

ISSUED DECISION

In the Matter of:

UK ANTI-DOPING LIMITED

and

MYROSLAV DYKUN

Relating to:

Disciplinary Proceedings under the Anti-Doping Rules of the British Wrestling Association

This is an Issued Decision as between UK Anti-Doping Limited (“UK Anti-Doping”) and Mr Myroslav Dykun (the “Athlete”) relating to an Anti-Doping Rule Violation arising from the British Wrestling Association (“BWA”) Anti-Doping Rules (the “Anti-Doping Rules” or “ADR”).

Background and Facts

1. UK Anti-Doping is the National Anti-Doping Organisation for the UK. It is responsible for managing the results of drug tests conducted under the Anti-Doping Rules of the BWA, the governing body for the sport of weightlifting in Great Britain.
2. The Athlete is a 29-year-old wrestler. He was born in Ukraine but has resided in the UK for a number of years. At all material times he was a participant in the sport of wrestling and subject to the Anti-Doping Rules.
3. On 24 March 2012, the Athlete provided an in-competition sample for doping control purposes at the British Senior Championships pursuant to the Anti-Doping Rules (the “Sample”).
4. The Sample was submitted for analysis to the Drug Control Centre, Kings’ College, London, a World Anti-Doping Agency (“WADA”) accredited laboratory (the “Laboratory”).
5. On 25 April 2012, the Laboratory reported to UK Anti-Doping that an Adverse Analytical Finding in respect methamphetamine and its metabolites had been detected in the Sample.
6. Methamphetamine and its metabolites are Prohibited Substances and included in the WADA 2012 Prohibited List (the “Prohibited List”).

The Charge

7. ADR 2 provides:

Article 2: Anti-Doping Rule Violations

Each of the acts or omissions set out in Articles 2.1 to 2.8 shall constitute an Anti-Doping Rule Violation under these Rules:

2.1 The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.

8. On 30 April 2012, UK Anti-Doping issued a Notice of Charge to the Athlete for a violation of ADR 2.1 in relation to the Adverse Analytical Finding for methamphetamine. The Athlete was also provisionally suspended with immediate effect.
9. The Notice of Charge explained the facts relied on in support of the allegations, the details of the charges, the consequences of an admission or proof of Anti-Doping Rule Violations and the procedure for analysis of the B Sample.
10. On 3 May 2012, the Athlete waived his right to B sample analysis. The Athlete also stated that: *"I admit the charges and accept the sanction. I accordingly do not want this matter to be referred to the NADP for a hearing."*
11. By way of mitigation, the Athlete claimed that he accepted some tablets offered to him by a friend in order to relieve back pain. The Athlete surmised that these tablets must have been the cause of the Adverse Analytical Finding.

Consequences

12. ADR 10.2 provides:

10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of Prohibited Substances and/or Prohibited Methods

For an Anti-Doping Rule Violation under Article 2.1 (presence of a Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of a Prohibited Substance and/or a Prohibited Method) that is the Participant's first violation, a period of Ineligibility of two years shall be imposed, unless the conditions for eliminating or reducing the period of Ineligibility (as specified in Article 10.4 and/or Article 10.5) or for increasing the period of Ineligibility (as specified in Article 10.6) are met.

13. Where an Athlete is found to have committed an Anti-Doping Violation under ADR 2.1, and such offence is the Athlete's first Anti-Doping Violation, a period of Ineligibility of two (2) years must be imposed pursuant to BWA Anti-Doping Rule 10.2 ("the Standard Sanction").
14. This is the Athlete's first doping offence.
15. The Athlete did not seek to mitigate his sanction under ADR 10.5.1 or 10.5.2.

16. ADR 7.5.4 states:

In the event that the Participant admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the NADO (or is deemed to have done so in accordance with the last sentence of Article 7.5.1), neither B Sample analysis nor a hearing is required. Instead, the NADO shall promptly issue a decision confirming the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences, shall send notice of the decision to the Participant and to each Interested Party, and shall publish the decision in accordance with Article 14.

17. The Athlete has been provisionally suspended since 30 April 2012. In accordance with ADR 10.9, the Athlete's period of Ineligibility commences on 30 April 2012 and will expire at midnight on 29 April 2014.

Disqualification of Results

18. ADR 10.8 states:

Unless fairness requires otherwise, in addition to the automatic Disqualification of results under Article 9.1 and Article 10.1, any other results obtained by the Athlete, in Competitions taking place after the date the Sample in question was collected or other Anti-Doping Rule Violation occurred, shall be Disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, points and prizes.

19. The Athlete has not competed in any competition in which he has obtained individual results, and as such ADR 10.8 does not apply.

20. The Athlete, the BWA, the FILA and the World Anti-Doping Agency have a right of appeal against this Decision or any part of it in accordance with ADR 13.

21. The disposition of these proceedings on the terms set out above will be publicly announced via UK Anti-Doping's website media release after any appeal period by third parties has expired and no appeal has been filed, or any appeal has been finalised.

SUMMARY

22. Accordingly, for the reasons given above, UK Anti-Doping has issued this Decision, pursuant to ADR 7.5.4, which records that:

- a. An Anti-Doping Rule Violation in accordance with ADR 2.1 has been established in relation to methamphetamine;
- b. A period of Ineligibility of two years shall be the consequences imposed pursuant to ADR 10.2;
- c. That period of Ineligibility is deemed to have commenced as from 30 April 2012, and will end at midnight on 29 April 2014; and
- d. The Athlete's status during this period of Ineligibility shall be as set out in ADR 10.10.

23. During the period of Ineligibility, in accordance with ADR 10.10.1, the Athlete shall not be permitted to participate in any capacity in a competition or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened or

authorised by:

- i. the BWA or by any body that is a member of, or affiliated to, or licensed by the BWA;
- ii. any Signatory (as that term is defined in the Anti-Doping Rules);
- iii. any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation; or
- iv. any professional league or any international- or national-level Event organisation.

The disposition of these proceedings on the terms set out above will be publicly announced via UK Anti-Doping's website.

Dated this 4th day of July, 2012.