

## ISSUED DECISION

In the Matter of:

UK ANTI-DOPING LIMITED

and

WILLIAM REES HOLE

Relating to:

Disciplinary Proceedings under the Anti-Doping Rules of Welsh Rugby Union

This is an Issued Decision as between UK Anti-Doping Limited (“UK Anti-Doping”) and Mr William Rees Hole (the “Athlete”) relating to an Anti-Doping Rule Violation arising from the Welsh Rugby Union (“WRU”) Anti-Doping Rules (the “Anti-Doping Rules” or “ADR”).

### Background and Facts

1. At all material times the Athlete was a participant in the sport of Welsh Rugby Union, and subject to the WRU Anti-Doping Rules.
2. On 9 February 2012, the Athlete was selected to provide a sample during a squad test of Newport RFC. The Athlete provided a urine sample coded 1094698 (the “Sample”) for analysis. This was provided pursuant to the WRU Anti-Doping Rules.
3. The Sample was submitted for analysis to the Drug Control Centre at King’s College, London. The analysis revealed the presence of clenbuterol (the “Prohibited Substance”).
4. The Prohibited Substance is included in the WADA 2012 Prohibited List (the “Prohibited List”) (Section S1).

### The Charge

5. WRU Anti-Doping Rule 2 provides as follows:

#### **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.*

6. On 29 February 2012 the Athlete was charged by UK Anti-Doping with having committed an Anti-Doping Rule Violation pursuant to Article 2.1 of the WRU Anti-Doping Rules.
7. The charge explained the facts relied on in support of the allegation, the details of the charge, the consequences of an admission or proof of an Anti-Doping Rule Violation and the procedure for analysis of the B Sample.
8. On 5 March 2012, the Athlete waived his right to B sample analysis.
9. On 9 March 2012, the Athlete via his legal representative provided a submission to UK Anti-Doping, and on 23 March 2012 requested a hearing of the matter.
10. On 30 March 2012, the Athlete withdrew his request for a hearing of the matter, and confirmed that he accepted the consequences specified in the Charge.

### **Consequences**

11. WRU 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 Violation under WRU Anti-Doping Rule 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 WRU Anti-Doping Rule 10.2 ("the Standard Sanction").
13. This is the Athlete's first doping offence.
14. The Athlete did not provide mitigation of sanction under WRU Anti-Doping Rules 10.5.1 or 10.5.2.
15. Anti-Doping Rule 7.5.4 states:

*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.*

16. UK Anti-Doping has specified the Consequences relating to this Anti-Doping Rule Violation to be a two year period of Ineligibility, pursuant to WRU Anti-Doping Rule 10.2. The Athlete's status during this period will be as set out in WRU Anti-Doping Rule 10.10.

17. The Athlete has been provisionally suspended since 29 February 2012. In accordance with WRU Anti-Doping 10.9, the Athlete's period of Ineligibility commences on 29 February 2012 and will expire at midnight on 28 February 2014.

### **Disqualification of Results**

18. Anti-Doping Rule 10.8 states:

*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.*

19. The Athlete has not competed in any competition in which he has obtained individual results, and as such WRU Anti-Doping Rule 10.8 does not apply.
20. The Athlete has been provided with the details set out in this decision and agrees with the substantive provisions herein.
21. The Athlete, the WRU, the IRB and the World Anti-Doping Agency have a right of appeal against this Decision or any part of it in accordance with WRU Anti-Doping Rule 13.
22. 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**

23. Accordingly, for the reasons given above, UK Anti-Doping and the Athlete agree that:

- a. An Anti-Doping Rule Violation according to Article 2.1 been established;
- 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 29 February 2012, and will end at midnight on 28 February 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 disposition of these proceedings on the terms set out above will be publicly

announced via UK Anti-Doping's website.

**Dated this 9<sup>th</sup> day of May, 2012**