

## Sport Ireland and [ IS-9397 ]

### **Reasoned Decision of Sport Ireland**

The following is the reasoned decision of Sport Ireland pursuant to Article 7.4.2 of the Irish Anti-Doping Rules ("**Rules**") and Article 7.6 of the World Anti-Doping Code ("**Code**"). It concerns anti-doping rule violations ("**ADRVs**") committed by Mr [ IS-9397 ] (the "**Athlete**") and records the Consequences<sup>1</sup> (sanctions) which apply.

#### **1. Background and Facts**

- 1.1. The Sample provided by the Athlete in In-Competition Testing on 2 July 2023 was analysed by the World Anti-Doping Agency ("**WADA**") accredited laboratory in Cologne, the Deutsche Sporthochschule Köln Institut für Biochemie (the "**Laboratory**").
- 1.2. On 20 July 2023, Sport Ireland received a report from the Laboratory identifying the presence of a Prohibited Substance or its Metabolites or Markers – this is known as an Adverse Analytical Finding. The Prohibited Substance was the cocaine metabolite benzoylecgonine.
- 1.3. On 3 August 2023, Sport Ireland notified the Athlete that he was alleged to have committed the following ADRVs:
  - 1.3.1. Article 2.1 - "*The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample*"; and
  - 1.3.2. Article 2.2 - "*Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method*".
- 1.4. In response to the above notification from Sport Ireland, on 3 August 2023, the Athlete provided copies of two prescriptions for Vimovo and Amoxicillin that he received from the hospital. He also stated that he was given antibiotics and steroids through an IV while he was in A&E. Sport Ireland responded the following day and advised the Athlete that both Vimovo and Amoxicillin are permitted in sport.
- 1.5. On 12 August 2023, the Athlete provided a letter from St Michael's Hospital stating that he attended the Emergency Department on 14 June 2023 with a sore throat and was prescribed antibiotics and analgesia. He was given co-amoxiclav and dexamethasone by IV whilst in the Emergency Department.
- 1.6. On 14 August 2023, Sport Ireland notified the Athlete that it did not accept that an IV drip received in hospital contained cocaine and that, if he wished to proceed on that basis, Sport Ireland would refer the matter to a hearing. The Athlete was also reminded that if he could show that he took cocaine recreationally and that he did so any time before midnight on the night before the competition, he would receive a 3-month ban without the necessity of a hearing. The Athlete was given until 16 August to advise as to how he wished to proceed.

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<sup>1</sup> Capitalised terms used throughout this decision shall have the meaning given to them in the Rules.

- 1.7. On 15 August 2023, the Athlete sent the following to Sport Ireland by email: "I, [ IS-9397 ] am writing to you to admit I took a small amount of cocaine recreationally on Friday the 30th of June with friends in the pub. I foolishly took it without thinking of the consequences."
- 1.8. On 18 August 2023, Sport Ireland acknowledged the email above and advised the Athlete that in anti-doping cases, the word of an Athlete alone may not be sufficient and corroborating evidence is required – for example, statements from witnesses. The Athlete was asked to confirm the approximate amount of cocaine that he took on 30 June and the time at which he took it. He was advised that, if evidence from other witnesses was not available, Sport Ireland may ask him to sign a statement or affidavit confirming what occurred.
- 1.9. Sport Ireland did not receive a response to the above and sent another email to the Athlete dated 29 August 2023 requesting that he provide the requested information as soon as possible.
- 1.10. Sport Ireland sent two follow up emails on 1 and 13 September 2023. The Athlete was advised that if Sport Ireland did not receive a substantive response, the case would be sent to the Irish Sport Anti-Doping Disciplinary Panel.
- 1.11. On 5 October 2023, Sport Ireland issued a letter of charge to the Athlete noting that the Athlete had not provided the information sought, Sport Ireland would have no option but to seek a ban of 4 years.
- 1.12. The letter of charge provided the Athlete with 20 days from receipt of the letter to:
  - 1.12.1. sign, date and return the "Acceptance of Consequences Form" provided with the letter, admitting the ADRVs and accepting the 4 year ban; or
  - 1.12.2. admit the ADRVs but challenge the proposed sanctions in writing and make a written request for a hearing before the Disciplinary Panel; or
  - 1.12.3. make a written request for a hearing before the Disciplinary Panel and challenge in writing (i) Sport Ireland's assertion of ADRVs and (ii) the proposed sanctions.
- 1.13. Sport Ireland also rang the Athlete and left a voicemail on 5 October. Attempts were also made to contact him by his National Governing Body. Sport Ireland send further emails to the Athlete on 18 and 20 October, but ultimately Sport Ireland has received no communication from the Athlete since 15 August 2023.

## **2. Consequences**

- 2.1. The applicable ban (period of Ineligibility) is 4 years, which will commence from the date of imposition of the provisional ban imposed on the Athlete, namely, 3 August 2023.
- 2.2. The following sanctions (Consequences) are also imposed:
  - 2.2.1. the Disqualification of the Athlete's results from 2 July 2023 until the date of his Provisional Suspension on 3 August 2023.

- 2.2.2. Sport Ireland shall Publicly Report details of the matter following its conclusion<sup>2</sup>, including the sport, the violation in question, the name of the Athlete, the Prohibited Substance involved, and the Consequences imposed.
- 2.3. A copy of this decision shall be sent to the Athlete, Tug of War Ireland, Tug of War International Federation, WADA, and the Irish Sport Anti-Doping Disciplinary Panel.
- 2.4. Pursuant to Article 13 of the Rules, the Athlete, Tug of War International Federation, and WADA have a right of appeal. Such an appeal must be made to the Court of Arbitration for Sport within 21 days of the date of issuance of this Reasoned Decision, save where Article 13.2.6.1 of the Rules applies.

### **3. Summary**

- 3.1. Pursuant to Article 8.4.2 of the Rules, as the Athlete has failed to dispute the ADRVs, he is deemed to have admitted the violations, to have waived a hearing, and to have accepted the proposed sanctions (Consequences).
- 3.2. In accordance with Article 8.4.2, Sport Ireland has promptly issued this written decision.
- 3.3. For the reasons given above, Sport Ireland has issued this decision, which records that:
- 3.3.1. The Athlete has committed a violation of Articles 2.1 and 2.2 of the Rules by virtue of the presence of the cocaine metabolite benzoylecgonine in a Sample collected from him in In-Competition Testing on 2 July 2023 and the corresponding Use of cocaine which led to this positive test.
- 3.3.2. A 4 year ban has been imposed on the Athlete pursuant to Article 10.1.1. This Athlete has been subject to a Provisional Suspension since 3 August 2023 and the 4 year ban shall commence from that date.

**Dated the 20<sup>th</sup> of December 2023**

M. Morgan

**Sport Ireland**

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<sup>2</sup> Article 15.4.