

Issued Decision

UK Anti-Doping and Adam Rusling

Disciplinary Proceedings under the Anti-Doping Rules of the Rugby Football League

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules (the 'ADR') of the Rugby Football League ('RFL'). It concerns an Anti-Doping Rule Violation ('ADRV') committed by Mr Adam Rusling and records the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. The RFL is the national governing body for the sport of rugby league in England. UKAD is the National Anti-Doping Organisation for the United Kingdom. The RFL has adopted, as its own ADR, the UK Anti-Doping Rules¹, which are issued by UKAD and subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code.
2. Mr Rusling is a 20-year-old rugby league player for Cornwall RLFC. At all material times in this matter, Mr Rusling was subject to the jurisdiction of the RFL and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has Results Management responsibility in respect of all players that are subject to the jurisdiction of the RFL.
3. On 18 June 2023, UKAD collected a urine Sample from Mr Rusling, In-Competition, at a game between Hunslet RLFC and Cornwall RLFC.
4. Assisted by a UKAD Doping Control Officer ('DCO') in attendance, Mr Rusling split the urine Sample in two separate bottles, which were given reference numbers A1189026 (the 'A Sample') and B1189026 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, King's College, London ('the Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories and Technical Document TD2022MRPL.

¹ Version 1.0, in effect as from 1 January 2021.

6. Analysis of the A Sample returned Adverse Analytical Findings ('AAFs') for:
 - a) Benzoylecgonine, a Metabolite of cocaine;
 - b) Methylenedioxymethamphetamine (MDMA/"ecstasy"); and
 - c) Tenamfetamine (methylenedioxyamfetamine)
7. Cocaine is listed under S6.A of the WADA 2023 Prohibited List as a Stimulant. It is a non-Specified Substance that is prohibited In-Competition only. Cocaine is identified as one of four '*Substances of Abuse*' in the WADA 2023 Prohibited List.
8. Methylenedioxymethamphetamine (MDMA/"ecstasy") is listed under S6.B of the 2023 WADA Prohibited List as a Stimulant. It is a Specified Substance that is prohibited In-Competition only. Methylenedioxymethamphetamine is also identified as a '*Substance of Abuse*' in the WADA 2023 Prohibited List.
9. Tenamfetamine (also known as methylenedioxyamfetamine) is listed under S6.B of the 2023 WADA Prohibited List as a Stimulant. It is a Specified Substance that is prohibited In-Competition only.
10. On 2 August 2023, UKAD sent Mr Rusling a letter (the 'Notice Letter'). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Mr Rusling in accordance with ADR Article 7.8 that he may have committed ADRVs pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample), and/or ADRVs pursuant to ADR Article 2.2 (Use or attempted use by an Athlete of a Prohibited Substance or a Prohibited Method).
11. Mr Rusling provided his responses to the Notice Letter and UKAD's follow-up queries on 13 and 29 August 2023, and 13 November 2023. Mr Rusling admitted to taking cocaine and MDMA, but denied taking tenamfetamine. In respect of the admitted substances, Mr Rusling said that he had taken those substances during the evening of 16 June 2023 whilst drinking alcohol at home.
12. Following receipt of Mr Rusling's responses, UKAD instructed Professor David Cowan OBE to review the account provided. On 23 November 2023, Professor Cowan provided an expert report which concluded that it was more likely than not that Mr Rusling's last administration of cocaine took place Out-of-Competition (i.e. before 23:59 on 17 June 2023). Professor Cowan was unable to conclude when the MDMA had been taken. Furthermore, Professor Cowan considered that the tenamfetamine detected in the Sample was more likely than not a Metabolite of the MDMA ingested by Mr Rusling, rather than separate ingestion of tenamfetamine.
13. On 12 December 2023 UKAD proceeded to issue Mr Rusling with a Charge Letter in accordance with ADR Article 7.11.2.

14. The Charge Letter asserted the commission of ADRVs pursuant to ADR Article 2.1² (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) in respect of benzoylecgonine, a Metabolite of cocaine, and methylenedioxymethamphetamine (MDMA) and its Metabolite, tenamfetamine³.

Admission and Consequences

15. ADR Article 2.1 provides that the following is an ADRV:

2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.

16. ADR Article 10.2.4 provides:

10.2.4 Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:

(a) *If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility shall be three (3) months; provided that it may be further reduced to one (1) month if the Athlete satisfactorily completes a Substance of Abuse treatment program approved by UKAD. The period of Ineligibility established in this Article 10.2.4(a) is not subject to any reduction pursuant to Article 10.6.*

(b) [...]

17. For the purposes of imposing a sanction, the ADR Article 2.1 ADRVs for benzoylecgonine, and methylenedioxymethamphetamine (MDMA) and its Metabolite, tenamfetamine, will be considered together as a single first violation, pursuant to ADR Article 10.9.4 which states as follows:

10.9.4 Additional rules for certain potential multiple offences:

(a) *For the purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.4(b) and 10.9.4(c) an Anti-Doping Rule Violation will only be considered a second (or third, as applicable) Anti-Doping Rule Violation if UKAD can establish that the Athlete or other Person committed the additional Anti-Doping Rule Violation after they received notice, or after*

² Mr Rusling was not charged with ADRVs pursuant to ADR Article 2.2 (Use of a Prohibited Substance or a Prohibited Method) as cocaine and methylenedioxymethamphetamine (MDMA) are prohibited In-Competition only and, in light of the Athlete's account and the opinion of Professor Cowan, there is insufficient evidence to suggest Mr Rusling ingested the substances after 11:59 pm on 17 June 2023 (i.e., within the In-Competition period).

³ As a result of Professor Cowan's view that the tenamfetamine detected in the Sample was more likely than not a Metabolite of the methylenedioxymethamphetamine (MDMA), rather than separate ingestion of tenamfetamine, Mr Rusling was not charged with separate ADRVs relating to tenamfetamine.

UKAD or its designee made a reasonable attempt to give notice, of the first (or the second, as applicable) Anti-Doping Rule Violation. Otherwise, the first and second Anti-Doping Rule Violations (or the second and third Anti-Doping Rule Violations as applicable shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the most severe sanction...

18. On 19 December 2023 Mr Rusling provided his response to the Charge Letter. Within his response he admitted to the ADRVs charged, and agreed to the three (3) month period of Ineligibility asserted by UKAD.

Commencement of period of Ineligibility

19. ADR Article 10.13 requires that the period of Ineligibility starts on the date the Ineligibility is accepted or otherwise imposed where there is no hearing.
20. However, ADR Article 10.13.2 allows credit to be given against the total period of Ineligibility to be served where an Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.
21. Mr Rusling has been subject to a Provisional Suspension from the date of the Notice Letter, 2 August 2023, until 19 December 2023, the date UKAD lifted his Provisional Suspension⁴. As far as UKAD is aware, Mr Rusling has respected the terms of that Provisional Suspension.
22. Therefore, affording Mr Rusling credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed served as of 11:59pm on 1 November 2023 and he is eligible to participate in sport forthwith.

Summary

23. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2, and records that:
 - a) Mr Rusling has committed ADRVs pursuant to ADR Article 2.1;
 - b) In accordance with ADR Article 10.9.4(a), the ADRVs are considered as a single first violation for the purposes of imposing a sanction;

⁴ UKAD lifted Mr Rusling's Provisional Suspension on 19 December 2023 after he provided his response to the Charge Letter. In his response, Mr Rusling admitted the ADRVs charged and accepted the three (3) month period of Ineligibility asserted by UKAD. Since ADR Article 10.13.2 applies and Mr Rusling had already served in excess of three (3) months provisionally suspended, his Provisional Suspension was lifted by UKAD with immediate effect.

- c) A period of Ineligibility of three (3) months is imposed pursuant to ADR Article 10.2.4(a); and
 - d) In accordance with ADR Article 10.13.2, affording Mr Rusling credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed to have commenced on 2 August 2023, and is deemed served as of 11:59pm on 1 November 2023, and he is eligible to participate in sport forthwith.
24. Mr Rusling, the RFL, International Rugby League, and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.
25. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

11 January 2024