

NATIONAL ANTI-DOPING PANEL

David Phillips QC (Single Arbitrator)

B E T W E E N:

THE RUGBY FOOTBALL LEAGUE

National Governing Body

- and -

ANDREW BROCKLEHURST

Respondent

**IN THE MATER OF PROCEEDINGS BROUGHT UNDER THE 2009 ANTI-DOPING RULES OF
THE RUGBY FOOTBALL LEAGUE AGAINST ANDREW BROCKLEHURST**

FINAL DECISION OF THE ANTI-DOPING TRIBUNAL

5 November 2009

1. INTRODUCTION

- 1.1 This is the final decision of the Anti-Doping Tribunal convened under Article 8.1 of the Anti-Doping Rules of the Rugby Football League ("the Rules") to determine a charge brought against Andrew Brocklehurst ("Mr Brocklehurst") for commission of a Doping Offence in breach of Article 3.2.1 of the Rules.
- 1.2 Article 3.2.1 of the Rules makes it a Doping Offence for a player to have a Prohibited Substance present in any sample that he may give. The facts upon which the charge against Mr Brocklehurst is based can be summarised as follows. On 28 June 2009, while playing for Barrow Rugby League Club against Batley Bulldogs, Mr Brocklehurst supplied a urine sample. On examination that sample was found to contain both ephedrine and benzoylcocaine (a metabolite of cocaine). Both are Prohibited Substances.
- 1.3 This Tribunal is constituted by a single member, David Phillips QC, who has determined the matter on the documents without an oral hearing.

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- 1.4 This document constitutes the final reasoned decision of the Tribunal, reached after due consideration of the all documents placed before it.

2. RELEVANT HISTORY

- 2.1 Mr Brocklehurst was charged with a Doping Offence by letter dated 21 July 2009. The letter set out the basis of the charge against Mr Brocklehurst, namely that the sample supplied by him on 28 June 2009 contained the prohibited substances, ephedrine and cocaine. In support of that allegation the Rugby Football League has provided copies of documents setting out the analysis of the sample, including the analytical report dated 17 July 2009 and the 19 pages of accompanying documents ("the analysis documents").
- 2.2 The letter of 21 July 2009 imposed on Mr Brocklehurst a provisional suspension with effect from 21 July 2009. Since that date Mr Brocklehurst has been ineligible to participate in (amongst other things) Ruby Football League competitions, events, or activities.
- 2.3 In an e-mail dated 22 July 2009 Dean Harman (the operations manager of the Rugby Football League) reported a conversation that he had had with Mr Brocklehurst. He said (amongst other things) –

I've just spoken to Andrew...to talk about his positive test. He was expecting it to be positive for cocaine as he took it before the game socially. He was surprised that ephedrine was in his system and has no idea how that got there.

- 2.4 On 1 October 2009 this Tribunal made directions that unless either party requested an oral hearing the matter would be determined on paper. No such oral hearing has been requested.
- 2.5 No direct communication has been received from Mr Brocklehurst. He has not submitted any written representations and had taken no active part in the proceedings.

3. THE TRIBUNAL'S DECISION

- 3.1 The Tribunal notes that Mr Brocklehurst has not denied or sought to contest the charge made against him or to put in issue any of the matters set out in the letter of 21 July 2009. The Tribunal further notes that Mr Brocklehurst has not sought to argue that any circumstances exist that might entitle the Tribunal to mitigate the period of 2 years ineligibility that must otherwise be imposed if the charge is found to be established.
- 3.2 Having considered the letter of 21 July 2009, the e-mail of 22 July 2009, and the analysis documents the Tribunal is comfortably satisfied that the Rugby Football League has proved that Mr Brocklehurst has committed the Doping Offence charged in the letter of 21 July 2009. The Tribunal therefore finds that charge proved.
- 3.3 In the absence of any circumstances that would entitle the Tribunal to do otherwise it must impose a period of ineligibility of 2 years for the Doping Offence of which Mr Brocklehurst

has been convicted. Mr Brocklehurst has not argued that such circumstances exist. The Tribunal finds that they do not.

- 3.4 The Tribunal therefore directs that Mr Brocklehurst shall have imposed on him a period of ineligibility of 2 years. That period shall commence on 21 July 2009 and shall expire at midnight on 20 July 2011. During the period of Ineligibility Mr Brocklehurst shall not be permitted to participate in any capacity in a competition or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened or authorised by the Rugby Football League or by any body that is a member of, or affiliated to, or licensed by the Rugby Football League.

4. **SUMMARY**

- 4.1 Accordingly, for the reasons given above, the Tribunal makes the following decision:

- (i) A Doping Offence contrary to article 3.2.1 of the of the Anti-Doping Rules of the Rugby Football League has been established;
- (ii) Mr Brocklehurst shall have imposed on him a period of ineligibility of 2 years, commencing on 21 July 2009 and expiring at midnight on 20 July 2011..

5. **RIGHTS OF APPEAL**

- 5.1 Mr Brocklehurst has a right of appeal against this decision. Any appeal must be filed within 21 days of the receipt of this decision.



David Phillips QC