

ISSUED DECISION

In the Matter of:

UK ANTI-DOPING LIMITED

and

LAURENT IRISH

Relating to:

Disciplinary Proceedings under the Anti-Doping Rules of the England Basketball Association

This is an Issued Decision as between UK Anti-Doping Limited (“UK Anti-Doping”) and Mr Laurent Irish (the “Athlete”) relating to an Anti-Doping Rule Violation arising from the England Basketball Association (the “EBBA”) 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 EBBA, the governing body for the sport of basketball in Great Britain.
2. The Athlete is a 33-year-old basketball player with the London Lions Basketball Team (the “Club”). At all material times he was a participant in the sport of basketball and subject to the Anti-Doping Rules.
3. On 13 November 2012, the Athlete provided an in-competition sample (1100567) for doping control purposes at the EBBA match between the London Lions and the Sheffield Sharks, pursuant to the Anti-Doping Rules (the “Sample”).
4. The Sample was submitted for analysis to the Drug Control Centre, King’s College London, a World Anti-Doping Agency (“WADA”) accredited laboratory (the “Laboratory”).
5. On 28 November 2012, the Laboratory reported to UK Anti-Doping that an Adverse Analytical Finding in respect of 11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid (more commonly known as cannabis), had been detected in the Sample. Cannabis is a Prohibited Substance in-competition, and is included in Section 8 of the WADA 2012 Prohibited List (the “Prohibited List”).

The Charge

6. The Athlete did not possess, nor has he ever possessed, a therapeutic use exemption (“TUE”) in respect of cannabis. Further, UK Anti-Doping identified no apparent departures from either the International Standard for Testing, or the International Standard for Laboratories, in respect of the collection and analysis of the Sample.

7. On 3 December 2012, the Athlete was issued with a Notice of Charge by UK Anti-Doping for the commission of an Anti-Doping Rule Violation pursuant to Anti-Doping Rule 2.1. The Notice of Charge explained the facts relied on in support of the allegation, the details of the charge, the consequences of an admission or proof of Anti-Doping Rule Violation and the procedure for analysis of the B Sample.
8. The Notice of Charge also imposed a Provisional Suspension upon the Athlete, which took effect as from that date.
9. On 11 December 2012, the Athlete admitted the Charge in writing. He also waived his right to have the B Sample tested.
10. On 19 December 2012, the Athlete was interviewed by UK Anti-Doping.

Consequences

11. Anti-Doping Rule 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.

12. Where an athlete is found to have committed an Anti-Doping Rule Violation under Anti-Doping Rule 2.1, and such offence is the athlete's first Anti-Doping Rule Violation, a period of Ineligibility of two (2) years must be imposed pursuant to Anti-Doping Rule 10.2 ("the Standard Sanction").
13. This was the Athlete's first doping offence.
14. The Athlete did not seek to rely in mitigation on Anti-Doping Rule 10.5.1 or 10.5.2. However, he sought to mitigate the Standard Sanction by way of Anti-Doping Rule 10.4.
15. Anti-Doping Rule 10.4 provides:

10.4 Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specified Circumstances

10.4.1 Where the Participant can establish how a Specified Substance entered his/her body or came into his/her Possession and that such Specified Substance was not intended to enhance the Athlete's sport performance or to mask the Use of a performance-enhancing substance, and it is the Participant's first violation, the period of Ineligibility established in Article 10.2 shall be replaced with, at a minimum, a reprimand and no period of Ineligibility, and at a maximum a period of Ineligibility of two (2) years.

10.4.2 To qualify for any elimination or reduction under this Article 10.4, the Participant must produce corroborating evidence in addition to his/her word that establishes, to the comfortable satisfaction of the hearing panel, the absence of an intent to enhance the Athlete's sport performance or mask the Use of a performance-enhancing substance. The Participant's degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.

16. Cannabis is a “Specified Substance” in the Prohibited List.

Application of Article 10.4

17. The Athlete explained that he had ingested cannabis by way of smoking it. This is of course a commonplace means of ingesting cannabis and UK Anti-Doping does not dispute this explanation.
18. The Athlete also asserted that he ingested the cannabis at a time when he was out-of-competition. UK Anti-Doping accepts this assertion and in particular accepts that the explanation is consistent with the concentration of cannabis detected in the Sample, being 34.6 nanograms per millilitre.
19. UK Anti-Doping notes that cannabis is not believed to be of performance-enhancing benefit for the sport of basketball.
20. UK Anti-Doping does not therefore dispute that the Athlete had no intent to enhance performance (or mask the use of a performance-enhancing substance). UK Anti-Doping accepts the Athlete’s explanation as to his ingestion of cannabis and assertion that he was not using cannabis to cheat or gain any form of sporting advantage.

Fault and Sanction

21. Article 10.4 requires that a sanction be imposed that reflects the Athlete’s degree of fault.
22. The Athlete has explained that he resorted to smoking cannabis to alleviate stress arising from personal factors.
23. UK Anti-Doping notes that the Athlete is an experienced basketball player, having played at both amateur and professional level, and he has been subjected to previous doping controls. Furthermore, every athlete has a personal duty to acquaint themselves with their anti-doping responsibilities.
24. UK Anti-Doping has had regard to a number of cases in which a sanction has been imposed upon an Athlete arising from that Athlete’s deliberate use of cannabis. Having carefully considered such cases and the facts of this case, UK Anti-Doping believes that a period of Ineligibility of ten (10) weeks is the appropriate Consequence.
25. The Athlete promptly admitted to the Anti-Doping Rule Violation, and last competed on 25 November 2012. In accordance with Anti-Doping Rule 10.9.2, the period of ineligibility is backdated and deemed to have begun on 26 November 2012.
26. UK Anti-Doping has specified that a period of Ineligibility of ten (10) weeks is the appropriate Consequence pursuant to Anti-Doping Rule 7.5.4, beginning on 26 November 2012. The Athlete accedes to these Consequences.

Summary

27. UK Anti-Doping has therefore 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;
 - b. A period of Ineligibility of ten weeks shall be the Consequence imposed pursuant to Anti-Doping Rule 10.4;

- c. That period of Ineligibility is deemed to have commenced on 26 November 2012 and will expire at midnight on 3 February 2013; 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 17th day of January, 2013.