

Issued Decision

UK Anti-Doping and Paul Supple

3 September 2013

Disciplinary Proceedings under the Anti-Doping Rules of the British Weightlifting Association

This is an Issued Decision as between UK Anti-Doping Limited and Mr Paul Supple relating to an Anti-Doping Rule Violation arising from the British Weightlifting Association Anti-Doping Rules.

Background and Facts

1. The British Weightlifting Association (“BWLA”) is the governing body for the sport of weightlifting in Britain. UK Anti-Doping Limited (“UK Anti-Doping”) is the National Anti-Doping Organisation for the United Kingdom. It is responsible for managing the results of drug tests conducted under the BWLA Anti-Doping Rules (the “Anti-Doping Rules” or “ADR”).
2. Mr Paul Supple (the “Athlete”) is a forty-two (42) year old weightlifter. On 4 July 2013, he provided an Out-of-Competition sample for doping control purposes, pursuant to the ADR (the “Sample”).
3. The Sample was submitted for analysis to the Drug Control Centre, King’s College London, a World Anti-Doping Agency (“WADA”) accredited laboratory (the “Laboratory”). On 25 July 2013, the Laboratory reported that Adverse Analytical Findings for 2-hydroxymethyl-17-alpha-methyl-5-alpha-androstan-3,xi,17-beta-triol, 2-hydroxymethyl-17-methyl-5-alpha-androstan-3,17-diol and 3-alpha,17-beta-dihydroxy-17-alpha-methyl-5-alpha-androstane, all of which are metabolites of the prohibited substance oxymetholone (the “Prohibited Substance”), had been made in respect of the Sample.
4. Oxymetholone is classified as an Anabolic Agent and is listed under S1.1a of WADA’s 2013 List of Prohibited Substances (the “List”).
5. On 29 July 2013, the Athlete was issued with a Notice of Charge (the “Charge”) by UK Anti-Doping for the commission of Anti-Doping Rule Violations (“ADRVs”) pursuant to ADR Articles 2.1 (Presence of a Prohibited Substance in an Athlete’s Sample) and 2.2 (Use by an Athlete of a Prohibited Substance). The Charge explained the facts relied on in support of the allegations, the details of the charges, the consequences of an admission or proof of the ADRVs, and the procedure for analysis of the B Sample. It also provided the Athlete with a time limit of 5 August 2013 to request analysis of his B Sample and 9 August 2013 within which to respond to the Charge, and outlined the consequences of failing to provide a response by this date pursuant to ADR Article 7.5.1. The Charge was sent by courier to the Athlete, and signed for by “Supple C” at 08.06 on 30 July 2013.
6. The Athlete did not provide a response by the date specified in the Charge (Friday 9 August 2013). UK Anti-Doping attempted to contact the Athlete by telephone on 13 and 14 August 2013. On both occasions, messages were left for the Athlete to contact UK Anti-Doping. On 14 August 2013, UK Anti-Doping re-issued the Charge to the Athlete by recorded delivery post, providing an extended

deadline of 23 August 2013 for responding to the Charge. When delivery was attempted, nobody was available to sign for the Charge. A note was left informing the Athlete of attempted delivery, and advising him to retrieve the Charge from the designated sorting office. On 19 August, UK Anti-Doping again attempted to contact the Athlete by telephone, but was unable to do so. A message was left requesting the Athlete to contact UK Anti-Doping as a matter of urgency.

7. No response was provided by the Athlete by the extended deadline of 23 August 2013 or at all.
8. ADR Article 7.5.1 provides:

“provided that if the Participant wishes to exercise his/her right to a hearing, he/she must submit a written request for such a hearing so that it is received by the RMA as soon as possible, but in any event within ten (10) days of the Participant’s receipt of the Notice of Charge. The request must also state how the Participant responds to the charge in the Notice and must explain (in summary form) the basis for such response. In the event no such response is received by that deadline, the Participant will be deemed to have admitted the Anti-Doping Rule Violation(s) charged, and have acceded to the Consequences specified in the Notice of Charge.” (emphasis added)

9. Pursuant to ADR Article 7.5.1, the Athlete is deemed to have admitted the ADRVs charged and acceded to the Consequences.
10. This decision is therefore issued pursuant to ADR Article 7.5.1.

Consequences

11. ADR Article 10.2 provides:

“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. In other words, where an Athlete is found to have committed an ADRV under ADR Article 2.1 or 2.2 (as in this case), and such offence is the Athlete’s first ADRV, a period of Ineligibility of two (2) years must be imposed pursuant to ADR Article 10.2 (“the Standard Sanction”).
13. This is the Athlete’s first ADRV.
14. The Athlete did not seek any mitigation of the Standard Sanction under ADR Article 10.5.1 or 10.5.2. ADR Article 10.4 does not apply in this matter because the substance involved is not a Specified Substance.
15. There is no reason for the Standard Sanction to be increased pursuant to ADR Article 10.6.

16. The Athlete is deemed to have admitted the ADRVs as charged. The specified Consequences are that the Standard Sanction be imposed.
17. ADR Article 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.”
18. The Athlete did not compete in a Competition in which he obtained individual results. ADR Article 9.1 therefore does not apply.
19. ADR Article 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.”
20. The Athlete has not competed in any competition since 4 July 2013 in which he has obtained individual results. ADR Article 10.8 therefore does not apply.

Summary

21. UK Anti-Doping has issued this Decision pursuant to ADR Article 7.5.1, which records that:
 - 21.1 Anti-Doping Rule Violations pursuant to ADR Articles 2.1 and 2.2 have been committed;
 - 21.2 A period of Ineligibility of two (2) years shall be the Consequence imposed pursuant to ADR Article 10.2;
 - 21.3 That period of Ineligibility is deemed to have commenced on 29 July 2013, and will end at midnight on 28 July 2015;
 - 21.4 The Athlete’s status during this period of Ineligibility shall be as set out in ADR Article 10.10; and
 - 21.5 Pursuant to ADR Article 10.10.4, during the period of Ineligibility the Athlete shall remain subject to the Anti-Doping Rules.
22. The disposition of these proceedings on the terms set out above will be publicly announced via UK Anti-Doping’s website.
23. This Decision may be appealed by the Athlete, BWLA, the International Weightlifting Federation and WADA.

Dated this 3rd day of September, 2013.