



Decision

by

the FIBA Disciplinary Panel established in accordance with
Article 8.1 of the
FIBA Internal Regulations governing Anti-Doping
in the matter

Ramel Allen
(born 5 June 1979)

hereafter:
(“the Player”)

(Nationality: U.S.A.)

Whereas, the Player underwent an in-competition doping test organised by the Uruguayan Anti-Doping Agency (“URU-NADO”) on 8 March 2012 in Montevideo, Uruguay;

Whereas, the analysis of the Player's sample (No: 2613692) was conducted at the WADA-accredited Laboratory in Madrid, Spain (“Laboratory”). On 11 May 2012 the Laboratory entered into the Anti-Doping Administration & Management System (ADAMS) that the analysis of the sample with the above-mentioned number showed the presence of the prohibited substance “S6, *Stimulants/methylhexaneamine (dimethylpentylamine)*” which is included in the 2012 WADA List of prohibited substances;

Whereas, shortly after the doping control the Player's contract with the Uruguayan club Bohemios BC expired and he joined the club Marinos de Anzoalegui in Venezuela, where he played from 25 March 2012 until 9 May 2012;

Whereas, on 14 May 2012 the URU NADO attempted to notify the Player regarding the adverse analytical finding and his right to request the B sample analysis, by serving a letter to the Player's former club Bohemios BC;

Whereas, on 21 May 2012 the Player was informed by a member of the club Bohemios BC, as follows:

*"ramell you had a positive test druugs in uruguay i went this friday with the president to the guberment organitation. i dont know which was the substance but you have one bann for 2 year in uruguay no worried it is only for here nowere elst."
(sic)*

Whereas, on 2 July 2012 and in the absence of the Player, the URU NADO decided to impose a sanction of 2 years on the Player ("the URU Decision") and informed accordingly the Basketball Federation of Uruguay ("FUBB");

Whereas, on 9 July 2012, the FUBB informed FIBA of the sanction imposed on the Player;

Whereas, on 11 July 2012, the FUBB informed FIBA Americas and FIBA regarding the case of the Player and of another foreign player who tested positive in Uruguay during the same season, as follows:

"The [FUBB] did not sanction any player. The sanction was applied by the state laboratory that belongs to the Ministry of Tourism and Sport of Uruguay and does not allow these players to play in Uruguay only. As [FUBB] we have no means of contacting these players"

Whereas, in the period September – October 2012, the Player negotiated a contract with clubs in Mexico and Venezuela but was informed that he could not play in such countries due to the sanction in Uruguay;

Whereas, on 3 October 2012 the Player wrote to FIBA as follows:

"I am writing this email as a result of our conversation over the positive doping result from a test I took in February while playing in Uruguay. I was notified of a ban that was imposed by the LUBB (Uruguayan League) that was for 2 years. I was originally told that this ban was only for Uruguay but after receiving a contract offer from a Mexican (LNBP) team I was told this ban was to be for any FIBA league in the world, and thus I wouldn't be able to play in Mexico. I would like to be heard and attempt to clear my name and the ban itself. Thank you for your time in response to this correspondence."

Whereas, on 4 October 2012, FIBA acknowledged receipt of the Player's letter and requested his full contact information, which was provided by the Player on the same day;

Whereas, on 15 October 2012, FIBA informed the Player that, in view of his not being informed about the adverse analytical finding at an earlier stage of the results management process, he was invited *"to request in writing and within ten (10) days of the receipt of this communication the analysis of bottle B at your own cost. This analysis shall be carried out at the same laboratory (in Madrid, Spain) by different people from those who carried out the analysis of bottle A. The cost of this analysis will be 311,04 euros."*;

Whereas, the Player did not request the analysis of the B sample;

Whereas, by letter dated 26 October 2012 FIBA informed the Player that the FIBA Disciplinary Panel would decide whether and to what extent a sanction should be imposed upon him for the purposes of FIBA competitions. In the same letter, the Player was informed about his right to be

heard either in person (for which a hearing in FIBA's headquarters in Geneva would have to be organised) or via telephone conference on 7 November 2012;

Whereas, on the same day the Player confirmed his preference to and participation in a hearing by telephone conference. On 6 November 2012 the Player also confirmed that he would attend the telephone conference in the new scheduled date, namely on 8 November 2012;

Whereas, on 8 November 2012 the Player – assisted by his mother, Mrs Allen – was heard via telephone conference by a FIBA Disciplinary Panel composed of Dr. Wolfgang Hilgert, member of FIBA's Legal Commission and of Dr. Peter Harcourt, Chairman of FIBA's Medical Commission. Ms. Virginie Alberto, FIBA Anti-Doping Officer as well as Mr. Andreas Zagklis, FIBA Legal Advisor, were also in attendance;

Whereas, in his submissions the Player stated that:

- he did not contest the result of the analysis;
- he admitted and apologised for the violation;
- he joined the club Bohemios BC in Uruguay in December 2011. Soon after he started playing for Bohemios BC he realised that he had lost 8 pounds in weight;
- due to a family problem he had to return home in the USA on 20 January 2012, where he stayed for five days. During his stay in New York he visited a supplement store called GNC, where he had been buying supplements for the last 3 years. He asked the same salesman that was always servicing him for a creatine supplement which would help him in weight-lifting exercises. Upon the salesman's recommendation, he bought "Overdose Redux by NRG-X Labs" because it contains only "creatine, BCAA and electrolytes along with pure & natural Geranium Maculatum";
- his team was travelling a lot for games and did not have time to start working out with weights until the end of February 2012. He took the supplement for two weeks (a scoop

- dissolved in water before weight exercise) but stopped using it in early March, because it "made him nauseous" and "upset his stomach";
- he has played professionally for 7 years and passed 3 or 4 doping controls without problems in various leagues in the world. However, he has not received any anti-doping education and could not possibly imagine that a creatine supplement with pure ingredients would cause a positive finding;
 - he was "completely unaware of any banned substances in the supplement";
 - his club did not provide him with anti-doping information and had no team doctor present in trainings and matches. The team was accompanied by a kinesiologist/physiotherapist;
 - he did not have an intention to enhance his sport performance and did not take the supplement in connection with basketball trainings or games. He only used the supplement to gain weight;
 - he researched the supplement on the internet and found the link between geranium and methylhexaneamine only after he had received the information on his adverse analytical finding;
 - he has not participated in any competitions since the suspension was imposed by URU-NADO;
 - he does not do drugs or drink alcohol, he is not a cheater and that this was his first anti-doping rule violation in his long career;

Whereas, the Player's mother testified during the hearing, confirmed the Player's statements and added that the mention of "Geranium" on the supplement label did not allow them to spot the prohibited substance (methylhexaneamine) because it is listed under a different name on the WADA Prohibited List;

Now, therefore, the Panel takes the following:



DECISION

A period of six (6) months' ineligibility, i.e. from 2 July 2012 to 1 January 2013, is imposed on Mr. Ramel Allen.

Reasons:

1. Article 2.1 of the FIBA Internal Regulations governing Anti-Doping ("FIBA ADR") reads as follows:

“ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

Players and other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.

The following constitute anti-doping rule violations:

2.1 The presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample.

2.1.1 It is each Player's personal duty to ensure that no Prohibited Substance enters his or her body. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping violation under Article 2.1. [...]

2. The Player has committed an anti-doping-rule violation pursuant to Article 2.1 of the FIBA ADR since methylhexaneamine (demethylpentylamine), a prohibited substance listed in WADA's 2012 Prohibited List (the "2012 Prohibited List") under letter S.6.b (Specified Stimulants) was found in his urine sample. This fact remained uncontested.
3. According to Article 10.2 of the FIBA ADR

“The period of Ineligibility imposed for a violation of Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers), [...] shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided in Article 10.6, are met:

First violation: Two (2) years' Ineligibility.”

4. According to Article 10.4 of the FIBA ADR:

“Where a Player or other Person can establish how a Specified Substance entered his or her body or came into his or her possession and that such Specified Substance was not intended to enhance the Player’s sport performance or mask the use of a performance-enhancing substance, the period of Ineligibility found in Article 10.2 shall be replaced with the following:

First violation: At a minimum, a reprimand and no period of Ineligibility from future Events, and at a maximum, two (2) years of Ineligibility.

To justify any elimination or reduction, the Player or other Person must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of intent to enhance sport performance or mask the use of a performance enhancing substance. The Players or other Person’s degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.”

5. The Panel notes that the Player admitted the violation from the outset. He was straightforward in his submissions to the Panel; in particular the circumstances under which he decided to buy Overdose Redux by NRG-X Labs, *why* and for *how long* he used it. The Panel has also reviewed the print-out from the supplement's website, listing its ingredients, and has found that it indeed contains "Geranium Maculatum", which is the commercial name of the substance methylhexanamine (see also FIBA DP decision of 11 November 2010 in the matter of Elmedin Kikanovic). Further, the argument regarding weight gain is plausible given the Player's size (2.10m, 103kgs – see www.eurobasket.com) and the fact that the supplement contains mainly creatine, a permitted substance frequently used by athletes to assist their work-

out with weight, and is also marketed as a pre-work-out supplement. The Panel finds on the basis of the above evidence that Article 10.4 of the FIBA ADR is applicable to this case.

6. On the other hand, the Panel finds that the Player, a 33-year professional who has played professional basketball for 7 years and therefore has had sufficient exposure to professional basketball through his career, was indeed negligent in (a) purchasing and using the product upon recommendation of a supplement-store salesman, even if he trusted this person more than an average salesman, and (b) failing to research the ingredients of the supplement before using it. The fact that the club did not provide any anti-doping education or support to the Player has been taken into account by the Panel; however, such arguments are not capable of absolving the Player from any responsibility.
7. In view of the circumstances of this case, the Player's degree of fault and the jurisprudence of this Panel in similar cases involving the same substance (see *ex multis* decision of 17 April 2012 in the case of Enver Soobzokov and decision of 17 September 2012 in the case of Milka Bjelica), the Panel decides that it is appropriate to impose a sanction of six (6) months on the Player.
8. The Panel deems it appropriate pursuant to Article 10.9 of the FIBA ADR that the period of ineligibility is to start on 2 July 2012, i.e. the date of the URU Decision, since the Player has not participated in any competitions ever since.
9. This decision is subject to an Appeal according to the FIBA Internal Regulations governing Appeals as per the attached "Notice about Appeals Procedure".

Geneva, 20 November 2012

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de Basketball



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On behalf of the FIBA Disciplinary Panel

Dr. Wolfgang Hilgert

President of the Disciplinary Panel