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ISSUED DECISION

In the Matter of:

UK ANTI-DOPING LIMITED

and

DANIEL MALONEY

Relating to:

Disciplinary Proceedings 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 Daniel Maloney (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 BWLA, the governing body for the sport of weightlifting in Great Britain.

2. The Athlete is a 23-year-old weightlifter. At all material times he was a participant in the sport of weightlifting and subject to the Anti-Doping Rules.

3. On 24 November 2012, the Athlete competed at the BWLA Northern Open. He placed first position in the 105 kilogram class of the Event and was notified that he would be required to provide a urine sample for Doping Control purposes. He initially sought to leave the venue without providing such a sample, but was advised by the Doping Control Personnel that he was obliged to do so. He then provided a sample (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 14 December 2012, the Laboratory reported to UK Anti-Doping an Adverse Analytical Finding for epitrenbolone (as trimethylsilyl derivative dehydro-product) and 17-epitrenbolone (as trimethylsilyl derivative oxidation product) (both metabolites of trenbolone) and methandienone and 17-epimethandienone (a metabolite of methandienone) (together the "Prohibited Substances") in respect of the Sample.

6. Both trenbolone and methandienone are classified as "Anabolic Androgenic Steroids" and are listed in Section S1.1 of WADA's 2012 List of Prohibited Substances (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.*
> *...*
> *2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method."*

8. On 18 December 2012, UK Anti-Doping issued a Notice of Charge to the Athlete, charging him with violations of both ADR 2.1 and 2.2 in respect of each of the Prohibited Substances (the "Charges"). The Athlete was also provisionally suspended, effective from 18 December 2012.

9. The Notice of Charge explained the facts relied on in support of the Charges, the details of the Charges, the consequences of an admission or proof of the Anti-Doping Rule Violations and the procedure for analysis of the B Sample.

10. On 9 January 2013, the Athlete admitted the Charges, thereby accepting the accuracy of the Adverse Analytical Finding and waiving his right to B Sample analysis. The Athlete accepted the consequences specified in the Notice of Charge, being a period of Ineligibility of two years.

Consequences

11. 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."*

12. Where an Athlete is found to have committed an Anti-Doping Rule 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").

13. This is the Athlete's first doping offence.

14. 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.

15. Given that the Athlete has admitted four separate Anti-Doping Rule Violations, the provisions of ADR 10.7.4 are relevant. ADR 10.7.4 provides:

> *"10.7.4 Additional rules for certain potential multiple offences:*
>
> *a. A second Anti-Doping Rule Violation may only be considered for the purposes of imposing sanctions under Article 10.7 if the NADO can establish that the Participant committed the second Anti-Doping Rule Violation after he/she received notice, or after the NADO or its designee made a reasonable attempt to give notice, of the first Anti-Doping Rule Violation. Otherwise, the Anti-Doping Rule Violations shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction. However, the occurrence of multiple Anti-Doping Rule Violations may be considered as a factor in determining aggravated circumstances under Article 10.6."*

16. The Athlete has committed four individual Anti-Doping Rule Violations. However, because the Athlete received notice of the violations all at the same time, the operative provision of ADR 10.7.4 is:

> *"the Anti-Doping Rule Violations shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction. However, the occurrence of multiple Anti-Doping Rule Violations may be considered as a factor in determining aggravated circumstances under Article 10.6."*

17. The impact of this provision as far as Consequences are concerned is that the Athlete should receive the Standard Sanction, notwithstanding that four Anti-Doping Rule Violations have been committed. (The position vis-a-vis aggravated circumstances is addressed below).

Availability of Increased Sanction

18. There is provision in the Anti-Doping Rules for the Standard Sanction to be increased. This provision is encapsulated within ADR 10.6, which provides:

> *"10.6 Aggravating Circumstances that may Increase the Period of Ineligibility*
>
> *10.6.1 If the NADO establishes in an individual case involving an Anti-Doping Rule Violation other than under Article 2.7 (Trafficking or Attempted Trafficking) or Article 2.8 (administration or Attempted administration) that aggravating circumstances are present*

that justify the imposition of a period of Ineligibility greater than the standard period, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four years, unless the Participant can prove to the comfortable satisfaction of the hearing panel that he/she did not knowingly commit the Anti-Doping Rule Violation.

10.6.2 A Participant can avoid the application of Article 10.6.1 by admitting his/her Anti-Doping Rule Anti-Doping Rule Violation promptly after being confronted with it by the NADO."

19. The Athlete has made a prompt admission in respect of the Charges, and therefore avoids the application of ADR 10.6.1.

Decision

20. 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."

21. The Athlete has admitted the Anti-Doping Rule Violations as charged. The specified Consequences are that the Standard Sanction be imposed.

22. 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.

23. The Athlete's results at the Northern Open are therefore Disqualified, along with any resulting consequences.

24. 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."

25. The Athlete has not competed in any competition since 24 November 2012 in which he has obtained individual results. ADR 10.8 does not therefore apply.

26. The Athlete has been provisionally suspended since 18 December 2012. In accordance with ADR 10.9, the Athlete's period of Ineligibility commences on 18 December 2012 and will expire at midnight on 17 December 2014.

27. The Athlete, BWLA, the International Weightlifting 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.

28. 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

29. 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 the Prohibited Substances;

    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 18 December 2012, and will end at midnight on 17 December 2014;

    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 Athlete's results at the Northern Open are Disqualified, along with all resulting consequences, including forfeiture of any medals, titles, points and prizes; 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 27th day of February, 2013.