

In the matter of the Canadian Anti-Doping Program;

**And in the matter of an anti-doping rule violation by Curtis Moss asserted by the
Canadian Centre for Ethics in Sport;**

Reasoned Decision

Summary

1. The Canadian Centre for Ethics in Sport (CCES) conducted an in-competition sample collection session on June 8, 2015 in Vancouver, BC.
2. Curtis Moss (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for Methylphenidate. Methylphenidate is classified as a prohibited substance (specified substance) on the 2015 World Anti-Doping Agency (WADA) Prohibited List.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of a specified substance, the athlete admitted the fact of the violation but failed to take steps to dispute the sanction proposed by CCES within the timelines outlined within the Canadian Anti-Doping Program (CADP). As a result the athlete was deemed to have waived his right to a hearing and to have accepted the proposed consequences.

Jurisdiction

4. The CCES is an independent, not-for-profit organization incorporated under the federal laws of Canada that promotes ethical conduct in all aspects of sport in Canada. The CCES also maintains and carries out the Canadian Anti-Doping Program (CADP), including providing anti-doping services to national sport organizations and their members.
5. As Canada’s national anti-doping organization, the CCES is in compliance with the World Anti-Doping Code (Code) and its mandatory International Standards. The CCES has implemented the Code and its mandatory International Standards through the CADP, the domestic rules which govern this proceeding. The purpose of the Code and of the CADP is to protect the rights of athletes to fair competition.
6. The athlete is a member of Athletics Canada and participates in Athletics Canada sanctioned events. According to Part C, Rule 1.3 of the CADP, the CADP provisions apply to all members of, and participants in the activities of, sport organizations adopting it. The CADP was issued for adoption by Canadian sport organizations on October 1, 2014, to be operational on January 1, 2015. Athletics Canada adopted the

CADP on December 16, 2014. Therefore, as a member of Athletics Canada and/or as a participant in Athletics Canada sport activities, the athlete is subject to the Rules of the CADP.

Doping Control

7. On June 8, 2015, the CCES conducted an in-competition doping control session at the Harry Jerome Track Classic in Vancouver, BC. Testing at this competition was conducted on Athletics Canada athletes as part of the CCES' domestic test distribution plan, all pursuant to the CADP.
8. The athlete was notified for doping control and, together with the Doping Control Officer (DCO) from the CCES, completed the sample collection process. The athlete's sample code number was 2952409.
9. On June 10, 2015, the athlete's sample was received by the World Anti-Doping Agency (WADA) accredited laboratory, the INRS-Institut Armand-Frappier (INRS), in Laval, QC.

Results Management

10. On June 23, 2015, the CCES received a Certificate of Analysis for the athlete's sample (sample code 2952409) from the INRS which indicated the presence of Methylphenidate.
11. Methylphenidate is classified as a specified substance on the 2015 World Anti-Doping Agency (WADA) Prohibited List.
12. During the initial review, the athlete was provided the opportunity to request the analysis of his B Sample by July 2, 2015. As no request was made by the athlete before the deadline the right to B-Sample analysis was deemed to be waived.
13. Further, during the initial review the athlete submitted a Therapeutic Use Exemption (TUE) application to the CCES for the use of Methylphenidate. The TUE was subsequently approved for the future use of Methylphenidate.
14. On November 4, 2015, the CCES formally asserted a violation against the athlete for the presence of a specified substance.
15. Following an evaluation of all the relevant facts the CCES has determined that the athlete was not at significant fault or negligence for the violation. Further, the CCES has evaluated the athlete's degree of fault for the violation and considers it to be low. The CCES has therefore concluded that a reduction in the athlete's sanction, down to a two (2) month period of ineligibility, is warranted in accordance with CADP Rule 10.5.1.1. The CCES' rationale for this outcome is the following:

- i) The athlete was at all times using Methylphenidate for therapeutic purposes consistent with a pre-existing diagnosis and pursuant to a valid prescription properly obtained from his physician.
 - ii) The athlete was using the medication Methylphenidate precisely as directed by his physician.
 - iii) Although the athlete was subsequently granted a TUE for the use of Methylphenidate, as an athlete in the National Athlete Pool (NAP) the athlete was required to have a TUE in advance - prior to using Methylphenidate in-competition.
 - iv) The athlete was careless in not filing his TUE application on time.
16. Therefore, as this would be a first violation involving a specified substance, and after consideration of the factors outlined above, the CCES determined that the sanction for this violation should be a two (2) month period of ineligibility (in accordance with Rule 10.5.1.1 of the CADP).

Confirmation of Violation and Sanction

17. On November 9, 2015, in response to the CCES' assertion of the doping violation, the athlete sent an email to the CCES which indicated his intention to waive his right to a hearing. However, no formal Waiver of Hearing Form was signed and filed by the athlete.
18. On November 21, 2015 the athlete submitted a Timely Admission Form to the CCES, thereby admitting to the violation which had been asserted by the CCES.
19. On December 4, 2015, in the absence of a signed Waiver of Hearing Form and in the absence of any attempt by the athlete to dispute the sanction proposed by the CCES, the athlete was deemed to have waived his right to a hearing in accordance with CADP Rule 7.10.2, and to have accepted the proposed two (2) month period of ineligibility.
20. As a result of the athlete's Timely Admission of the violation the CCES exercised its discretion and agreed to commence the athlete's sanction on the date of sample collection in accordance with CADP Rule 10.11.2. However, in accordance with CADP Rule 10.11.2, at least one-half of the period of ineligibility must be served after the date the violation was ultimately determined. As the violation was determined by way of a deemed waiver on December 4, 2015, in accordance with CADP Rule 10.11.2 the athlete's period of ineligibility will conclude one month later on January 4, 2016.

21. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 14th day of December, 2015.



Jeremy Luke
Director, Canadian Anti-Doping Program and Business Development
CCES