

International
Paralympic
Committee

International Paralympic Committee
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE

(the *Applicant*)

Versus

Mr. Piotr TRUSZKOWSKI

(the *Respondent*)

The case is heard in front of the Hearing Body comprised of:

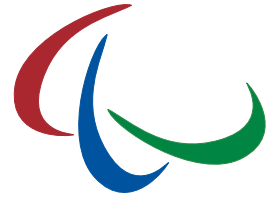
Dr. Toni Pascual, Chairperson of the IPC Anti-Doping Committee; and Mr. Joseph de Pencier and Dr. Matthias Strupler; Members of the IPC Anti-Doping Committee (together with the Chairperson, the *Hearing Panel*)

Hearing conducted on 18 January 2013 at 12:00 CET via teleconference.

International Paralympic Committee

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Parties

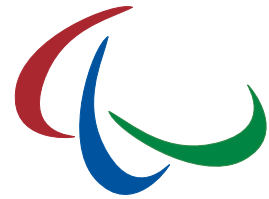
1. The Applicant is the global governing body of the Paralympic Movement and, in particular, of the Paralympic Games. In addition, the IPC is the International Federation of several sports, including IPC Ice Sledge Hockey. The IPC's registered offices are in Bonn, Germany.
2. The Respondent is a Polish athlete in the sport of IPC Ice Sledge Hockey.

Communication

3. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2011 (the *Code*), the Respondent (and other relevant persons) shall be notified of a Sample that is brought forward as an Adverse Analytical Finding by the IPC through the relevant National Paralympic Committee (*NPC*).

Background

4. On 17 November 2012, the Respondent competed at the 2012 IPC Ice Sledge Hockey B Pool World Championships in Novi Sad, Serbia (the *Event*).
5. The Event was approved by IPC Ice Sledge Hockey. The Anti-Doping Agency of Serbia (ADAS) had been identified as the authorized sample collection agency.
6. After the Respondent completed his competition, he was requested to provide a sample for doping control for an in-competition test.
7. The Respondent provided a sample (sample number 2694912) (the *Sample*) and disclosed the use of Chela Ferr Forte, Lorafen 2.5mg, Amizepin 200mg, Gabapentinteva 100mg, HMB Bolon, Thermo Speed Extreme, Furaginum, Oz10, Chela mag B6, Bunondol, Tramal 100mg as medications and/or supplements used in the last seven days before the doping control test.



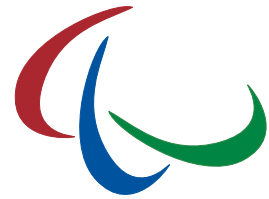
8. The Respondent complied with the request, provided the Sample and signed the doping control form without adverse comment. By doing so, the Respondent indicated that he was satisfied with the sample collection procedures that had been followed in conducting the test. The Sample was sent for analysis to the WADA accredited laboratory in Austria (Seibersdorf Labor GmbH Doping Control Laboratory, hereafter the *Laboratory*).
9. On 06 December 2012, the Laboratory reported an adverse analytical finding for Carboxy-THC and indicated the presence of Carboxy-THC at a concentration of 236 ng/ml which is greater than the decision limit of 18 ng/ml. This substance is classified under S8. Cannabinoids on the World Anti-Doping Code (*WADC*) 2012 Prohibited List (the *Prohibited List*) and is prohibited in-competition. It is considered a “specified substance”.
10. The initial review by the IPC determined that the Respondent did not have an applicable Therapeutic Use Exemption (*TUE*) for this substance, and that there was no departure from the International Standard for Laboratories or International Standard for Testing that caused the Adverse Analytical Finding.
11. On 06 December 2012, the IPC notified the Respondent via NPC Poland of the adverse analytical finding in accordance with Article 7.2 of the Code. The Respondent was advised that he was provisionally suspended from the date of notification (06 December 2012) and that unless Articles 10.4 or 10.5 of the Code applies, the standard sanctions for a first-time violation would normally be:
 - an ineligibility period of two (2) years; and
 - a financial sanction of €1.500 (Article 10.11 and Chapter 1.2, Section 2, IPC Handbook (‘Rules on the imposition of financial sanctions for anti-doping rule violations’)).The Respondent was also advised of his rights, including the right to request a B sample analysis and the laboratory documentation package.
12. The notification included a form titled “Letter of Decision” for the Respondent to complete and return to the IPC by no later than 14 December 2012 at 17:00 hours CET.



13. The Respondent returned the signed Letter of Decision to the IPC in a timely fashion. In the Letter of Decision, the Respondent stated that he accepted that he had committed an Anti-Doping Rule Violation; however he also included an accompanying letter requesting that consideration be given to reducing both the sanction and financial sanction. He requested that his circumstances including his phantom pain and limited income be considered when looking at his case.
14. Due to his request, the Respondent was informed that a Hearing (as defined in the Code) would be scheduled to determine the outcome of his case.

The Hearing

15. The Hearing took place on 18 January 2013 via conference call, in accordance with Article 8.1.6 of the Code.
16. The IPC was represented in the case by:
 - Dr. Peter Van de Vliet, IPC Medical & Scientific Director
 - Ms. Vanessa Webb, IPC Anti-Doping Manager
17. Attending the Hearing on behalf of the Respondent were:
 - Mr. Piotr Truskowski, the Respondent
 - Mrs. Kalina Ciula, interpreter
 - Mr. Lukasz Ciula, counsel
 - Mr. Lukasz Szeliga, NPC representative
18. Ms. Jessica Korber, IPC Ice Sledge Hockey Manager, attended the Hearing as the representative of IPC Ice Sledge Hockey and as an observer.
19. Ms. Emilie Jones, IPC's legal advisor, attended the Hearing.
20. The following outline of the facts and parties' positions is illustrative only and may not comprise every piece of information or submission made by the parties. The Hearing

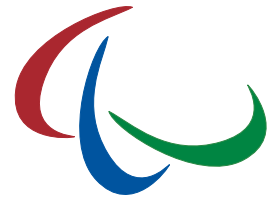


Body has carefully considered all the evidence and submissions provided by the parties, even if there is no specific reference in this recommendation.

21. In the letter submitted by the Respondent in advance of the Hearing, he gave a detailed explanation of the many pain killers he had been prescribed. The Respondent also informed the IPC that he had tried THC as an ultimate attempt to relieve his phantom pain.
22. At the beginning of the Hearing, the Respondent's interpreter read out a speech that the Respondent had prepared. The speech contained background information of the accident that caused his impairment, his love for sport, his living conditions in Poland and his reaction to being told that he had an adverse analytical finding for Cannabis.
23. The Respondent indicated that he did not know that Cannabis was a banned substance but explained that it got into his system by smoking it. He further explained that he uses Cannabis for his phantom pains and that he did not use it to enhance his performance.
24. The Respondent explained that he was not familiar with the Therapeutic Use Exemption (TUE) process and did not know what substances were on the Prohibited List. Nor was he aware that he should tell his pain management doctor that he is an athlete.

Analysis

25. The principle of strict liability applies to anti-doping matters. An athlete is responsible for any Prohibited Substance found in his or her sample, and an Anti-Doping Rule Violation occurs whenever a Prohibited Substance is found in an athlete's sample (comment to Code Article 2.1.1.).
26. The Prohibited Substance found in the Respondent's Sample is classified as Class S8. Cannabinoids on the Prohibited List and is prohibited in-competition. The Prohibited Substance is considered a "specified substance".



27. The Hearing Panel is comfortably satisfied that the Respondent did not use the substance to enhance his performance. The Respondent was also able to explain how the substance entered his body. The Hearing Panel accepts that the Respondent meets the criteria to consider a reduction or elimination of the applicable Period of Ineligibility (Article 10.4).
28. In assessing such reduction of the Period of Ineligibility, the Hearing Panel shall consider the Respondent's degree of fault as the criterion (Article 10.4). The Hearing Panel considers that the Respondent was at fault by using a Prohibited Substance, failing to refer to the Prohibited List and failing to apply for a TUE.
29. The Hearing Panel would also like to note that in this case the Polish Paralympic Committee failed in its responsibilities of educating its athletes on anti-doping matters. The Respondent declared that he had not been educated properly on anti-doping rules and matters. At the Hearing, the NPC representative, was unable to clarify whether the Polish Paralympic Committee has a well-functioning TUE Committee in place.

Recommendation to the IPC Governing Board

30. The IPC Anti-Doping Committee recommends the following to the IPC Governing Board:
 - a. pursuant to Article 10.4 of the Code, the standard sanction should be reduced and a one-year period of ineligibility should be imposed on the Respondent;
 - b. pursuant to Article 10.9.2 of the Code, the Respondent shall receive credit for the timely admission and should therefore be declared ineligible from 13 December 2012 (date of reply to the notification accepting the commission of an anti-doping rule violation) until 12 December 2013; and
 - c. pursuant to Article 10.11 of the Code and the IPC Handbook, Section 2, Chapter 1.2 ('Rules on the imposition of financial sanctions for anti-doping rule



violations'), a financial sanction of €750 should be imposed, as this is proportionate to the reduced length of the sanction.

31. The IPC Anti-Doping Committee would like to remind the Respondent of his status of Ineligibility as set out in Article 10.10 of the Code.

Appeal

32. The Respondent is reminded of the appeal procedures set out in Article 13 of the IPC Anti-Doping Code.

Submitted to the IPC Governing Board on 25 January 2013 as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2011.

On 25 January 2013 the IPC Governing Board reviewed the above document and accepted the recommendation of the IPC Anti-Doping Committee.

A handwritten signature in black ink, appearing to read 'Xavier Gonzalez', is positioned above the typed name.

Mr. Xavier Gonzalez
Chief Executive Officer
International Paralympic Committee

- cc. Toni Pascual, Chairperson IPC Anti-Doping Committee
Keith Blase, Chairperson, IPC Ice Sledge Hockey – Sport Technical Committee
Kerwin Clarke, WADA Results Management
Peter Van de Vliet, IPC Medical & Scientific Director