

ISSUED DECISION

In the Matter of:

UK ANTI-DOPING LIMITED

and

JOHN DONNELLY

Relating to:

Disciplinary Proceedings under the Anti-Doping Rules of the British Boxing Board of Control

This is an Issued Decision as between UK Anti-Doping Limited (“UK Anti-Doping”) and Mr John Donnelly (the “Athlete”) relating to an Anti-Doping Rule Violation arising from the British Boxing Board of Control (“BBOC”) 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 BBOC, the governing body for the sport of boxing in Great Britain.
2. The Athlete is a 28-year-old boxer. At all material times he was a participant in the sport of boxing and subject to the Anti-Doping Rules.
3. On 9 November 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, Kings College London, a World Anti-Doping Agency (“WADA”) accredited laboratory (the “Laboratory”).
4. On 22 November 2012, the Laboratory reported to UK Anti-Doping an Adverse Analytical Finding for benzoylecgonine (a metabolite of cocaine) (the “Prohibited Substance”).
5. Cocaine is classified as a “Stimulant” and is listed in Section S6 of WADA’s 2012 List of Prohibited Substances (the “Prohibited List”).

The Charge

6. The Athlete does not possess a therapeutic use exemption (“TUE”) in respect of cocaine.
7. On 27 November 2012, UK Anti-Doping issued a Notice of Charge to the Athlete, charging him with a violation of ADR 2.1 in respect of the Prohibited Substance detected in the Sample (the “Charge”). The Notice of Charge explained the facts relied on in support of the Charge, the details of the Charge, the consequences of an admission or proof of the Anti-Doping Rule Violation and the procedure for analysis of the B Sample.
8. The Athlete was also provisionally suspended, effective from 27 November 2012.
9. The Charge notified the Athlete that he had until Friday 7 December to respond to the Charge. No response was received.
10. On 20 December, UK Anti-Doping issued further correspondence to the Athlete extending the deadline for a response to the Charge until 4 January 2013. The Athlete was informed that failure to respond to the Charge would result in UK Anti-Doping issuing a decision against him in accordance with the consequences specified within said Charge and in accordance with ADRs 7.5.1 and 7.5.4.
11. UK Anti-Doping subsequently obtained further contact information from the Athlete’s trainer, and on 29 January 2013 spoke to the Athlete and emailed him copies of the aforementioned letters.
12. On 4 February, the Athlete verbally confirmed that he accepted the charge and acceded to the consequences specified by UK Anti-Doping.

Consequences

13. 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.”

14. Where an Athlete is found to have committed an Anti-Doping Rule 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 ADR 10.2 (“the Standard Sanction”).
15. This is the Athlete’s first doping offence.

16. The Athlete did not seek any mitigation of sanction under ADR 10.5.1 or 10.5.2.
17. The Standard Sanction must therefore be imposed.

Decision

18. 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.

19. The Athlete is deemed to have admitted the Anti-Doping Rule Violations as charged. The specified Consequences are that the Standard Sanction be imposed.
20. Anti-Doping Rule 9.1 states:

An Anti-Doping Rule Violation committed in connection with or arising out of an In-Competition test automatically leads to the Disqualification of any individual results obtained by the Athlete in the Competition in question, with all resulting consequences, including forfeiture of any medals, titles, points and prizes.

21. The Athlete's results at the British & CBC Light Heavyweight Championships are therefore Disqualified along with any resulting consequences.
22. 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."

23. The Athlete has not competed in any competition since 9 November 2012 in which he has obtained individual results: ADR 10.8 does not therefore apply.
24. The Athlete has been provisionally suspended since 27 November 2012. In accordance with ADR 10.9, the Athlete's period of Ineligibility commences on 27 November 2012 and will expire at midnight on 26 November 2014.
25. The Athlete, BBBOC and the World Anti-Doping Agency have a right of appeal against this Decision or any part of it in accordance with ADR 13.

26. 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

27. 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 the Prohibited Substance;
 - b. A period of Ineligibility of two years shall be the consequences imposed pursuant to Anti-Doping Rule 10.2;
 - c. That period of Ineligibility is deemed to have commenced as from 27 November 2012, and will end at midnight on 26 November 2014; and
 - d. The Athlete's status during this period of Ineligibility shall be as set out in Article 10.10:

10.10 Status during Ineligibility

A Participant who has been declared Ineligible may not, during the period of Ineligibility, participate in any capacity (or, in the case of an Athlete Support Personnel, assist any Athlete participating in any capacity) in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by (a) the NGB or by any body that is a member of, or affiliated to, or licensed by the NGB; (b) any Signatory; (c) 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 (d) any professional league or any international- or national-level Event organisation. In addition, save where the Anti-Doping Rule Violation involved only a Specified Substance, some or all financial support or benefits (if any) that the NGB might have otherwise provided to the Participant shall be withheld. In addition, the NGB shall take all steps within its power to have the period of Ineligibility recognised and enforced by all relevant parties, including other Signatories pursuant to Code Article 15.4."

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

Dated this 8th day of February, 2013.