

INTERNATIONAL RUGBY BOARD

IN THE MATTER OF THE REGULATIONS RELATING TO THE GAME

AND IN THE MATTER OF THE TERMS OF PARTICIPATION IN THE IRB JUNIOR WORLD TROPHY 2012 AND IN THE MATTER OF AN ALLEGED DOPING OFFENCE BY **SIMBARASHE MICHAEL CHIRARA (ZIMBABWE)** CONTRARY TO SECTION 17 OF THE TERMS OF PARTICIPATION AND REGULATION 21 .21

BEFORE A BOARD JUDICIAL COMMITTEE APPOINTED PURSUANT TO REGULATION 21.20 and 21.21 CONSISTING OF:

Judicial Committee:

Graeme Mew, Chair (Canada)
Dr. George Ruijsch van Dugteren (South Africa)
Gregor Nicholson (Scotland)

Appearances

Ben Rutherford, for the International Rugby Board

In Attendance

Simbarashe Michael Chirara (Player)
Colleen de Jong (Team Manager, Zimbabwe Under 19/20 Rugby)
Sifiso Made (CEO, Zimbabwe Rugby Union)
Tim Ricketts (Anti-Doping Manager, International Rugby Board)

Hearing: 20 November 2012 (by way of Telephone Conference)

REASONS FOR DECISION OF THE BOARD JUDICIAL COMMITTEE

1. Simbarashe Michael Chirara is a rugby player from Harare, Zimbabwe (the "Player"). He was one of three members of the Zimbabwe Under 20 rugby team for the IRB Junior World Rugby Trophy 2012 in Utah, USA (the "Tournament") to have recorded an anti-doping Rule violation.
2. In the Player's case, he was, in fact, tested out-of-competition on 30 May 2012 prior to departing for the United States. Analysis of the sample which he provided was completed on 13 June 2012. His sample was found to have contained 19-norandrosterone and 19-noretiocholanolone, which are metabolites of nandrolone. The detection of these substances is consistent with the exogenous administration of the Prohibited Substance nandrolone, which is listed as category S1 Androgenic Anabolic

Steroids in the World Anti-Doping Agency's *2012 List of Prohibited Substances* (the "WADA List"). As such, nandrolone is a Prohibited Substance under the anti-doping regulations of both the Tournament and the International Rugby Board (the "Board" or the "IRB").

3. The Player has admitted his anti-doping rule violation and has provided three statements, one of which was under oath, as well as oral testimony in which he acknowledged using a product called DecaDurabolin, which he administered by injection, and Proviron tablets. He obtained these products from a fellow rugby player, AB. AB has also been identified as the supplier of Dylan Coetzee, one of the other Zimbabwe rugby players who has committed an Anti-Doping Rule Violation (see *International Rugby Board v. Dylan Coetzee*, Board Judicial Committee decision of 31 January 2013).

4. The Player claims that when he took these substances he did not know that he was doing something wrong. He said that he trusted his friend (AB). He made no attempt to verify for himself that the products he was using did not contain Prohibited Substances. He blames his youth (19 at the time) and immaturity for his poor judgment. He seeks a reduction of the presumptive sanction of two years Ineligibility for this anti-doping rule violation on the basis of providing "Substantial Assistance" to the IRB in connection with the activities of AB.

5. The Player was provisionally suspended on 15 June 2012 and has remained suspended since then. The Player was immediately removed from the team environment at the Tournament and took no further part in it.

6. By letter dated 15 June 2012, the Zimbabwe Rugby Union (the "Union") advised the IRB that the Player had confirmed that he admitted the anti-doping rule violation. The Player waived the right to have his "B" Sample analysed.

7. This Board Judicial Committee ("BJC") was appointed to hear the case against the Player. By letter 19 September 2012, the Player was informed of the composition of the BJC and that a hearing would be held to address the issue of the appropriate sanction to be imposed.

8. The chairman of the BJC provided directions with respect to the exchange of evidence and the provision of written submissions. A hearing date was originally set for 29 October 2012. Following consultation with all concerned parties, that hearing was subsequently adjourned to 20 November 2012.

Anti-Doping Rule Violation Established

9. At the outset of the hearing the Player confirmed his acceptance of the Adverse Analytical Finding. Accordingly, we are satisfied that the Player has committed an Anti-Doping Rule Violation contrary to Regulation 21.2.1¹

¹ The presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample.

Documentary Record

10. The BJC had before it a record which included the Doping Control form, Team Member Consent Form, an Analysis Result Record from the South African Doping Control Laboratory – Bloemfontein, the Preliminary Review Report and certain correspondence between the Board and the Union and between the Player and the Union/Board.

11. Prior to the hearing, the Player provided unsigned typewritten statements dated 11 and 12 November 2012. He then gave oral testimony at the hearing. Information was also provided orally by one of the Union's representatives. Subsequent to the hearing, the Player provided what was described as a "sworn statement" dated 13 December 2012 (although is not apparent from the face of that document that any of the formalities that one would ordinarily expect to see with a sworn statement - e.g. the signature of the deponent taken before a notary public or a commissioner for oaths had been observed).

12. Written submissions were received from the Board before the hearing and oral submissions were made by the legal representative of the Board at the hearing and by the Player (with the assistance of his Union).

Facts

13. The Player started playing rugby when he was 13. He played high school rugby. He went for trials for the Under 19 team in 2011 but did not make the final squad. In December 2011 he went for trials for the Under 20 team. This time he was successful. The Player's position is lock. He is approximately 1.90 metres tall and weighs 224 lbs.

14. At the time the Player joined the Under 20 squad, AB was also a member of it. AB was subsequently dropped.

15. In his first statement the Player described how and why he came to be taking prohibited substances:

"[AB and I] started training together in January 2012 and we established a good friendship. After training together for 2 months, now towards the end of February 2012, I noticed that he had significant gains in size, strength and muscle tone. I, on the other hand was achieving nothing due to a number of reasons...so he being my friend I asked him what he was causing all this [*sic*]. He told me he was taking some suspension substance (which is testosterone I now understand). He told me if I wanted he could get me some as well and also to keep this a secret and I did. After a few days I got back to him and told him I wanted it. So he said I raise some money about \$120 and then he would get it for me from a supplier in Borrowdale, Harare, Zimbabwe whom he said was in the business of frequently going to South Africa to get the drugs. So I managed to raise the money and I gave it to [AB] who then said he would go to the supplier and get back to me in a few days. I however did not know what it was exactly he was bringing me or did any research on it but what I knew is I would be getting what

[AB] was taking to get the great results he was achieving. After 3 days or so he came back to me at the gym with three sealed packets written DecaDurabolin - NandroloneDecanoate 100. He injected me with the first vial in the gym toilet to show me how to do it and he said I should do so for the remaining 2 vials after every week. He also gave me 20 tablets of Proviron to take each day. All this time I thought I was taking the same thing he was but I never thought about it or paid attention. He said what he was taking would take 2 days to go out of his system and the Deca he gave would be out in 3 months so I would be fine."

16. In January 2012 the Player received some anti-doping education from the Union. The education included warnings about steroids and supplements. From that he knew that he had to be very careful about what he put in his body. He knew that he had to abide by the anti-doping rules. However, he said that although he realises it sounds stupid now, at the time he wasn't thinking. He thought he could trust his friend to give him something that was "legal". While he denies knowing that DecaDurabolin contained a banned substance, he did know that it was strong medication which should only have come from a hospital or a doctor, if at all.

17. The Player's 13 December 2012 statement makes it clear that he did not start using DecaDurabolin until after he had received the anti-doping education presentation in January 2012. At some point he talked to one of his teammates and told him he had taken "something". His teammate was shocked and asked him why he had done it. The Player showed his teammate one of the packages. Because of the forcefulness of his teammate's reaction the Player then did some research. He knew that there was nothing he could do about what had already occurred except wait and hope that the evidence of his use of the products given to him by AB would diminish.

18. The Player did not, apparently, speak to AB again before his positive test. Shortly after he started using DecaDurabolin and Proviron, AB was dropped from the Under 20 squad so the Player ceased having regular contact with him.

19. The Player said that he was asked to participate in out-of-competition testing the day before the under 20 team left Zimbabwe. He did not say anything to anyone connected with the team about his use of the DecaDurabolin and Proviron. He wanted to talk to the team doctor but was too scared to do so. He did not know what to do, so he kept quiet. He travelled to Salt Lake City knowing that he was probably in trouble.

20. In the Union's letter of 15 June 2012 advising the Board that the Player admitted an Anti-Doping Rule Violation, it was indicated that the Player wished to provide Substantial Assistance in order to potentially reduce his sanction. However, upon returning to Zimbabwe, he did nothing in that regard for two months. He then started college in the United States. His preoccupation was with his school work and trying to adapt to his life as a post-secondary student.

21. On 20 June 2012 the Player received an e-mail message from AB asking him what was happening. The Player does not know how AB would have known of his anti-doping rule violation.

22. By a letter dated 28 August 2012, Mr. Ricketts (the Board's anti-doping officer), who had heard from Ms. de Jong and Dr. Jeans (the Zimbabwe team doctor) that the Player may have pertinent information in relation to AB, raised with the Player the possibility of the Player providing Substantial Assistance to the Board. The letter from Mr. Ricketts set out the "conditions" which the Player would be required to satisfy in order to be potentially eligible to be considered for a possible reduction in sanction on the basis of having provided Substantial Assistance. Those "conditions" were summarised as follows:

1. provide a signed written statement which fully discloses all information you possess in relation to anti-doping rule violations (please note this is expressed in the plural so you would be required to disclose all information you possess in relation to any and all anti-doping rule violations, not just with respect to your own circumstances);
2. fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by the Board, his Union or other Anti-Doping Organisation or Judicial Committee;
3. the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought; and
4. the Substantial Assistance must result in the Board discovering or establishing an anti-doping rule violation by another Person or result in a criminal or disciplinary body discovering or establishing a criminal offence or a breach of professional rules by another Person.

23. In his statement of 11 November 2012, the Player provided information as to the general whereabouts of AB. He also offered to provide the empty DecaDurabolin packets to the Board.

24. During the course of his oral testimony at the hearing, the Player indicated an interest in trying to provide more comprehensive information about the role played by AB. The BJC indicated that it would wait to receive a further written statement from the Player before rendering its decision.

25. As previously indicated, a "sworn statement" dated 13 December 2012 was subsequently provided by the Player to the Board. That statement essentially repeats the information provided by the Player during the course of his oral testimony. However, he was able to provide an e-mail address for AB and some information about short term employment which AB was apparently undertaking in Zimbabwe. The Player also provided a Zimbabwe telephone number for AB.

26. In mitigation, the Player asks the BJC to take into account his profound regret for his actions and the following factors:

- a) The Player's youth and inexperience;
- b) That his use of the Prohibited Substances occurred during his first contact in a professional set-up, he having previously only played high school rugby;
- c) That the Player felt he was under a lot of pressure to perform and also to make the team;
- d) The loss of the Player's father earlier in 2012 and the expectations placed on him by his family to come up with something from his rugby career;
- e) The loss of the opportunity to play in the Tournament (with exposure to scouts and negative media coverage of the Player's suspension);
- f) The impact which a prolonged suspension will have on the Player's educational opportunities (he is presently studying on a sports scholarship).

27. Ms. de Jong, for the Union, expressed the view that naivety and inexperience was a very significant factor in the Player's actions. While the Union does not offer this as an excuse, Ms. de Jong recognises that the Player would have been susceptible to peer pressure. She feels that the Player genuinely believed AB's representation that he "would be fine" if he used the products which AB provided to the Player.

28. In terms of the benefits which accrued to the Player, he said that he did gain a little bit of weight, but did not notice any major changes.

Discussion

29. As already noted, the presumptive sanction for a first Anti-Doping Rule Violation involving the presence in a player's Sample of a Prohibited Substance is a period of Ineligibility of two years².

² Regulation 21.22.1

The period of Ineligibility imposed for a violation of Regulation 21.2.1 (Presence of Prohibited Substance or its Metabolites or Markers), Regulation 21.2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) and Regulation 21.2.6 (Possession of Prohibited Substances and Methods) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided for in Regulations 21.22.3, 21.22.4, 21.22.5.1, 22.6, 21.22.7 and/or 21.22.8 or the conditions for increasing the period of Ineligibility, as provided in Regulation 21.22.9, are met:

First violation: Two years.

30. It is possible for the two year sanction to be reduced if the player can establish, on a balance of probabilities, the existence of "Exceptional Circumstances". In this case, the only category of Exceptional Circumstances that would apply is in relation to the rendering by the Player of "Substantial Assistance". In that regard, Regulation 21.22.6 (clause 22.6 of the Tournament Programme) provides as follows:

"The Judicial Committee ... may prior to the final appellate decision under Regulation 21.27 or the expiration of the time to appeal, suspend part of the period of Ineligibility imposed in an individual case where the Player or other Person has provided Substantial Assistance to the Judicial Committee ... criminal authority or professional disciplinary body which results in the Board discovering or establishing an anti-doping rule violation by another Person or which results in a criminal or disciplinary body discovering or establishing a criminal offence or a breach of professional rules by another Person. After a final appellate decision under Regulation 21.27 or the expiration of the time to appeal, the Judicial Committee ... may only suspend a part of the applicable period of Ineligibility with the approval of WADA and the Board. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Player or other Person and the significance of the Substantial Assistance provided by the Player or other Person to the effort to eliminate doping in sport. No more than three quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the nonsuspended period under this Regulation must be no less than eight years. If the Judicial Committee ... suspends any part of the period of Ineligibility under this Regulation 21.22.6, the Judicial Committee ... shall promptly provide a written justification for its decision to each Anti-Doping Organisation having a right to appeal the decision. If the Judicial Committee ... subsequently reinstates any part of the suspended period of Ineligibility because the Player or other Person has failed to provide the Substantial Assistance which was anticipated, the Player or other Person may appeal the reinstatement pursuant to Regulation 21.27.2"

31. The corresponding provision of the WADA Code, Article 10.5.3, contains a commentary, the pertinent portions of which provide as follows:

"The co-operation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring

other anti-doping rule violations to light is important to clean sport. Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving Trafficking under Article 2.7 or administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectable in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended.

.....

If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the antidoping rule violation or other offense.

.....

If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, the Anti-Doping Organization with results management authority shall reinstate the period of Ineligibility which would otherwise be applicable".

32. The Player recognises that his actions attract a two year sanction. He notes that his educational opportunities are likely to be negatively effected by a prolonged period of suspension. He accepts that his provision of assistance has come late in the day, for which he apologises. However, he points to the considerable turmoil in his life that his suspension has caused and the co-incidence of that with him embarking on life as a post-secondary student in another country.

33. The IRB submits that while the Player has admitted fault, he has not demonstrated any circumstances which could be considered to be exceptional in terms of the requirements of 22.6 of the Tournament Programme (Regulation 21.22.6).

34. The Board questions whether or not the assistance provided by the Player is, in fact, "substantial". At the time of the hearing, the Player's assistance was limited to some fairly generic contact information for AB, which was similar to information that had been provided by Dylan Coetzee, another Zimbabwe player who said that he had obtained performance enhancing substances from AB.

35. The IRB notes that although the Player's Anti-Doping Rule Violation was known in June 2012 and was immediately acknowledged at the time, the Player's efforts to provide Substantial Assistance have only occurred immediately before, at and following the hearing, some six months later. As the commentary to Article 10.5.3 indicates, "the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended".

36. The Board has submitted that any reduction in sanction should be minimal at best because:

- a) of the seriousness of the Anti-Doping Rule Violation committed by the Player, namely the use of anabolic steroids for the purpose of performance enhancement; and
- b) the identification of one supplier does little to assist "the effort to eliminate doping in sport".

37. In the case of *IRB and SARU v. Jacques Van Staden* (2012), a decision of a posthearing review body of the South African Rugby Union, a judicial committee had initially reduced the otherwise applicable sanction for an Anti-Doping Rule Violation on grounds of "Substantial Assistance" by the player where, in fact, only limited information had been provided as to how the player's Anti-Doping Rule Violation had come about. The player had not, in fact, identified the "friend" who had procured the Prohibited Substance then used by the player. He had only promised to co-operate with any investigation that might be conducted in the future.

38. The post-hearing review body noted that the first part of Regulation 21.22.6 is only engaged where the Player has provided Substantial Assistance. Only once that threshold had been passed could a judicial committee impose a period of suspension on the condition that the player would at some future date provide additional Substantial Assistance:

"63. Regulation 21.22.6 provides an incentive for players to furnish information and co-operation which will enable the violation or series of violations, and to take steps against such persons.

64. A player found guilty of a violation may thus have part of the period of ineligibility suspended, provided he meets with the requirements clearly specified in Regulation 21.22.6.

65. The right to suspend part of the period of Ineligibility in the first part of the Regulation is expressly granted only in cases "where the Player or other person has provided substantial assistance."...

39. The assistance provided must be "substantial". In the *Van Staden* case the Post-Hearing Review Committee concluded that the assistance provided by the player to date was not sufficiently substantial to meet the threshold established by the regulation:

"50. Insofar as anyone was implicated, it appears to have been restricted to the assistant coach of an unspecified rugby club.

Insufficient information was provided which could lead to uncovering any scheme involving trafficking or the administration of the substance in question. The violation involved a substance which appears to be readily detectable (and according to the Player, even rather long after its use).

51. The information supplied by the Player in the present manner does not in this body's view, satisfy the requirements set by the definition of "Substantial Assistance".

52. Nor did the information supplied result in the Board discovering or establishing an anti-doping rule violation by another person, or in a criminal or disciplinary body discovering or establishing a criminal offence or a breach of professional rules by another person....

54. The "assistance" provided by the Player furthermore appears to thus far have had no effect on the effort to eliminate doping in sport and given its lack of particularity does not in this body's view constitute credible evidence on which any such steps could be taken. "

40. In *IRB v. Dylan Coetzee* (Board Judicial Committee decision, 31 January 2013), the Player was able to contact AB by telephone and/or Skype and, ultimately, to provide the Union with sufficient contact details that it was able to establish contact with AB.

41. While the information provided by the Player in this case does not take the totality of the information concerning a possible claim against AB any further than that provided by Dylan Coetzee, his information might well be seen as corroborating the information provided by Dylan Coetzee. In the case of *Coetzee*, this BJC stated, at paragraph 43:

"In the present case we are satisfied that the Player, albeit with some encouragement, has met the threshold test set out in Regulation 21.22.6. His evidence has enabled the Board to identify AB as someone against whom an allegation of both supplying and using a Prohibited Substance could credibly be made. Because the Board has in its possession evidence (both from the Player and from his team mate) in relation to AB, there would appear to be a basis for the Board to take action against AB for not only his actions in connection with this Player's Anti-Doping Rule Violation but, also,

in respect of at least one other anti-doping rule violation by a player in Zimbabwe".

42. The other player referred to in the above cited extract from the Coetzee decision is, of course, Mr. Chirara. The evidence of the "team mate", referred to in that extract, is that of Mr. Chirara.

43. Although it remains to be seen whether the information provided by the Player and Mr. Coetzee will lead to the successful prosecution of anti-doping rule violation charges against AB, the information provided has, to date, enabled the Board to notify AB and to provisionally suspend him from rugby pending further steps being taken against him.

44. In the *Coetzee* matter we went on to say, at paragraph 44:

"At this juncture, it needs to be emphasised that an Anti-Doping Rule Violation on the part of AB has not been established. AB has been contacted by the Board and by the Union and has agreed to meet with the Union's representative. However, to date, he has not done so. It would not be appropriate for this BJC to pre-judge whether or not the Board will be able to establish an Anti-Doping Rule Violation [by AB]. What is important for present purposes is whether the assistance provided by the Player has substantially assisted the Board's investigation of the actions of AB to the point where the prosecution of anti-doping charges against AB is a realistic and credible possibility".

45. In our view, the assistance provided by the Player has been genuine and his explanations for the delay in providing that information are largely credible. We anticipate that the Player's further assistance may be required in the event that the Board continues with its prosecution of charges against AB.

46. On the other hand, our view of the Player's willingness to assist is necessarily influenced by his assertion that he did not know he was doping and that he trusted AB to give him something that was "legal". He did so after being told to keep his use of these substances secret. He had also heard from AB that it took a couple of days for whatever he was using to work its way through the body. Notwithstanding his youth, alleged gullibility and inexperience, it beggars belief that this would not have alerted the Player to the possibility that he was using Prohibited Substances. Even if the Player's evidence in this regard were to be accepted, he was at best recklessly indifferent when he accepted AB's assurances about being able to use the products safely.

47. We have also taken into account the fact that the anti-doping rule violation committed by the Player is a very serious one. He systematically used nandrolone and, although he says he did not discern significant tangible benefits from doing so, there is no question that he used the substance (whether he knew that it was a Prohibited Substance or not) in order to enhance his sport performance.

48. In all of the circumstances, although with some reservations, we have concluded that it would be appropriate to impose a sanction on the Player similar to that imposed on Dylan Coetzee. Accordingly, subject to the continued co-operation of the Player with the efforts of the Board to prosecute AB, a portion of the two year period of Ineligibility that the Player would otherwise be subject to will be suspended.

49. Although Regulation 21.22.6 would allow us to suspend up to three quarters of the period of Ineligibility, the seriousness of the Player's anti-doping rule violation and the delay between the time the Player became aware of his positive test and his rendering of assistance, lead us to conclude that the reduction in sanction should be 25% or six months.

Decision

50. On 30 May 2012 the Player committed an Anti-Doping Rule Violation, namely the presence in his bodily Sample of 19-norandrosterone and 19-noretiocholanolone, both of which are Prohibited Substances on the WADA Prohibited List under the category S1 Anabolic Agents: 1. Anabolic Androgenic Steroids.

51. The sanction imposed for this Anti-Doping Rule Violation is a period of Ineligibility of two years commencing 15 June 2012 (the date upon the Player was notified of the Adverse Analytical Finding and provisionally suspended). Six months of that period of Ineligibility will be suspended pursuant to IRB Regulation 21.22.6. The suspension shall be on the following conditions:

- a) The Player will continue to provide without undue delay such additional assistance to the Union and the Board as either may reasonably require in respect of the discovery or establishment of one or more Anti-Doping Rule Violations by AB;
- b) The Player will not engage in any activity that would contravene the terms of the sanction of Ineligibility imposed on him during the non-suspended term;
- c) The Player must not commit any other Anti-Doping Rule Violation.

52. It follows, therefore, that the Player's period of Ineligibility shall end on 15 December 2013, subject to his compliance with the conditions of the suspended period of Ineligibility.

53. In the event of any breach of the conditions set out above, the Board shall be at liberty to apply to the BJC for the reinstatement of all or some of the six months suspended period of Ineligibility.

54. The Player's attention is drawn to IRB Regulation 21.22.13 which provides, *inter alia*, that:

"No Player...who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a match and/or

tournament (international or otherwise) or activity (other than authorised anti-doping education or rehabilitation programmes) authorised or organised by the Board or any Union or Tournament Organiser. Such participation includes but is not limited to coaching, officiating, selection, team management, administration or promotion of the Game, playing, training as part of a team or squad, or involvement in the Game in any other capacity in any Union in membership of the IRB".

The full text of Regulation 21.23.13 concerning status during Ineligibility should be consulted.

Costs

55. If the Board wishes us to exercise our discretion in relation to costs pursuant to Regulation 21.21.10 written submissions should be provided to the BJC via Mr. Ricketts by 17:00 Dublin time on 15 March 2013. Any responding written submissions from the Player to be provided by no later than 17:00 Dublin time on 22 March 2013.

Review

56. This decision is final, subject to referral to a Post Hearing Review Body (Regulation 21.25) or an appeal, where the circumstances permit, to the Court of Arbitration for Sport (Regulation 21.27). In this regard, attention is also directed to Regulation 21.24.2, which sets out the process for referral to a Post-Hearing Review Body, including the time within which the process must be initiated.

8 March 2013

Graeme Mew, Chairman