

ISSUED DECISION

In the Matter of:

UK ANTI-DOPING LIMITED

and

MARK MIDDLETON

Relating to Disciplinary Proceedings brought under the Anti-Doping Rules of the British Weightlifting Association

This is an Issued Decision as between UK Anti-Doping Limited (“UK Anti-Doping”) and Mr Mark Middleton (the “Athlete”) relating to an Anti-Doping Rule Violation arising from the British Weightlifting Association (“BWLA”) 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 BWLA, the governing body for the sport of weightlifting in Great Britain.
2. The Athlete is a 32-year-old weightlifter from Surrey. At all material times he was a participant in the sport of weightlifting and subject to the Anti-Doping Rules. On 26 May 2012, the Athlete provided an in-competition sample for doping control purposes pursuant to the Anti-Doping Rules (the “Sample”). The Sample was submitted for analysis to the Drug Control Centre, Anti-Doping Science Centre, Harlow, a World Anti-Doping Agency (“WADA”) accredited laboratory (the “Laboratory”).
3. On 4 July 2012, the Laboratory reported to UK Anti-Doping that the Sample returned a testosterone/epitestosterone ratio (“T/E ratio”) of 24/1, and that IRMS analysis confirmed an Adverse Analytical Finding for exogenous testosterone and for a metabolite of methyltestosterone. Both exogenous testosterone and methyltestosterone are Prohibited Substances and included in the WADA 2012 Prohibited List (the “Prohibited List”).

The Charge

4. 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.

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.”

5. On 12 July 2012, UK Anti-Doping issued a Notice of Charge to the Athlete for violations of ADR 2.1 and 2.2 in relation to the findings of exogenous testosterone and methyltestosterone in the Sample. The Athlete was also provisionally suspended with immediate effect.
6. 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.
7. On 16 July 2012, the Athlete confirmed in writing that he did not require analysis of the ‘B Sample’ and did not wish to challenge the provisional suspension. On 23 July 2012, the Athlete confirmed that he did not require a hearing of the matter, and would accept a sanction in accordance with ADR 7.5.4.

Consequences

8. 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.”

9. Where an Athlete is found to have committed an Anti-Doping Violation under ADR 2.1 or 2.2, and such offence is the Athlete’s first Anti-Doping Violation, a period of Ineligibility of two (2) years must be imposed pursuant to ADR 10.2 (“the Standard Sanction”).
10. This is the Athlete’s first doping offence. The Athlete did not seek any mitigation of sanction under ADR 10.5.1 or 10.5.2. The Standard Sanction must therefore be imposed.
11. Although the Athlete has admitted two separate Anti-Doping Rule Violations, the provisions of ADR 10.7.4 operate such that as far as Consequences are concerned, the Athlete should receive the Standard Sanction, notwithstanding that two anti-doping rule violations have been committed.

Availability of Increased Sanction

12. There is provision in ADR 10.6 for the Standard Sanction to be increased for aggravated circumstances, such as the presence of multiple prohibited substances in a sample. However, as the Athlete made a prompt admission in respect of the Adverse Analytical Findings, he avoids the application of ADR 10.6.1, and the Standard Sanction must be applied.

Decision

13. ADR 7.5.4 provides:

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.

14. The Athlete has admitted the Anti-Doping rule Violations as charged. The specified Consequences are that the Standard Sanction be imposed. All results obtained by the Athlete on 26 May 2012 are hereby disqualified pursuant to ADR 9.
15. ADR 10.8 provides:

“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.”
16. The Athlete has not competed in any competition in which he has obtained individual results: ADR 10.8 does not therefore apply.
17. The Athlete has been provisionally suspended since 12 July 2012. In accordance with ADR 10.9, the Athlete’s period of Ineligibility commences on 12 July 2012 and will expire at midnight on 11 July 2014.
18. The Athlete, the BWLA, the IWF and the World Anti-Doping Agency have a right of appeal against this Decision or any part of it in accordance with ADR 13.
19. 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

20. Accordingly, for the reasons given above, UK Anti-Doping has issued this Decision, pursuant to ADR 7.5.4, which records that:
 - a. Anti-Doping Rule Violations in accordance with ADR 2.1 and 2.2 have been established in relation to methyltestosterone and exogenous testosterone;
 - 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 12 July 2012 and will end at midnight on 11 July 2014; and
 - d. The Athlete’s status during this period of Ineligibility shall be as set out in ADR 10.10.
21. 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 BWLA or by any body that is a member of, or affiliated to, or licensed by the BWLA;
 - 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.

Dated this 3rd day of August, 2012.