

IRISH SPORT ANTI-DOPING DISCIPLINARY PANEL

**IN THE MATTER OF
IRISH AMATEUR BOXING ASSOCIATION**

V

Athlete IS-1539

REASONED DECISION

A. INTRODUCTION

1. This is the reasoned decision of the Irish Sport Anti-Doping Disciplinary Panel (the "Panel") in proceedings brought by the Irish Amateur Boxing Association (the "IABA") under the Irish Anti-Doping Rules (2009 Version) (the "Rules") against IS-1539, a boxer.
2. The anti-doping rule violation alleged against Mr. IS-1539 was that he had committed a total of three (3) Whereabouts Failures within an eighteen (18) month period as a result of three (3) Filing Failures. It was alleged, therefore, that Mr. IS-1539 had committed an anti-doping rule violation pursuant to Article 2.4 of the Rules by virtue of his alleged commission of a total of three (3) Whereabouts Failures within that eighteen (18) month period.
3. Specifically, it was alleged that under Article 5.4 of the Rules Mr IS-1539 was subject to testing and was notified on 18 February 2011, 15 November 2011 and 14 November

2012 of his inclusion in the registered testing pool, of the consequent requirement to submit Whereabouts Filings in accordance with the Rules and of the consequence of any failure to comply with that requirement. It was alleged that Mr. IS-1539 failed to comply with the Whereabouts requirements in accordance with Article 5.10 of the Rules three (3) times in an eighteen (18) month period. It was further alleged that in accordance with Article 2.4.2 of the Rules, the eighteen (18) month period started to run on the first day of the quarter for which it was alleged Mr. IS-1539 failed to make the required Whereabouts Filing (i.e. 1 July 2011) and it was alleged that the third Filing Failure was deemed to have occurred on 1 January 2013. In those circumstances, it was alleged that Mr. IS-1539 had committed an Anti-Doping Rule Violation pursuant to Article 2.4 of the Rules.

B. PROCEDURAL BACKGROUND

4. Mr. IS-1539 was informed of the alleged anti-doping rule violation by the Irish Sports Council by letter dated 21 February 2013. The Irish Sports Council also informed the IABA and the Panel of the alleged violation on 21 February 2013 and 18 February 2013 respectively. In that correspondence, Mr. IS-1539 was informed of the consequences for him should it be admitted or found that he had committed the alleged anti-doping rule violation, namely, the imposition upon him of a period of ineligibility of a minimum of one (1) year and a maximum of two (2) years in accordance with Article 10.2.2 of the Rules.
5. The Panel wrote to Mr. IS-1539 on 5 March 2013 referring to the correspondence which had been sent to Mr. IS-1539 by the Irish Sports Council and informing him that he was entitled under the Rules to a hearing before the Panel on the question as to whether a violation of the Rules had occurred and, if so, what consequences or sanctions should be imposed in respect of such violation. It was further pointed out that even if Mr. IS-1539 admitted the alleged violation he was still entitled to a hearing before the Panel in relation to the consequences or sanctions in respect of such violation.

6. In a letter dated 14 March 2013 sent to the Secretary to the Panel, Mr. IS-1539 denied the alleged violation and raised a number of grounds in support of his denial. It is not necessary to outline those grounds as, at the outset of the hearing before the Panel on 8 April 2013, Mr. IS-1539 admitted the violation having informed the Irish Sports Council and the IABA of the change in his position shortly before that. On that basis the hearing proceeded on the question of sanction only.
7. The Irish Sports Council agreed to assist the IABA in presenting the case against Mr. IS-1539 in accordance with Article 8.4.2 of the Rules.
8. On 13 March 2013, the IABA made a decision to provisionally suspend Mr. IS-1539. Mr. IS-1539 initially indicated an intention to appeal the imposition of the provisional suspension. However, the Panel was in a position to facilitate a hearing of the entire matter on an urgent basis and that hearing proceeded on 8 April 2013. It was not necessary, therefore, to proceed with the appeal from the provisional suspension.

C. HEARING ON 8 APRIL 2013

9. At the hearing on 8 April 2013 the Irish Sports Council and the IABA were represented by Mr. Gary Rice of Beauchamps Solicitors. Also present on behalf of the Irish Sports Council were Dr. Una May (Director of Anti-Doping) and Ms. Bee O'Callaghan. Present on behalf of the IABA were Mr. Don Stewart (CEO of the IABA) and Mr. Larry Morrison (the IABA's Anti-Doping Officer).
10. Mr. IS-1539 was present at the hearing and was represented by Mr. G [...] of [...] [...], Solicitors. Also present on behalf of Mr. IS-1539 were Mr. M [...] and Mr. F [...], both of [...] Boxing Club, Mr. IS-1539's club.
11. At the outset of the hearing, it was confirmed to the Panel that Mr. IS-1539 was admitting the anti-doping rule violation and that, in those circumstances, the only matter which the Panel had to decide was the consequence or sanction which should be imposed in respect of the violation.

12. Article 10.2.2 of the Rules provides that the period of ineligibility in respect of a violation of Article 2.4 *"shall be at a minimum one (1) year and at a maximum two (2) years based on the Athlete's degree of fault"*.

13. The first issue which the Panel had to determine, therefore, was what ban or period of ineligibility should be imposed upon Mr. IS-1539 in respect of the violation of Article 2.4 bearing in mind that the minimum period is one year and the maximum period is two years for a first violation.

14. The second issue which the Panel had to determine was when the period of ineligibility commenced. Under Article 10.7, the general rule is set out, namely:

"The period of ineligibility shall start on the date of the decision providing for ineligibility".

15. However, one of the exceptions to that general rule applies where a provisional suspension was imposed upon and respected by the athlete. Under Article 10.7.3.1 it is provided that:

"If a provisional suspension is imposed and respected by the athlete, then the athlete shall receive a credit for such period of provisional suspension against any period of ineligibility which may ultimately be imposed."

16. The third and final issue which the Panel had to determine was what should happen to the results obtained by Mr. IS-1539 in competition after the anti-doping rule violation occurred. This is addressed in Article 9.3 which provides as follows:

"Unless fairness requires otherwise, in addition to the automatic disqualification of results under Articles 9.1 and 9.2 as applicable, all results obtained by the Athlete in competition taking place after the date of the sample in question was collected (whether in-competition or out-of-competition), or other anti-doping rule violation occurred, through the commencement of any provisional suspension or ineligibility period, shall be disqualified with all of the resulting consequences, including forfeiture of any medals, titles, points and prizes."

17. In the present case, the anti-doping rule violation admitted by Mr. IS-1539 was deemed to have occurred on 1 January 2013 having regard to Article 2.4.5 of the Rules which provides that:

"For purposes of Articles 9 and 10, the anti-doping rule violation shall be deemed to have occurred on the date of the third Whereabouts Failure found to have occurred."

18. The date on which the anti-doping rule violation was deemed to have occurred was 1 January 2013 and all results obtained by Mr. IS-1539 after that date would be disqualified and any medals, titles or prizes would be forfeited unless fairness required otherwise. That was the final issue which the Panel had to decide.
19. The Panel heard detailed submissions from Mr. Rice on behalf of the Irish Sports Council and the IABA having received extremely comprehensive written submissions in advance of the hearing. Mr. Rice outlined the circumstances of the three Whereabouts Failures which were found to have occurred. The three Whereabouts Failures consisted of three (3) Filing Failures within an eighteen (18) month period.
20. The first Whereabouts Filing was due to have been made by Mr. IS-1539 by 15 June 2011. It was not received by that date. On 21 June 2011 the Irish Sports Council wrote to Mr. IS-1539 notifying him of the apparent Filing Failure and of the consequences to him if the Panel were to uphold the alleged Filing Failure. The letter was also sent to Mr. IS-1539 by email. In addition, Ms. Siobhan Leonard, the Head of Doping control and Quality with the Irish Sports Council telephoned Mr. IS-1539's mobile phone but was unable to leave a voicemail as his mailbox was full. Ms. Leonard did, however, manage to speak with Mr. IS-1539 on 22 June 2011. Mr. IS-1539 stated that he had obtained his password to make an online filing with the Irish Sports Council but had forgotten to submit his Whereabouts Filing. There is evidence of these communications in the communication log maintained by the Irish Sports Council, a copy of which was produced to the Panel. Mr. IS-1539 sent an email to Dr. May on 29 June 2011. It appears that Mr. IS-1539 had attempted to send an earlier email to the Irish Sports Council on 22 June 2011 but had misspelt the Irish Sports Council's email address. That

email was forwarded to Don Stewart of the IABA who in turn forwarded it on to Dr. May on 29 June 2011.

21. On 30 June 2011, the Irish Sports Council wrote to Mr. IS-1539 informing him that it intended to record a Filing Failure against him. That letter notified Mr. IS-1539 that he should advise the Council within twenty-one days if he wished to request an administrative view, failing which the Irish Sports Council would proceed to record a Filing Failure against him. Mr. IS-1539 did not respond to that letter and a First Filing Failure was, therefore, recorded against him. Mr. IS-1539 did, however, ultimately submit his Whereabouts Filing for the relevant quarter (namely, the third quarter of 2011 (July – September 2011)) on 22 June 2011, some seven (7) days late.
22. The second Filing Failure occurred in the following circumstances. By letter dated 14 February 2012, the Irish Sports Council reminded Mr. IS-1539 of the deadline of 15 March 2012 to provide his quarterly Whereabouts Filing for the second quarter of 2012 (April – June 2012). However, Mr. IS-1539 did not submit the Whereabouts Filing for that quarter by the deadline of 15 March 2012. On 28 March 2012, the Irish Sports Council wrote to Mr. IS-1539 notifying him of the apparent Filing Failure and of the consequences to him if the Panel were to uphold the alleged Filing Failure. A copy of that letter was also sent to Mr. IS-1539 by email. Further, Ms. Leonard telephoned and spoke with Mr. IS-1539. There is evidence of these communications in a communication log maintained by the Irish Sports Council (a copy of which was provided to the Panel). Mr. IS-1539 did not respond to the Irish Sports Council's letter (or the email) of 28 March 2012. Accordingly, on 18 April 2012, the Irish Sports Council wrote to Mr. IS-1539 informing him that it intended recording another Filing Failure against him. That letter also notified Mr. IS-1539 that he should advise the Irish Sports Council within twenty-one days if he wished to request an administrative view, failing which the Irish Sports Council would proceed to record a Filing Failure against him. Mr. IS-1539 did not respond and, accordingly, a second Filing Failure was recorded against him. Mr. IS-1539 did, however, submit his Whereabouts Filing for the second quarter of 2012 (April – June 2012) on 12 April 2012, some twenty-eight (28) days or so late and beyond the further extended date permitted by the Irish Sports Council.

23. The third Filing Failure occurred in the following circumstances. The deadline for the submission by Mr. IS-1539 of the Whereabouts Filing for the first quarter of 2013 as set out in a letter dated 14 November 2012 from the Irish Sports Council was 15 December 2012. Mr. IS-1539 did not submit his Whereabouts Filing for that quarter by that date. The Irish Sports Council wrote to him on 17 December 2012. Again, a copy of that letter was sent by email and Ms. Leonard again spoke with Mr. IS-1539. Dr. May also left a voicemail message for Mr. IS-1539 which was not returned. Mr. IS-1539 eventually made his Whereabouts Filing for that quarter on 21 December 2012, some six (6) days late. That was the third Whereabouts Failure and, having regard to the provisions of Rule 2.4.2, it was deemed to have occurred on 1 January 2013.
24. Mr. Rice outlined a number of potentially relevant authorities from the Court of Arbitration for Sport, the American Arbitration Association, the FINA Doping Panel, the Doping Tribunal (Sport Dispute Resolution Centre of Canada) and some other potentially relevant cases. Those cases all addressed the issue as to the appropriate period of ineligibility for a violation of provisions similar to those at issue in the present case (but involving significantly different factual situations). We discuss these cases briefly below.
25. Mr. Rice concluded his submission by recording the IABA's view that the appropriate period of ineligibility in Mr. IS-1539's case was one year and that fairness dictated that Mr. IS-1539 should be permitted to retain the [...] which he won in [...] 2013. The IABA took the view that Mr. IS-1539 had been permitted to compete in the relevant competition and that the title which he won should be permitted to stand.
26. The Irish Sports Council stressed the importance of the Whereabouts regime but noted that this was Mr. IS-1539's first anti-doping rule violation and that, in those circumstances, a period of ineligibility of one year was appropriate. On the question of the disqualification of Mr. IS-1539's results and title, the position of the Irish Sports Council was described by Mr. Rice as being "*agnostic*" although it was noted by Mr. Rice that the Irish Sports Council did not believe that, if Mr. IS-1539 were permitted to retain his title, the Whereabouts regime would be prejudiced. It was further pointed

out that Mr. IS-1539 had been subjected to doping control on two occasions in 2011 and 2012 and on both occasions had tested negatively.

27. Mr. G then made submissions on behalf of Mr. IS-1539. He submitted that the appropriate period of ineligibility in Mr. IS-1539's case would be one year. In support of that submission, Mr. G outlined some of Mr. IS-1539's background. [...]

[...] . Boxing has been his life. This was his first ever anti-doping rule violation. Having been drug tested on two previous occasions, all his tests were negative. It was also pointed out that apart from receiving funding for a boxing tournament abroad in 2011, Mr. IS-1539 had not been in receipt of funding from the Irish Sports Council or from the IABA. Mr. IS-1539 also emphasised the fact that notwithstanding the three Filing Failures, Mr. IS-1539 had in fact attempted to make a number of the filings within time. In relation to two of the three Filing Failures, it was submitted that the Failures extended over a small number of days although it was accepted that in the case of the second Filing Failure, the form was filed 28 days out of time.

28. Mr. G stressed that Mr. IS-1539 accepted that he had a primary responsibility as an athlete to comply with the Rules and accepted responsibility for not doing so. Mr. G further submitted that had the [...] Boxing Club been involved at an earlier stage, the problem would have been addressed and matters would never have got to the stage where an anti-doping rule violation occurred. Somebody within the Club would have ensured that the paperwork was completed and filed within the requirements of the Rules. Mr. G continued by submitting to the Panel that a suspension extending beyond a period of one year, while serious in itself, would have very serious consequences for Mr. IS-1539's future boxing career and would in all probability involve him missing the opportunity to compete for a place on the Irish Boxing Team for the Olympic Games in Rio in 2014. Finally, Mr. G submitted that fairness required that Mr. IS-1539 be permitted to retain the [...] which he had won in [...] 2013. He pointed out that the IABA could potentially have imposed a provisional suspension upon Mr. IS-1539 in January 2013 and prevented him from competing in the [...]. However, it did not do so but rather invited Mr. IS-1539 to compete. Mr. G submitted that Mr. IS-1539 had not gained

any advantage by reason of the Filing Failures in competing for and winning his [...] in [...] 2013. In those circumstances, it was submitted that it would be unfair to deprive Mr. IS-1539 of his .

29. Mr. IS-1539 then addressed the Panel, apologised for the violation, admitted that it was totally his own fault and informed the Panel that he would make sure that such a violation would never happen again.
30. Submissions were then made on Mr. IS-1539 's behalf by Mr. M [...] and Mr. F [...], both of [...] Boxing Club. Both made eloquent submissions on Mr. IS-1539 's behalf. Mr. M stressed Mr. IS-1539 's background and his historical involvement with [...] Boxing Club. He also spoke of Mr. IS-1539 's boxing record and of the impact on his boxing career if a period in excess of the minimum period of ineligibility were imposed on Mr. IS-1539 . Mr. M stressed the Club's commitment to Mr. IS-1539 .
31. Mr. F spoke further of the Club's commitment to young boxers in general and to Mr. IS-1539 , in particular. He described Mr. IS-1539 's background in some detail and described him as being immature in many ways and not well educated. He further submitted to the Panel that had Mr. IS-1539 been given some form of sanction at an earlier stage, matters would not have proceeded to a violation of the Rules. He contrasted Mr. IS-1539 's position from that of an athlete in receipt of funding where less serious sanctions such as the withdrawal of funding are available at an earlier stage before matters can get to the seriousness of a violation of the Rules. Mr. F further confirmed that the Club would be available to assist Mr. IS-1539 in filing the Whereabouts forms in future. It was stressed on behalf of Mr. IS-1539 that [...] Boxing Club was taking this case very seriously and was committed to assisting boxers in Mr. IS-1539 's position and Mr. IS-1539 himself in complying with the Rules.

D. PANEL'S DECISION

32. The Panel was greatly assisted by the submissions (both oral and written) made by Mr. Rice on behalf of the IABA and the Irish Sports Council and by Mr. G and others who spoke on Mr. IS-1539 's behalf.
33. Having considered the submissions and the evidence before it, the Panel was in a position to give its Ruling immediately following the hearing on 8 April 2013. The Panel was satisfied that the appropriate period of ineligibility under Article 10.2.2 of the Rules in respect of Mr. IS-1539 's violation of the Rules was the minimum one year period. The Panel was satisfied of this based on Mr. IS-1539 's degree of fault. In that regard, the Panel considered the case law outlined by Mr. Rice (considered below). The Panel took into account the extent of the interaction between the Irish Sports Council and Mr. IS-1539 as well as the extent by which Mr. IS-1539 was late in making the relevant Whereabouts Filings. In particular, the Panel noted that Mr. IS-1539 was late by seven (7) days in making the first relevant Whereabouts Filing, twenty-eight (28) days in making the second relevant Filing and six (6) days in making the third Filing. The Panel further took into account that the Filings were in fact made in each case, albeit late.
34. It is important to stress that strict compliance with the Rules in relation to the making of Whereabouts Filings is essential and failure to do so on three separate occasions within an eighteen month period does amount to a violation of the Rules. The seriousness of the violation is signified by the fact there exists a minimum period of ineligibility for such a violation under Article 10.2.2 of the Rules.
35. The Panel also took into account the fact that Mr. IS-1539 had on at least one of the occasions attempted to make the relevant Filing within the required time limit but was apparently unable to complete the task online. For all of these reasons, the Panel was satisfied that it would not be fair or proportionate to impose a period of ineligibility of more than the minimum period of one year on Mr. IS-1539 . In those circumstances, the Panel determined that the appropriate period of ineligibility for him was the minimum period of one year provided for in Article 10.2.2 of the Rules.

36. As noted above the Panel's attention was drawn to a number of potentially relevant decisions from the Court of Arbitration for Sport (CAS) and from other Anti-Doping Disciplinary Panels around the world.
37. In **Ohuruogu**¹ the Disciplinary Committee of UK Athletics (UKA) had found the athlete guilty of an anti-doping rule violation having missed three doping tests. She was declared ineligible for competition for one year. She appealed that decision to CAS. CAS dismissed the appeal holding that the one year ban was proportionate and should not be disturbed. CAS made the following statement with which the Panel is in full agreement:

*"The Panel concludes by noting that the burden on an athlete to provide accurate and up to date whereabouts information is no doubt onerous. However, the anti-doping rules are necessarily strict in order to catch athletes that do cheat by using drugs and the rules therefore can sometimes produce outcomes that many may consider unfair. This case should serve as a warning to all athletes that the relevant authorities take the provision of whereabouts information extremely seriously as they are a vital part in the on-going fight against drugs in the sport."*²

38. The Panel agrees with this statement. It might be said that the present case is an example of one in which the outcome may be considered unfair to Mr. IS-1539 but is necessary having regard to the importance of the provision of whereabouts information for the reasons explained by CAS in **Ohuruogu**. It is, I think, also important to note that CAS in that case further observed that Ms. Ohuruogu had been subjected to many anti-doping tests in the past and had not failed any of them and that there was no suggestion that she was guilty of taking drugs in order to enhance of performance or otherwise. The case was described as one in which "*viewed in all the circumstances as a busy young athlete being forgetful*". While not identical to the

¹ Arbitration CAS. 2006/A/1165 **Christine Ohuruogu v UK Athletics Limited (UKA) and International Association of Athletics Federations (IAAF)** Award of 3 April 2007.

² At paragraph 21.

present case, it is also worth observing that in this case Mr. IS-1539 had previously been subjected to anti-doping tests and had not failed any of them either. He also in fact made all of the relevant Whereabouts Filings in this case, albeit late.

39. The next relevant case is the decision of CAS in **Rasmussen**.³ In that case, Mr. Rasmussen, a cyclist, was found to have committed an anti-doping rule violation by virtue of having committed three whereabouts failures within an eighteen month period. In determining the appropriate period of ineligibility to be imposed upon Mr. Rasmussen under the equivalent provisions of the Danish National Anti-Doping Rules, CAS noted that the measure of the appropriate sanction depended on Mr. Rasmussen's degree of fault (as under the identical provisions of Article 10.2.2 of the Rules here). CAS found that a period of eighteen months was the appropriate measure of ineligibility for Mr. Rasmussen and was proportionate to his degree of fault. The Panel noted that Mr. Rasmussen had shown a "*patent disregard*" of his whereabouts obligations, that the missed tests for which he was responsible were not due to "*unexpected circumstances*" but to circumstances which had been scheduled in advance and which had left him with sufficient time to keep his Whereabouts information updated and that one of the relevant filing failures was explained by an oversight (which amounted to carelessness). On the other hand, the Panel noted that there was no suggestion (let alone evidence) that Mr. Rasmussen had committed the whereabouts failures for which he was to be held responsible in order to hide from testing or to undergo a doping practice. In those circumstances, CAS concluded that a sanction lower than the maximum was proportionate.
40. The Panel considers that the present case is distinguishable from **Rasmussen**. There is no question of Mr. IS-1539 showing a "*patent disregard*" of his Whereabouts obligations. Mr. IS-1539 was conscious of his obligations and, while late, did in fact make the relevant Whereabouts Filings. The totality of the evidence heard by the Panel in this case convinces the Panel that this case is entirely different to **Rasmussen**.

³ CAS 2011/A/2671 *Union Cycliste Internationale (UCI) v Alex Rasmussen and the National Olympic Committee and Sports Confederation of Denmark*.

A period of eighteen months ineligibility would be completely disproportionate in this case, in the Panel's view.

41. **Rasmussen** is, however, of assistance in the present case on the issue of the disqualification of Mr. Rasmussen's results under the equivalent provisions of the Danish provisions to Article 9.3 of the Rules. In that case, CAS found that fairness required that no disqualification be imposed on Mr. Rasmussen for part of the period in question and emphasised that his competitive results had not been affected by any doping practice and were fairly obtained by Mr. Rasmussen. However, any results achieved by Mr. Rasmussen from the date of ineligibility (which had been retroactively imposed) were forfeited. No such question arises in the present case.
42. The Panel's attention was drawn to a number of decisions of the American Arbitration Association's Commercial Arbitration Tribunal and, in particular, the cases of **Arias**⁴, **Thompson**⁵ and **Jelks**⁶. In the first of these two cases the Arbitrator upheld a period of ineligibility of one year. In **Jelks** a period of ineligibility of two years was upheld. However, the Panel did not derive much assistance from these cases as each was dependent on its own very specific facts.
43. The Panel's attention was also drawn to a number of decision of the FINA Doping Panel. In some of these cases, the minimum period of one year's ineligibility was imposed in respect of an anti-doping rule violation similar to that at issue in the present case. However, again each case turned on its own facts and the Panel does not derive any great assistance from these cases.
44. The next issue the Panel had to determine was the date from which that period of ineligibility should run. Having regard to Article 10.7.3.1 of the Rules, the Panel was satisfied that Mr. IS-1539 was entitled to credit for the period of his provisional suspension which commenced on 13 March 2013. Accordingly, Mr. IS-1539 was

⁴ *United States Anti-Doping Agency v Louis Arias* 27 March 2002.

⁵ *United States Anti-Doping Agency v Lenroy "Cam" Thompson* 2 May 2012.

⁶ *United States Anti-Doping Agency v Mark Jelks* 23 May 2012.

entitled to receive credit for the period from 13 March 2013 until 8 April 2013, being the date of the decision providing for ineligibility. In those circumstances, the Panel determined that the period of ineligibility of one year should run from 13 March 2013 and that by virtue of that Mr. IS-1539 was receiving credit for the period of his provisional suspension.

45. The final issue which the Panel was in a position to determine immediately following the Hearing was the issue as to whether the result obtained by Mr. IS-1539 in the [...] in [...] 2013 should be disqualified under Article 9.3 of the Rules. The Panel was satisfied that fairness required that his result would not be disqualified and that he should not forfeit his title. In that regard, the Panel took account of the fact that Mr. IS-1539 had been invited by the IABA to compete in the [...] in [...] 2013 which post-dated the date on which the anti-doping rule violation was deemed to have occurred, namely, 1 January 2013 (having regard to Article 2.4.5 of the Rules). The Panel further accepted the submission made on behalf of Mr. IS-1539 that he had not received any unfair advantage in competing in the [...] by virtue of the violation which he subsequently admitted. Finally, the Panel noted the position adopted by the IABA that it would not be fair to disqualify Mr. IS-1539's result in the [...] [...] or to forfeit his title. That was a reasonable approach for the IABA to adopt.
46. The Panel was satisfied that the period of ineligibility of one year to run from 13 March 2013 was a fair and proportionate sanction for the admitted violation and that it would be unfair and disproportionate for any further additional sanction or consequence to be imposed in the circumstances.


E. CONCLUDING COMMENTS

47. The Panel concludes this Decision by making the following suggestion to the Irish Sports Council. The Panel feels that the facts of this case suggest that it would be advisable for the Irish Sports Council to consider copying its communications with athletes such as Mr. IS-1539 who are included in the registered testing pool to the

athlete's club. The Panel was impressed with the evidence it heard from representatives of [...] Boxing Club and felt that if the Club had been involved at an earlier stage it might have been possible to avoid a situation where an anti-doping rule violation occurred by virtue of the failure to make the relevant Filings. The Panel was impressed at the commitment shown by representatives of the Club at the hearing. While it may not be the case that other clubs would show a similar level of commitment, having regard to what was said at the hearing, the Panel does believe that the Irish Sports Council should at least consider copying communications with athlete's in the registered testing pool in relation to the Whereabouts requirements to the club to which the relevant athlete is attached (if applicable) by way of an additional safety net to enable compliance by that athlete with the provisions of the Rules. The Panel does not wish by making this comment to be seen to be imposing any mandatory requirement upon the Irish Sports Council but merely recommends that consideration be given to doing so in future cases.

48. Finally, the Panel wishes to thank its Secretary, Ms Nicola Carroll BL, for her hard work and assistance in relation to these proceedings. The Panel would also like to thank the parties and participants in the proceedings for their assistance.

Dated: 7 June 2013 .

A handwritten signature in dark ink, appearing to read 'David Barniville', is written over a horizontal line.

Signed on behalf of the Panel by

David Barniville S.C.

Chairman