

IRISH SPORT ANTI-DOPING DISCIPLINARY PANEL

IN THE MATTER OF IS-1528

, ATHLETE

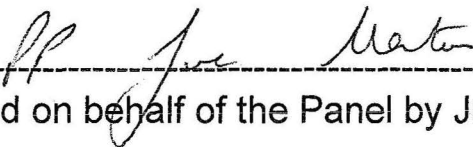
DETERMINATION

1. The Irish Sports Council notified Mr. IS-1528 on the, 8th October, 2010, of an alleged first violation by him of Article 2.1 of the Irish Anti-Doping Rules. The Motor Cycling Union of Ireland, being the national governing body of his sport, were also notified.
2. By letter to the Irish Sports Council, dated the 12th October, 2010, the athlete admitted the allegation. A copy of this letter is appended hereto.
3. The athlete was provisionally suspended by the Motor Cycling Union of Ireland, with effect from the 8th October 2010.
4. The Panel, comprising the undersigned, as chair, Mr. Sean McCague, Sports Administrator and Mr. Martin Walsh, Medical Doctor, convened on the 17th January, 2011, to hear and determine the consequences of the admitted violation of the Irish Anti-Doping Rules. The panel had earlier convened on 13th December, 2010, on which date the Athlete failed to appear in a timely manner. The Athlete apologised for this, explaining that he had been delayed by traffic.
5. The Motor Cycling Union of Ireland confirmed that they had, in granting a competition license to the athlete, expressly notified him of the anti-doping rules and submitted documentation that they had supplied to the athlete in his context.
6. The Athlete testified at the hearing. He confirmed that he had consumed cannabis in a social context on different occasions in advance of, but unconnected with, his sporting activities. He expressed his regret and remorse for his violation of the Irish Anti-Doping Rules and stated that he had not taken cannabis since and that it was his intention never to do so again.
7. The Athlete submitted that his consumption of the prohibited drug was not intended to enhance his sport performance or to mask the use of a performance-enhancing substance. He expressed the extent to which his ineligibility to participate in his chosen sport had caused to date and would cause in the event that his ineligibility were to continue.
8. The athlete stated that he was unaware, or had not in any way adverted to, the extent to which the consumption of such a drug could inhibit his judgment as a participant in a sport which exposed spectators and other participants to a risk of injury.
9. The Athlete indicated that he had not participated in the sport since the date of his provisional suspension.
10. The Motors Cycling Union of Ireland expressed the view that the nature of this offence merited a sanction on the higher end of the scale.

11. Having heard and considered the testimony and submissions made by the athlete and on his behalf and having considered the evidence submitted in corroboration of the athlete's submissions, the panel;
 - a. notes that the athlete had admitted at an early date that he had, by consuming cannabis, violated the Irish Anti-Doping Rules;
 - b. accepts that the use of cannabis by the athlete was not intended to enhance his sport performance, not was it intended to mask the use of a performance-enhancing substance;
 - c. accepts that the athlete's expression of regret and remorse was genuine;
 - d. accepts that special circumstances, within the meaning of Article 10.3 of the Irish Anti-Doping Rules, had been established and corroborated to the comfortable satisfaction of the Panel;
 - e. notes the consequences for the athlete of a continued period of ineligibility on his participation in motor cycling.

9. The panel determines that, having regard to and for the reasons set out above, the Athlete be suspended for a period of twelve months, with effect from the date of his provisional suspension. It was the intention of the panel, acting on the recommendation of the Motor Cycling Union of Ireland, that the sanction should have the effect of suspending the athlete for a full season, which the panel was advised covered March to September. In addition, having regard to the expense and inconvenience to which the Motor Cycling Union of Ireland and the Irish Sports Council have been placed in conducting this hearing, the athlete would be required to surrender all prize monies garnered by him in the course of the season immediately following his suspension, to the governing body, in part-discharge of such expenses.

Dated the 17th day of January, 2011.



Signed on behalf of the Panel by Judge Rory MacCabe, S.C., Chairman.