

Case 13 – Presence of 3 Prohibited Substances

Key words

Article 2.1; Article 2.2; admission; drostanolone; nandrolone; metandienone; steroids; prohibited substances; lifetime ban; second anti-doping rule violation; multiple anti-doping rule violations; 2015 WADA Code; [Doping](#)

Summary

Athlete O was charged with an Article 2.1 and Article 2.2 Anti-Doping Rule Violation (ADRV) for the presence of three Prohibited Substances; drostanolone, nandrolone and metandienone. At the time of the test, Athlete O was serving a period of Ineligibility of two years for a previous ADRV. The case was referred to the National Anti-Doping Panel for resolution under the Anti-Doping Rules of the British Weightlifting Association, which incorporated the UK Anti-Doping Rules 2009 (2009 ADR). Athlete O admitted the charge but argued that he took the substances to bring him back to fitness and did not intend to 'cheat'. The Tribunal considered the position under both the 2009 ADR, and the impending 2015 WADA Code, and a period of ineligibility of eight years was imposed.

Background Facts

Athlete O, a wrestler, was charged with an Article 2.1 and Article 2.2 ADRV for the presence of three Prohibited Substances; drostanolone, nandrolone and metandienone. At the time of the test, Athlete O was serving a period of ineligibility of two years for a previous ADRV. Athlete O admitted the charge but argued that he

took the substances to bring him back to fitness and did not intend to 'cheat'. Athlete O did not attend the hearing.

Reasoning and decision of the Tribunal

Under the 2009 ADR a second ADRV carried an ineligibility sanction for a period of between eight years and life. UKAD argued that a lifetime period of ineligibility should be imposed due to the fact that this was the athlete's second ADRV and; (i) Athlete O used three Prohibited Substances; (ii) in respect of both ADRVs the use of Prohibited Substances was deliberate; (iii) the use of steroids was to improve fitness and therefore enhance performance; and (iv) Athlete O did not disclose his use of the Substances at the time of the test.

The Tribunal noted that Athlete O had made a prompt admission of the charge in relation to both ADRVs and that the Anti-Doping Rules provided for a sanction from eight years up to a lifetime period of Ineligibility. In deciding the issue of sanction, the Tribunal considered the relevant provisions of the impending 2015 WADA Code, the ability of athletes to apply to have sanctions reduced after the 2015 code became effective and particularly noted that under the new WADA Code, it would only be possible to impose a maximum eight-year period of Ineligibility. The Tribunal therefore imposed a period of eight years Ineligibility, although stressing that the decision should not be a precedent for future cases where athletes sought to apply for reduction in an ineligibility period

Learning points

For historic cases relating to sanctions for a second violation under the 2009 ADR, a tribunal will still have a discretion as to the length of ineligibility although it is legitimate for the tribunal to take into account the provisions of the 2015 WADA Code and that the maximum sanction thereunder is eight years.

For cases of second violations governed by the 2015 WADA code, there is a maximum possible sanction of eight years.

