

Case 10 – Presence and Tampering

Key words

Article 2.1; Article 2.5; Tampering or Attempted Tampering; Sample Collection; Admission; Article 10.5.4; Article 10.6; Cannabis; Ringer; Impersonation; [Doping](#)

Summary

Player A was charged with an Article 2.1 Anti-Doping Rule Violation (ADRV) following an Adverse Analytical Finding for the presence of cannabis and an Article 2.5 ADRV for tampering or attempted tampering in connection with the collection of his sample. Player B was charged with an Article 2.5 ADRV for tampering or attempted tampering in connection with the collection of Player A's sample. The cases were referred to the National Anti-Doping Panel under the UK Anti-Doping Rules, as adopted by England Basketball, and were consolidated by agreement to be heard together.

The Tribunal found that Player A was not registered with the team and played as a 'ringer', impersonating Player C. Therefore, a sanction of two years ineligibility was imposed upon Player A. The tribunal found that Player B had knowingly and incorrectly identified Player A as Player C, and a sanction of one-year ineligibility was imposed.

Background Facts

Player B was the captain of the Basketball Club B, and on the day of the test acted as the team representative as the coach was ill. Player A was registered to play for another team but played the match in question for Basketball Club B, under the name of Player C, a registered player for Basketball Club B. When Player C

was selected for testing, Player A presented himself, and being without identification, Player B knowingly and incorrectly identified Player A as Player C.

Reasoning and Decision of the Tribunal

Player A admitted the presence charge and contested the tampering charge but did not provide written submissions or attend the hearing. The Tribunal considered whether the multiple ADRVs amounted to aggravating circumstances under Article 10.6, but decided not to exercise its discretion to increase the period of ineligibility on the basis that Player A was young and not a sophisticated or wealthy man engaged in professional sport. For these reasons the Tribunal imposed a sanction of two years ineligibility.

The Tribunal concluded that Player B voluntarily admitted his commission of an ADRV before being charged, and that the admission was the only reliable evidence of the violation at the time of admission. Therefore, the Tribunal applied Article 10.5.4 and imposed a sanction of one year ineligibility upon Player B on the basis that Player B's conduct was thoughtless and foolish rather than malicious; he did not know Player A had recently used cannabis; he was put in the unusual and stressful position of having to act as the team representative in place of the coach who arrived late and he had driven the team minibus and looked after team in stressful conditions after his full day's work; and, he cooperated fully in the disciplinary process and did not seek an oral hearing.

Learning points

- Where the Athlete admits an ADRV in the absence of other evidence before having received notice of a charge and was the only reliable evidence of the violation at that point, then the tribunal may reduce the period of Ineligibility by not more than half. It is not necessary that the athlete knows that a violation has occurred when he makes the admission.

- Obstruction and/or dishonesty during the testing procedure may result in the commission of the ADRV of tampering under Article 2.5.
- Multiple ADRVs may amount to aggravating circumstances which enable a Tribunal to increase a period of ineligibility under Article 10.6.

