reasoned award in this case is EUR 6,000.00. The time limit for payment thereof shall be set by the BAT Secretariat upon receipt of the Request for Reasons, if any.