

ISSUED DECISION

In the Matter of:

UK ANTI-DOPING LIMITED

and

JACK GIBBS

Relating to:

Disciplinary Proceedings under the Anti-Doping Rules of the Great Britain Wheelchair Basketball Association

This is an Issued Decision as between UK Anti-Doping Limited (“UK Anti-Doping”) and Mr Jack Gibbs (the “Athlete”) relating to an Anti-Doping Rule Violation arising from the Great Britain Wheelchair Basketball Association (“GBWBA”) 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 has Results Management Authority for Anti-Doping Rule Violations under the Anti-Doping Rules of the GBWBA, the governing body for the sport of wheelchair basketball in Great Britain.
2. The Athlete is a 23-year-old wheelchair basketball competitor. At all material times he was a participant in the sport of wheelchair basketball and subject to the Anti-Doping Rules.
3. On 8 December 2012, the Athlete competed at the GBWBA match between the GLL & Aspire London Titans and Tameside Owls 1. After the competition, the Athlete was notified that he would be required to provide a urine sample for Doping Control purposes. He did not comply with this request for sample provision, citing medical and personal reasons.
4. UK Anti-Doping sent letters of investigation to the Athlete on 21 December 2012 and 17 January 2013, and spoke to the Athlete on 22 January 2013. On 23 January 2013, the Athlete, via email, admitted that he refused to provide a sample for fear that he would test positive for cannabis.

The Charge

5. 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:

2.3 Refusing or failing without compelling justification to submit to Sample collection after notification as authorized in applicable anti-doping rules, or otherwise evading Sample collection.

6. On 19 February 2013, UK Anti-Doping issued a Notice of Charge to the Athlete, charging him with a violation of ADR 2.3 (the “Charge”).
7. The Notice of Charge explained the facts relied on in support of the Charge, the details of the Charge, and the potential consequences of the Anti-Doping Rule Violation.
8. On 13 March 2013, the Athlete admitted the Charge and accepted the consequences specified in the Notice of Charge, being a period of Ineligibility of two years.

Consequences

9. ADR 10.3 provides:

“10.3 Imposition of a Period of Ineligibility for Other Anti-Doping Rule Violations

10.3.1 For an Anti-Doping Rule Violation under Article 2.3 (refusing or failing to submit to or otherwise evading Sample collection) or Article 2.5 (Tampering or Attempting to Tamper with Doping Control) 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 10.5) or for increasing the period of Ineligibility (as specified in Article 10.6) are met.”

10. Where an Athlete is found to have committed an Anti-Doping Rule Violation under ADR 2.3, 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 10.3 (“the Standard Sanction”).
11. This is the Athlete’s first doping offence.
12. The Athlete did not seek any mitigation of sanction under ADR 10.5. The Standard Sanction must therefore be imposed.

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 Violation as charged. The specified Consequences are that the Standard Sanction be imposed.

15. 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.

16. The Athlete did not compete in a Competition in which he obtained individual results. ADR 9.1 does not therefore apply.

17. 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.”

18. The Athlete has not competed in any competitions in which he has obtained individual results, and has not competed in any competitions since 7 January 2013. ADR 10.8 does not therefore apply.

19. The Athlete has not competed since 7 January 2013. In accordance with ADR 10.9, the Athlete’s period of Ineligibility is deemed to have commenced on 8 January 2013 and will expire at midnight on 7 January 2015.

20. The Athlete, GBWBA, the International Wheelchair Basketball Federation 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 2.3 has been established;
- b. A period of Ineligibility of two years shall be the consequence imposed pursuant to Anti-Doping Rule 10.3;
- c. That period of Ineligibility is deemed to have commenced as from 8 January 2013, and will end at midnight on 7 January 2015;
- 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. Pursuant to Article 10.10.4, during the period of Ineligibility the Athlete shall remain subject to Testing (and by implication, the Anti-Doping Rules); and
- f. The disposition of these proceedings on the terms set out above will be publicly announced via UK Anti-Doping's website.

Dated this 25th day of March, 2013.