

Case 2 - Presence of Prohibited Substance

Key words

Presence; Use; IAAF Rule 32; Article 2.1; Article 2.2; Testosterone; Clenbuterol; Sample Integrity; Corroboration; Multiple Use; Aggravating Circumstance; Article 10.6; [Doping](#)

Summary

Athlete N was charged with presence and use Anti-Doping Rule Violations (ADRVs) following an Adverse Analytical Finding (AAF) for the presence of testosterone and clenbuterol. The case was referred to the National Anti-Doping Panel under the IAAF Anti-Doping Rules, as adopted by UK Athletics. Athlete N alleged multiple departures from the International Standards for Testing and questioned the conduct of fellow athletes and Doping Control Officers (DCOs). The Tribunal was not satisfied that there had been any departures from the International Standards, and found that such allegations constituted Aggravating Circumstances to the ADRV. A sanction of four years ineligibility was imposed.

Background Facts

Athlete N, a sprinter, was charged with presence and use ADRV under IAAF Anti-Doping Rules 32.2(a) and 32.2(b) following an AAF for the presence of testosterone and clenbuterol. Athlete N denied the charges and asserted that, since she knew herself to be innocent, somebody else must be responsible for the contamination of the sample.

Reasoning and Decision of the Tribunal

Athlete N alleged that there were a number of departures from recognised testing procedures, including that Athlete N was given gloves to wear with a 'powdery white substance' on them; that the lead DCO handled the partial sample during the process; that one of the lid seals of the sample container was broken; that the same sample container was used to collect a second urine sample (the first sample was insufficient as it did not reach the required 90ml); and that the tightness of the sample bottles were not checked by the DCO. At no time during the Doping Control procedure, nor when Athlete N was informed of the positive finding, was any reference made to alleged departures. The Tribunal preferred the evidence of the DCO's and found that the Doping Control process was conducted in accordance with normal procedures and was otherwise unremarkable.

Athlete N alleged that an (unidentified) jealous competitor may have found means to contaminate the sample, and/or that there may have been wilful or careless contamination during the Doping Control process. Again, the Tribunal rejected Athlete N's claims and expressed no doubt with regards to the integrity of the Doping Control procedure, the process of analysis or the validity of the laboratory findings.

Athlete N denied she had ever taken a Prohibited Substance and asserted that the only unusual substance she had taken was a drink provided by her coach which she believed contained vitamins and minerals. No further information relating to this drink was provided and indeed it was not relied upon by Athlete N that the drink might be responsible for the AAF. Athlete N (who was represented by her coach at the hearing) was given time by the Tribunal to consider whether she wished to continue this arrangement, given that a conflict of interest might arise between her and her coach, should Athlete N wish to argue that the drink might be responsible for the AAF. Athlete N did not seek to adduce any evidence to explain how the Prohibited Substances entered her body and merely offered denials and conjecture.

She was therefore unable to avail herself of the provisions of No Fault or Negligence or No Significant Fault or Negligence.

The Tribunal accepted expert evidence adduced by UKAD which suggested that it was unlikely that the level of testosterone present in the sample would have been achieved in a single administration. The substance must therefore have been ingested on multiple occasions. The Tribunal found Aggravating Circumstances to be present, namely that administration of at least one of the Prohibited Substances must have been repeated and that Athlete N had made serious allegations (found to be untrue) to place the blame on others. The Tribunal imposed a sanction of four years ineligibility.

Learning points

Tribunals may find that aggravating circumstances exist where an athlete attempts to explain doping charges by alleging misconduct by others without adducing evidence to corroborate their allegations.