

IRISH SPORT ANTI-DOPING DISCIPLINARY PANEL

In the Matter of Disciplinary Proceedings

involving Athlete IS-1515

DECISION

1. **WHEREAS** by letter of the 18th October 2005 the Irish Sports Council (“ISC”) informed the Athlete (“Mr IS-1515”), an athlete engaged in the sport of rugby, that a sample of urine collected from him in In Competition Testing on [...] October 2005 tested positive for a Prohibited Substance, namely Nor-delta-9 tetrahydrocannabinol-9-carboxylic acid, a cannabinoid. Enclosed with the letter were documents identified in the Schedule comprising *inter alia* the evidence of the alleged violation. A copy of the letter with identical schedules was sent to the Panel.
2. **WHEREAS** it was alleged that Mr IS-1515 had accordingly violated Article 2.1 of the Irish Anti-Doping Rules (“the Rules”) which prohibits the presence of a Prohibited Substance or its Metabolites or Markers in an athlete’s bodily specimen.
3. **WHEREAS** Mr IS-1515 was provisionally suspended as and from the 19th October 2005 and there was no appeal against the same.
4. **WHEREAS** Mr IS-1515 through his solicitor by letter of 25th October 2005 informed the Panel that he accepted at the very outset the result of the adverse analytical finding and the violation of the Rules and expressed his deep regrets that the incident had taken place.

5. **WHEREAS** the Panel issued an Order for Directions on the 4th November 2005 providing directions for the Hearing and duly received submissions from both the Irish Rugby Football Union (“IRFU”) and Mr IS-1515.
6. **WHEREAS** the Hearing took place on the 11th November 2005 at which Mr IS-1515 and the IRFU were both represented by their solicitors. Both parties made full submissions to the Panel through their solicitors and Mr IS-1515 gave evidence before the Panel.
7. **ACCORDINGLY**, having read the submissions and evidence referred to and fully considered the same, the Panel **DETERMINED** that Article 10.3 of the Rules applied on the basis that Mr IS-1515 had established that the use of the Specified Substance in the circumstances was not intended to enhance his sporting performance in the sporting activity in which he participated. The Panel **FURTHER DETERMINED**, having regard to the circumstances of the case, and in particular the fact that Mr IS-1515 would suffer very serious consequences as a result of the violation, apart from any penalty imposed by the Panel, that he should be suspended for a period of two months to date from the 19th October 2005. In determining this was the appropriate period of suspension in the circumstances the Panel had regard in particular to the financial and reputational consequences for Mr IS-1515 of the violation and the number of important rugby games he would miss during the period of his ineligibility. The full reasons for this Determination are contained in the Panel’s Judgment set out in the Transcript of the Hearing.

Dated the 21st day of December 2005

**Signed on behalf of the Panel by
Paul Gallagher S.C.
Chairman**