

IRISH SPORT ANTI-DOPING DISCIPLINARY PANEL

In the Matter of Disciplinary Proceedings involving

Athlete IS-1527

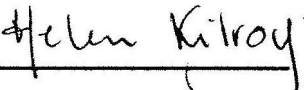
DECISION

1. **WHEREAS** by letter dated the 29th day of June 2011 the Irish Sports Council ("ISC") informed Mr IS-1527 (" [...] "), an athlete engaged in the sport of Motorcycling, that a sample of urine collected from him in In-Competition Testing on [...] 2011 tested positive for a Prohibited Substance, namely carboxy-THC (tetrahydrocannabinol) ("THC"), a cannabinoid. The Prohibited Substance was found in a concentration of 30 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 26th day of June 2011.
2. **WHEREAS** it was alleged that Mr IS-1527 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-1527 was provisionally suspended by his National Governing body ("NGB"), the Motor Cycling Union of Ireland, as and from the 26th day of June 2011 and there was no appeal against the suspension.
4. **WHEREAS** Mr IS-1527 admitted the violation by letter dated 3 July 2011.
5. **WHEREAS** the Hearing took place on the 20th day of July 2011 at which Mr IS-1527 attended alone and the NGB was represented by their solicitor Mr Ray Quinn and Anti Doping Officer Mr Bernard Keller. Mr IS-1527 gave evidence before the Panel and the NGB made submissions. The evidence adduced and those submissions addressed in particular:
 - Mr IS-1527's prompt admission of the violation;
 - Mr IS-1527's regret for what had occurred;

- the circumstances of Mr IS-1527's use of the Specified Substance and the possible application of Article 10.3 of the Rules;
- the Panel's jurisdiction to impose the range of sanctions as set out in Article 10.3 in the event of Mr IS-1527 adducing relevant corroborating evidence and the proffering of such evidence (in written format from a Dr Braithwaite) by the NGB for Mr IS-1527 ;
- the submission of the NGB that any period of ineligibility should be (a) at the upper end of the two year limit given that the sport is a high speed, high risk sport where competitors are racing in close proximity to each other on a continual basis and (b) operative during the competitive racing season (which is from March to October each year) as opposed to in the off season;
- a prior precedent decision of a different Panel giving a motorcycle race competitor a period of 12 months of ineligibility from the hearing date and a financial penalty that any prize money earned in the subsequent 12 months period be paid to the NGB to defray costs.

7. **ACCORDINGLY**, having heard the oral submissions and evidence referred to and fully considered same, the Panel **DETERMINED** that Article 10.3 of the Rules applied on the basis that Mr IS-1527 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, that the appropriate sanction in this case was a period of ineligibility for the competitive seasons of 2011 and 2012 (which expires on 31 October 2012), which is an effective ban (from the date of the violation) of 12 months and 20 days. The Panel **FURTHER DETERMINED** that the NGB should make renewed efforts to educate its members about the dangers of using Prohibited Substances.

Dated the 28th day of July 2011



**Signed on behalf of the Panel by
 Helen Kilroy, Chairperson**