

Irish Sport Anti-Doping Disciplinary Panel

In the Matter of the Athletics Association of Ireland and Athlete IS-1514

DECISION

1. **WHEREAS** The Irish Sports Council, by letter of 5th August 2004, referred to the Irish Sport Anti-Doping Disciplinary Panel (“the Panel”) alleged Anti-Doping Rule Violations involving Mr IS-1514, an Irish Track Athlete, who competes in the [...] and [...] metre disciplines. Enclosed with the letter were twenty-six documents identified in the schedule thereto comprising *inter alia* evidence of the alleged violations. A copy of the said letter with the identical schedules and documents were also sent, by the Irish Sports Council, on the same date, to Mr IS-1514 and The Athletics Association of Ireland (“the Association”).

2. **WHEREAS** it was alleged in the said letter 5th August 2004 that Mr IS-1514 had committed the following Anti-Doping Rule violations:
 - (i) the presence of a Prohibited Substance namely Erythropoietin (EPO) or its Metabolites or Markers in his bodily specimen contrary to Article 2.1 of the Anti-Doping Rules (“the Rules”);
 - (ii) use of a Prohibited Substance namely Erythropoietin (EPO) contrary to Article 2.2 of the Rules;
 - (iii) attempted use of a Prohibited Substance namely Erythropoietin (EPO) contrary to Article 2.2 of the Rules.

3. **WHEREAS** by letter of the 10th August 2004 the Panel informed Mr IS-1514 that it had received the complaint from The Irish Sports Council and was investigating the same and further asked Mr IS-1514 to inform it if he wished to have a hearing by the Panel as to whether any of the alleged violations had occurred or whether he accepted the allegations contained in the said letter of 5th August 2004.
4. **WHEREAS** on the 10th August 2004, the Association forwarded to the Panel a copy of a letter of that date sent by Mr IS-1514 to the Association in which *inter alia* Mr IS-1514 confirmed that he would be co-operating fully with the Irish Sports Council and wished the matter to be brought to a swift conclusion. Mr IS-1514 further confirmed in the letter that it was not his intention to require an analysis of the “B” sample (being the second sample of the bodily specimen provided by him on [...] July 2004) and that he would forego his right to a hearing under the Rules by acknowledging his violation of the Rules.
5. **WHEREAS** by letter of the 11th August 2004 the Panel informed Mr IS-1514 that it had received a copy of his said letter to the Association and pointed out that it was necessary for Mr IS-1514 to communicate directly with it in response to the Panel’s letters of the 10th and 11th August and to inform the Panel whether he wished a hearing with regard to the allegations or to the sanction.
6. **WHEREAS** Mr IS-1514 by e-mail of 11th August 2004, confirmed by letter of the same date, referred to the Panel’s said letters and confirmed that he wished to forego a hearing in the matter under Article 8.3.5 of the Rules and further confirmed that he wished to forego a hearing in regard to sanction and that he accepted the sanction provided for under Article 10.2 of the Rules.
7. **WHEREAS** the Panel has noted the aforesaid admission, and acceptance, by Mr IS-1514 and his decision to forego a hearing and has, considered the

evidence furnished to them by the Irish Sports Council, the Association, and the correspondence from Mr IS-1514.

8. **WHEREAS** the Panel considers that in the circumstances of this case the alleged Rule violations (ii) and (iii) specified in Paragraph 2 hereof constitute alternative charges.

NOW IT IS HEREBY DETERMINED by the Panel that, in the light of the uncontradicted evidence presented to them and, in particular, the evidence from the Drug Control Centre at King's College London confirming the presence of Erythropoietin, (consistent with authentic recombinant human EPO and inconsistent with normal endogenous production) in a specimen of Mr LS-1514's urine collected in Out of Competition Testing on [...] July 2004 and Mr IS-1514's aforesaid admission, and acceptance, it has been established to its comfortable satisfaction that Mr IS-1514 has committed a violation under Article 2.1 of the Rules in that there was present in his bodily specimen taken on [...] July 2004 a Prohibited Substance namely EPO, and a violation of Article 2.2 of the Rules by using the said Prohibited Substance.

NOW IT IS FURTHER DETERMINED by the Panel that in the circumstances the sanction of a period of two (2) years' ineligibility provided for by Article 10.2 of the Rules should be imposed on Mr IS-1514 in respect of each of the aforesaid violations to run concurrently and that Mr IS-1514 having been provisionally suspended on 10th August 2004 the period of ineligibility shall commence as of that date.

Dated the 12th day of August 2004

Paul Gallagher

Signed on behalf of the Panel by

Paul Gallagher S.C.

Chairman