

IRISH SPORT ANTI-DOPING DISCIPLINARY PANEL

In the Matter of Disciplinary Proceedings involving Athlete IS-1541

DECISION

1. **WHEREAS** by letter of the 23rd December 2004 the Irish Sports Council ("ISC") informed Mr [...] ("Mr IS-1541"), an athlete engaged in the sport of rugby, that a sample of urine collected from him in In Competition Testing on the [...] 2004 tested positive for a Prohibited Substance, namely Benzoyllecgonine a Metabolite of cocaine. Enclosed with the letter were documents identified in the Schedule comprising *inter alia* the evidence of the alleged violation. A copy of the said letter with identical Schedules were sent to the Panel.
2. **WHEREAS** it was alleged that Mr IS-1541 had accordingly violated Article 2.1 of the Irish Anti-Doping Rules ("the Rules") which prohibit the presence of a Prohibited Substance or its Metabolites or markers in an athlete's bodily specimen.
3. **WHEREAS** Mr IS-1541 was provisionally suspended as and from the 23rd day of 2004. Mr IS-1541 indicated on the 21st day of February 2005 that he did not intend to appeal the Provisional Suspension.
4. **WHEREAS** the Panel had considerable difficulty in fixing a date for the Hearing because Mr IS-1541 did not respond to the Panel's communications to him and in particular did not comply with the Panel's Order for Directions. The Panel through its secretary made

telephone contact with Mr IS-1541 to advise him of what was required of him but Mr IS-1541 did not respond and ultimately the Panel, by letter dated the 13th day of May 2005 fixed the hearing date for the 15th June 2005.

5. **WHEREAS** at the hearing Mr IS-1541 was represented by his solicitor Mr [...] .
6. **WHEREAS** Mr IS-1541, at the hearing on the 15th June 2005, admitted that he had violated Article 2.1 of the Rules.
7. On the 15th June 2005 the Panel accordingly **DETERMINED** that Mr IS-1541 had violated Article 2.1 of the Rules and the Panel, having considered submissions made by Mr [...] with regard to the appropriate sanction and in particular the possible application of Rule 10.5. **DID FURTHER DETERMINE THAT** there was no basis for the application of the said Rule in the circumstances of the case and accordingly the automatic period of two years ineligibility would apply, to date from the 23rd day of 2004. The reasons for this Determination are set out in the Panel's Judgment which is set out in the Transcript of the Hearing.

Dated the 7th day of July 2005

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