

## ISSUED DECISION

In the Matter of:

**UK ANTI-DOPING LIMITED**

And

**CARL FLETCHER**

Relating to:

**Disciplinary Proceedings under the Anti-Doping Rules of United Kingdom Athletics**

This is an Issued Decision as between UK Anti-Doping Limited (“UK Anti-Doping”) and Mr Carl Fletcher (the “Athlete”) relating to an Anti-Doping Rule Violation arising from the United Kingdom Athletics (“UKA”) Anti-Doping Rules (the “Anti-Doping Rules” or “ADR”).

### Background, Jurisdiction and Facts

1. At all material times the Athlete was a participant in the sport of athletics, and subject to the jurisdiction of UKA, and in particular the Anti-Doping Rules.
2. The Anti-Doping Rules incorporate and implement the anti-doping rules of the International Association of Athletics Federations (“IAAF”), UKA’s international federation, of which UKA is a member. The Anti-Doping Rules are broken in to two sections: the IAAF Anti-Doping Rules; and the UKA supplemental provisions. Provision references in this Issued Decision will be “IAAF Rule X” and “UKA Rule X” respectively.
3. The Athlete accepts that he was, at all material times, subject to the jurisdiction of UKA and subject to the ADR.

### The Charge

4. IAAF Rule 32.2(g) provides as follows:

*32.2 Athletes or other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List. The following constitute anti-doping rule violations:*

...

*(g) Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.*

5. On 8 November 2011, the Athlete was charged by UK Anti-Doping with having committed an Anti-Doping Rule Violation pursuant to IAAF Rule 32.2(g). The charge explained the facts relied on in support of the allegation, the details of the charge and the consequences of an admission or proof of an Anti-Doping Rule Violation. The Athlete was Provisionally Suspended from this date.
6. In particular, the Athlete was charged with Trafficking in boldenone; clenbuterol; drostanolone propionate; human Growth Hormone; mesterolone; methandienone; methyl testosterone; nandrolone deconate; stanozolol; testosterone deconate; testosterone enthanate; testosterone propionate; trenbolone acetate; trenbolone enthanate; and trenbolone ester (the "Controlled Drugs").
7. The Controlled Drugs are each included on the World Anti-Doping Agency 2011 Prohibited List (the "Prohibited List"), in the following categories:
  - a. S1.1(a): Exogenous Anabolic Androgenic Steroids: boldenone; drostanolone propionate; mesterolone; methandienone; methyl testosterone; nandrolone deconate; stanozolol; trenbolone acetate; trenbolone enthanate; and trenbolone ester;
  - b. S1.1(b): testosterone deconate; testosterone enthanate; and testosterone propionate;
  - c. S1.2: Other Anabolic Agents: clenbuterol;
  - d. S2: Peptide Hormones, Growth Factors and Related Substances: human Growth Hormone.
8. On 18 November 2011, the Athlete admitted the charge in writing.

### **Consequences**

9. IAAF Rule provides:

#### ***40.3 Ineligibility for Other Anti-Doping Rule Violations***

*The period of Ineligibility for anti-doping rule violations other than as provided in Rule 40.2 shall be as follows:*

*(b) For violations of Rule 32.2(g) (Trafficking or Attempted Trafficking) or Rule 32.2(h) (Administration or Attempted Administration of a Prohibited Substance or Prohibited Method), the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility unless the conditions in Rule 40.5 are met.*

10. Where an Athlete is found to have committed an Anti-Doping Rule Violation under IAAF Rule 32.2(g), and such offence is the Athlete's first Anti-Doping Violation, a period of Ineligibility of between four (4) years and a lifetime must be imposed pursuant to IAAF Rule 40.3.
11. This is the Athlete's first doping offence.
12. The Athlete did not seek to rely in mitigation on IAAF Rule 40.5.
13. IAAF Rule 38.10 states:

*The Athlete may elect to forego a hearing by acknowledging in writing a violation of these Anti-Doping Rules and accepting Consequences consistent with Rule 40 as proposed by the Member. Where an Athlete accepts Consequences consistent with Rule 40 and no*

hearing occurs, the Member shall submit to the IAAF a reasoned decision explaining the action that has been taken. A decision by a Member arising from an Athlete's acceptance of Consequences under these Anti-Doping Rules may be appealed in accordance with Rule 42.

14. Based on all the evidence made available to it, including that provided by the Athlete, UK Anti-Doping specified the Consequences relating to the Anti-Doping Rule Violation to be a period of Ineligibility of four (4) years. The Athlete accepted the Consequences in writing.

#### **Disqualification of Results**

15. IAAF Rule 40.8 states:

***Disqualification of results in Competitions subsequent to Sample collection or commission of an anti-doping rule violation***

*In addition to the automatic Disqualification of the results in the Competition which produced the positive sample under Rules 39 and 40, all other competitive results obtained from the date the positive Sample was collected (whether In-Competition or Out-of-Competition) or other anti-doping rule violation occurred through to the commencement of any Provisional Suspension or Ineligibility period shall be Disqualified with all of the resulting consequences for the Athlete including the forfeiture of any titles, awards, medals, points and prize and appearance money.*

16. The Athlete's Anti-Doping Rule Violation was not committed In-Competition, and so the automatic Disqualification of results under IAAF Rules 39 and 40.1 does not apply. However, pursuant to IAAF Rule 40.8, the Athlete's results obtained between the date of the commission of the Anti-Doping Rule Violation (23 March 2011) and the date of his Provisional Suspension (8 November 2011) are Disqualified.

#### **SUMMARY**

17. Accordingly, for the reasons given above:
- a. An Anti-Doping Rule Violation under IAAF Rule 32.2(g) has been established;
  - b. The Athlete's results obtained between 23 March 2011 and 8 November 2011 are Disqualified;
  - c. A period of Ineligibility of four (4) years shall be imposed pursuant to IAAF Rule 40.3(b);
  - d. Pursuant to IAAF Rule 40.11 (a), during the period of Ineligibility, the Athlete may not participate in any Competition or activity other than in authorised anti-doping education or rehabilitation programmes, which are authorised or organised by the IAAF, or any Area Association or Member (or any Club or other member organisation of a Member) or Signatory (or Signatory's member or a club or other member organisation of a Signatory's member) or in competitions authorised or organised by any professional league or any international or national level organisation (capitalised terms having the meaning ascribed to them in the ADR).

**Dated this 29<sup>th</sup> day of November, 2011.**