

To: X
Case 2016-004
Bodybuilding

From: Hidenori Suzuki, President
Japan Anti-Doping Agency

Decision Based on Consent

The Japan Anti-Doping Agency (hereinafter, "JADA") has made the following decision with respect to this case in accordance with the provisions of Article 7.10.3 of the Japan Anti-Doping Code (hereinafter, the "Code").

Decision:

- A violation of Article 2.1 of the Code is found to have occurred.
- In accordance with Articles 9 and 10.8 of the Code, all of the individual results of the Athlete obtained from the date of sample collection through the commencement date of the provisional suspension period (including the competition results at THE (35TH) KANTO BODYBUILDING FITNESS CHAMPIONSHIP) shall be disqualified, and all medals, points and prizes obtained during such period shall be forfeited.
- In accordance with Articles 10.2.1.1, 10.6.3 and 10.11.3.1 of the Code, a period of ineligibility shall be imposed for a period of three years and nine months starting from October 18, 2016.

Reasons:

- The substances "drostanolone" and "clenbuterol" detected from the Athlete in In-Competition testing conducted on August 28, 2016 are designated as prohibited substances under "S1. Anabolic Agents" in The 2016 Prohibited List International Standard (hereinafter, the "Prohibited List"), and constitute "Prohibited Substance(s)" as prescribed in Article 2.1 of the Code. In response to this, the Athlete neither requested an analysis of the B Sample, nor contested the test results or the process and procedure that led to those results.
- Accordingly, the Athlete can be found to have violated Article 2.1 of the Code (Presence of Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) in this case, and in accordance with Articles 9 and 10.8 of the Code, all of the individual results of the Athlete obtained from the date of sample collection through the commencement date of the provisional suspension period (including the competition results at THE (35TH) KANTO BODYBUILDING FITNESS CHAMPIONSHIP) shall be disqualified, and all medals,

points and prizes obtained during such period (if any) shall be forfeited.

- Furthermore, the substances above which were detected, while on one hand constituting “Prohibited Substance(s)”, do not fall under “Specified Substance(s)” under the Prohibited List, and the Athlete did not assert or establish that the violation in this case was not intentional. Accordingly, the main text of Article 10.2.1.1 of the Code applies to this case.
- Taking into consideration the above facts as well as that this was a first violation; the Athlete is potentially subjected to a sanction of a period of four years in accordance with the main text of Article 10.2.1.1 of the Code.
- After being confronted about the violation in this case by a notice dated October 18, 2016 given by the results management personnel of JADA (hereinafter, “JADA Personnel”), the Athlete admitted the violation in this case by an email dated October 29, 2016 addressed to the JADA Personnel, and did not request an analysis of the B Sample. Furthermore, the Athlete admitted by an email dated October 30, 2016 that the violation in this case was intentional, and stated words of reflection and apology. Thereupon, at the interview with the JADA Personnel on December 27, 2016, the Athlete, in addition to explaining the matters which the Athlete was aware of in relation to his own doping acts and doping in bodybuilding, stated that he planned to retire from the sport, and requested JADA to reduce the period of ineligibility due to prompt admission (Article 10.6.3 of the Code).
- Since the Athlete is found to have promptly admitted the violation in this case asserted by JADA, the issue arises as to whether the period of ineligibility should be reduced depending on the “seriousness of the violation” and the Athlete’s “degree of fault”. In this regard, it is difficult to reduce the period of ineligibility based upon the “degree of fault” since this was an intentional violation, and the “seriousness of the violation” is also found to be grave. However, taking into consideration such factors as that the Athlete voluntarily explained the sequence of events leading up to the ingestion of the prohibited substances and indicated his intent to retire from the sport, and provided information related to doping in bodybuilding, and therefore the “seriousness of the violation” is evaluated to decrease even though slightly, it is appropriate to reduce the period of ineligibility by three months. Since such reduction of the period of ineligibility is also approved by the World Anti-Doping Agency (hereinafter, “WADA”), in this case, ineligibility of three years and nine months is imposed upon the Athlete pursuant to Article 10.6.3 of the Code.
- In this case, the Athlete has been under a provisional suspension pursuant to Article 7.9.1 of the Code from the date of the notice of October 18, 2016 by the JADA Personnel until the time of the present decision. Accordingly, pursuant to Article 10.11.3.1 of the Code, the commencement date for the period of ineligibility shall be October 18, 2016.
- In this case, the Athlete has admitted the violation, waived both the provisional hearing and the hearing, and accepted the Consequences that have been offered by JADA as of the date first written above, pursuant to Article 7.10.1 of the Code. Therefore, the hearing by the Japan Anti-Doping Disciplinary Panel shall not be convened in this case, and this decision

shall be issued under the name of JADA pursuant to Article 7.10.3 of the Code.

End of text