

**IRISH SPORT ANTI-DOPING DISCIPLINARY PANEL**

**In the Matter of Disciplinary Proceedings involving**

**Athlete IS-1520**

**DECISION**

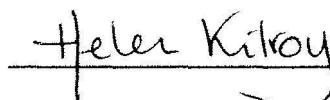
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1. **WHEREAS** by letter dated the 21<sup>st</sup> day of October 2009 the Irish Sports Council ("ISC") informed Mr [...] (" IS-1520 "), an athlete engaged in the sport of soccer, that a sample of urine collected from him in In-Competition Testing on [...] 2009 tested positive for a Prohibited Substance, namely carboxy – THC a cannabinoid. The Prohibited Substance was found in a concentration of [52.8 ng/mL], in excess of the prescribed threshold of 15 ng/mL. 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 on the 21<sup>st</sup> day of October 2009.
2. **WHEREAS** it is alleged that Mr IS-1520 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** the Football Association of Ireland ("the FAI") decided not to provisionally suspend Mr IS-1520.
4. **WHEREAS** Mr IS-1520 by letter dated the 2<sup>nd</sup> day of November 2009 admitted the violation.
5. **WHEREAS** the Panel issued Orders for Directions on the 11<sup>th</sup> day of November 2009 providing directions for the Hearing.
6. **WHEREAS** the Hearing took place on the 8<sup>th</sup> day of December 2009 at which Mr IS-1520 represent Ted himself and the FAI were represented by David Casserly BL. The FAI gave full submissions to the Panel through their barrister and Mr IS-1520 gave evidence before the Panel. The Panel carefully considered the evidence given, submissions made and the full remit of the Rules and in particular:
  - The circumstances of Mr IS-1520's use of the Specified Substance and the possible application of Article 10.3 of the Rules to eliminate or reduce the period of ineligibility for a violation,

- Mr IS-1520's regret for what had occurred and his age at the date of the violation,
- The nature of Mr IS-1520's personal circumstances since the date of the violation,
- The Panel's jurisdiction to impose the range of sanctions set out in Article 10.3,
- The nature of the Irish Sport's Council's reporting obligations under Article 15.2 of the Rules and of FIFA under Article 68 of their Anti-Doping Regulations,
- The Panel's jurisdiction under Article 8.2.1 of the Rules to determine all matters before it including the form of publication of its decision.

7. **ACCORDINGLY**, having heard the oral 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-1520 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 particular circumstances of the case, (including the date and circumstances in which the cannabinoid was taken by Mr IS-1520 which gave rise to the level of the Specified Substance found in Mr IS-1520's sample, Mr IS-1520's age at the date of the violation, Mr IS-1520's admission of the violation prior to the Hearing and his expression of regret for the violation) the Panel determined that the appropriate sanction in this case was a three month ban, commencing on 2 November 2009 (the date the violation was admitted), on the basis that any future violation by Mr IS-1520 would carry a mandatory two year period of ineligibility. The Panel **FURTHER DETERMINED** that the publication of its decision (by the Irish Sports Council) should include Mr IS-1520's name and identify that the prohibited substances taken was a cannabinoid.

Dated the 23<sup>rd</sup> day of December 2009



Signed on behalf of the Panel by  
Helen Kilroy, Solicitor  
Chairman