

did, during the seminar referenced by the Arbitrator, state that there needed to be a justification for a veterinarian possessing a Banned Substance. The absence of the word “compelling” is irrelevant.

As detailed in HISA’s January 8, 2024 Legal Brief, the Arbitrator relied on both aggravating and mitigating factors to support her finding that Dr. Perez bore a moderate degree of Fault. This included, as noted by Appellant, that there was no evidence of his use of Thyro-L on Covered Horses since the ADMC Program came into effect.¹⁸

There is no indication that the Arbitrator failed to consider any salient factors or evidence advanced by Dr. Perez, or that she did not engage in “reasoned decision making.”¹⁹ The “essential facts”²⁰ upon which the decision was based are weighed and discussed at length,²¹ and the Arbitrator’s determinations were justified by clear and substantial evidence, going far beyond a “conclusory statement.”²²

To the extent that any of the arguments in Appellant’s submissions are admissible, none allege that a single piece of evidence, factor, or consideration was disregarded by the Arbitrator, save for issues of constitutionality and jurisdiction that are entirely outside the legal and factual boundaries of this appeal. It cannot be said, and nor is it argued, that there was no “rational connection between the facts found and the choice made.”²³

¹⁸ Appellant Brief at p. 8, Final Decision at para. 7.3, HAB Tab 1, at p. 30.

¹⁹ *Motor Vehicle*, 463 U.S. 29 at 52 (“...the agency’s explanation for rescission of the passive restraint requirement is not sufficient to enable us to conclude that the rescission was the product of reasoned decisionmaking”); *Petroleum Commc’ns, Inc. v. FCC*, 22 F.3d 1164, 1172 (D.C. Cir. 1994).

²⁰ *U.S. v. Dierckman*, 201 F.3d 915, 926 (7th Cir. 2000) (quoting *Bagdonas v. Dep’t of the Treasury*, 93 F.3d 422, 426 (7th Cir. 1996)).

²¹ Final Decision, at paras. 7.1-7.28, HAB, Tab 1, pp. 30-34.

²² *Allied-Signal, Inc. v. Nuclear Reg. Comm’n*, 988 F.2d 146, 152 (D.C. Cir. 1993).

²³ *Motor Vehicle Mfrs.*, 463 U.S. 29 at 43 (quoting *Burlington Truck Lines v. United States*, 371 U.S. 156, 168 (1962)).

