

**SA INSTITUTE FOR DRUG FREE SPORT (SAIDS)
ANTI DOPING DISCIPLINARY HEARING**

ATHLETE: MR BONGAMUSA MBATHA

SPORTS FEDERATION: ATHLETICS SOUTH AFRICA

DATES OF HEARING: 4TH SEPTEMBER 2012; 8TH NOVEMBER 2012;
5TH FEBRUARY 2013 AND 7TH MARCH 2013.

PLACE OF HEARING: HOLIDAY INN
UMHLANGA
2 NCONDO PLACE
CORNER OF NCONDO PLACE AND NTUSI ROAD

DISCIPLINARY PANEL: MR SIVEN SAMUEL (CHAIRPERSON AND LEGAL
REPRESENTATIVE)
MIKE MARSHALL (MEDICAL REPRESENTATIVE)
BEVERLY PETERS (SPORTS ADMINISTRATOR)

PROSECUTOR: ADV NIC KOCK

ATHLETICS SOUTH AFRICA : NONE

ATHLETE'S REPRESENTATIVE: MR. ALEX SKOZANA

**ANTI-DOPING RULE VIOLATION: ANTI-DOPING RULE VIOLATION IN
TERMS OF ARTICLE 2.1 OF THE SAIDS ANTI-DOPING RULES**

APPLICABLE LAW

SAIDS is an independent body established under Section 2 of the South African Institute for Drug-Free Sport Act 14 of 1997 (as amended), SAIDS has formally accepted the World Anti-Doping Code adopted and implemented by the World Anti-Doping Agency in 2003. In so doing, SAIDS introduced anti-doping rules and regulations to govern all sports under the jurisdiction of South African Sports Confederation and Olympic Committee, as well as any national sports federation. The SAIDS Anti-Doping Rules ("the Rules") were adopted and implemented in 2009. These proceedings are therefore governed by the Rules. This SAIDS Anti-Doping Disciplinary Panel has been appointed in accordance with Article 8 of the Rules, to adjudicate whether the Athlete has violated the said Rules, and if so the consequences of such a violation.

The Hearing commenced on 4th September 2012 at 5:30 PM.

PROCEDURAL MATTERS

The Athlete was in attendance at the hearing. The Athlete was represented by Mr. Alex Skozana. It was clear from the inception that the Athlete did not receive a very high level of formal education and he was not well versed in legal and technical matters. The panel therefore expresses its deep appreciation to Mr. Alex Skozana for assisting the athlete. The Athlete was apprised of his rights both in writing by SAIDS and through his representative and an interpreter.

The Athlete did not pay the necessary fees timeously and the Sample B was not analyzed.

The Athlete indicated (through his representative) that he was ready to proceed with the hearing.

THE CHARGE

The Charge was put to the Athlete and based on his denial of knowing what the identified substance was and of having consumed the substance described in the charge sheet, a Plea of not guilty was entered into.

THE EVIDENCE

The Prosecutor presented a bundle of documents marked "A" to "G" as documentary and corroborative evidence to the oral evidence presented. These documents were read and translated to the Athlete. The Athletes submission was that he has no knowledge of these documents and he does not admit neither does he dispute them.

The charge against the Athlete was set out in written correspondence sent to the Athlete on 5th August 2012 ("F1" and "F2"). The charge against the Athlete reads as follows:

You have been charged with an anti-doping violation in terms of Article 2.1 of the 2009 Anti-Doping Rules of the South African institute for Drug-Free Sport (SAIDS). On 19 May 2012, you provided a urine sample (2634992); during an in-competition test. Upon analysis the South African Doping Control Laboratory at the University of Free State reported the presence of a prohibited substance in your urine sample. The substance identified was Methylhexanamine is categorized under Class S6, "Stimulant", in specific 6(b) Specified Stimulants, on the World Anti-Doping Code 2012 Prohibited List International Standard

The Athlete is an adult male, who returned the above positive test sample in competition on 19th May 2012.

The Prosecutor tendered evidence about the testing process. He presented the Doping Control Form ("B") as well as the Laboratory A-Sample Analysis Report ("C") which

indicated the presence of the identified substance. He also tendered the chain of custody form of the doping control session as evidence ("G").

The Prosecutor also pointed out that the Athlete had sent a letter ("D") indicating that he had consumed the following items, prior to the test, namely:-

- 1) USN Spike blue can;
- 2) Bio Plus;
- 3) Berocca;

The Prosecutor pointed out that Doping Control Form ("B") contained the signatures of the Athlete and the Athlete's coach, Mr. Michael Seme. It also confirms that the urine sample was taken.

It was properly sealed and transported to laboratories in Bloemfontein where, the analysis was done. The urine is divided into 2 containers when the sample is taken. The first container is tested. The second container remains sealed. The athlete has the opportunity to test the B Sample if the athlete wishes to challenge the finding of the analysis of the A Sample.

In this case, the result of the A sample indicated the presence of Methylhexaneamine in the Athlete's urine. The Prosecutor indicated that once the presence of the substance is proven in the urine sample, the onus is on the Athlete to explain how it got into his system. The Athlete was required to advise the panel as to how the substance got into his system. The Prosecutor indicated that if an innocent explanation was not given by the Athlete it would be possible to infer that it would be used to enhance performance, which would be even more detrimental to the Athlete.

THE ATHLETE'S EVIDENCE

The Athlete mentioned that he did not take any medication prior to the competition in question. He indicated that he was a healthy person.

The Athlete maintained that he had only taken three substances: USN Spike blue can, Bio Plus and Berocca. He consumed USN Spike from a can and Bio Plus and Berocca in tablet form. He used these substances because he had seen them being advertised on television. One television advertisement had indicated that if you consume Berocca, you won't have cramps and it relieves your muscles. He had also seen other athletes consume Bio Plus. He had taken the USN Spike as it makes him feel good.

After much deliberation it was agreed that the Prosecutor will accompany the Athlete to the store to purchase the products mentioned. The products in question were purchased and brought before the panel. After deliberation it was then agreed that the B Sample would be analyzed together with the USN Spike drink.

The hearing was adjourned for the B Sample and the two cans of the USN Spike drinks (purchased by the Prosecutor) to be sent to the laboratory for analysis. The Panel, the Prosecutor and the Athlete's Representative were satisfied that the identified substance could not be present in Bio Plus and Berocca.

The hearing was scheduled for 8th November 2012 at the same venue.

8TH NOVEMBER 2012

On the 8th November 2012, all persons except the Athlete's Representative were present. The panel waited for a while for the Representative. The hearing was adjourned as the Athlete's Representative was stuck in traffic, several hours away from the place of the hearing.

5TH FEBRUARY 2013

The hearing then resumed on 5th February 2013. The prosecutor handed in documents marked ("H"), (being the date of the hearing); ("I"), (Sample Analysis Report on the

Athletes B Sample); ("J"), (the Doping Control Form for USN energy drink); ("K"), (the certificate of analysis for the substance mentioned in J);("L"), (the Doping Control Form for the USN Spike Caffeine Vitb original flavor);(" M"), (certificate of analysis for the substance mentioned in L).

The Prosecutor pointed out that the B Sample indicated that the Athlete had once again tested positive for the presence of Methylhexanamine. He also pointed out that the substances taken by the Athlete tested negative for the presence of Methylhexanamine.

The Athletes Representative then addressed. He argued that it may well be that the substance was not found in the cans analyzed as they had come from a different batch. He reiterated that the Athlete does not know what the substance is.

THE ATHLETE'S EVIDENCE

The Athlete stated that after the race he was approached by a certain gentleman who required that he provides a urine sample at the Doping Control Centre. At the Doping Control Centre the gentleman gave him three bottles of water, one of which was open. He drank the water as he could not provide a urine sample. He did not consume anything from the sachets. He indicated that he had consumed some watermelon and drank Spike Blue, the USN product prior to the race. He also indicated that he did not have any injuries or the flu and therefore did not need any medication prior to the race. He stayed in Gauteng for 18 days and consumed water and fruit juices from jugs at the hotel.

The substance found in his urine sample could have only been present in the water the gentleman gave him after the race. This water was given to him in the Doping Control Center. He was given three bottles. He chose a bottle which had its seal broken. The seal was not broken in front of him. It was a Bonaqua bottle of water. He also indicated that the two closed bottles were wet whilst the open bottle was dry. He further indicated that the same person who gave him the bottles of water was the one who signed the Doping Control forms. When he finished the event, the Doping Control Official asked

him if he had ever been tested before. A person who could speak Zulu was brought in to assist the Athlete understand the process. He was told to produce urine.

His coach, Mr. Michael Seme, was not there at that stage and only arrived after the test was completed.

ADDRESS BY THE PROSECUTOR

The Prosecutor indicated that the rules governing the hearing were clear and that it was up to the Athlete to explain how the substance entered his system. The Athlete needed to provide the panel with an explanation as to how the identified substance entered his system.

The Prosecutor indicated that the B Sample was analyzed and confirmed the presence of the identified substance and the drinks consumed by the athlete tested negative for the substance.

The Athlete's Representative then addressed the panel and indicated that the Athlete was not well educated and had no idea how the substance entered his system and maintained repeatedly that the substance is unknown to him.

In the circumstances, the only conclusion that one could draw is that the identified substance came from the water the Athlete drank which was given to the Athlete by the Doping Control Official. The Athlete was not responsible for the presence of the identified substance in his body.

The panel considered the submissions and concluded that the Doping Control officer who conducted the test on the Athlete must be called as a witness.

The hearing was adjourned.

7th MARCH 2013

The panel reconvened on 7th March 2013.

Corne Wolmanrans testified at the hearing via a teleconference telephone line. He confirmed that he was a Doping Control Officer on 19th May 2012, at the event which the athlete participated in. He was allocated the task of obtaining a urine sample from the Athlete who had finished in first position in the 100 meter race. He had reported for duty at the Doping Control station one hour before the meeting commenced. Refreshments were provided in a cooler box and he had ensured that all the bottles were sealed.

After the 100 meter race he had approached the Athlete and had told to him that he had been selected for anti doping testing. The Athlete's coach, Mr. Seme, arrived at the Doping Control Station prior to the commencement of the process.

He completed the Doping Control forms. He then handed the Athlete one of four bottles of water that he had taken from the cooler box. He ensured that all the bottles were sealed and the Athlete picked one. He also offered the Athlete one of three bottles of Energade and the Athlete choose one bottle. He also went with the Athlete to the toilet when the Athlete passed the urine. The Athlete passed the urine into the vessel that Mr. Wolmanrans had chosen. The vessel was sealed prior to its use. The urine was put into two containers (A and B Sample). They were then placed into a plastic bag which was then sealed in the presence of the Athlete and his coach. The urine was then put into boxes, which were also sealed. Mr. Wolmanrans had been using rubber gloves the whole time to ensure that there was no contamination.

The Athlete was advised that he could write to the organization to advise them of any substances he wanted to declare, as substances he consumed prior to the race which may affect the results of the test.

He was requested if his urine sample could be used for research after the test was completed. The Athlete refused such request. The Athlete also so indicated that he had no comments to make regarding the testing process.

The Athlete and Mr. Seme signed the Doping Control form. The Athlete received his green copy of the form and the yellow copy was sent to the lab.

The Athlete's representative questioned Mr. Wolmanrans and the following further evidence was given by Mr. Wolmanrans:

The lead Doping Control Officer on the day was Ms. Thandi Mocketse. Mr. Wolmanrans spoke to the Athlete in English at all times. He did not speak to the Athlete in Afrikaans. The Athlete's coach was also present and he appeared to understand English. He indicated that he was with the Athlete from the time the race ended up to the time the Athlete left the Doping Control Station after the test was completed.

He stated that the Athlete advised his coach as they left the track and walked towards the Doping Control Station. He had seen and heard the Athlete speaking to people in the Stadium. The coach later arrived at the Doping Control Station.

Mr. Skozana put to the witness that the Athlete was not familiar with the English language and did not understand what was happening and was not allowed to contact his coach. This was disputed by Mr. Wolmanrans.

The following version of the Athlete was put to Mr. Wolmanrans:

That the Athlete had finished the race and went to collect his belongings and at that stage he was approached by Mr. Wolmanrans who, then asked him to accompany him to the Doping Control Station.

On the way to the Doping Control Station the Athlete himself, took a bottle of water that was left in a container, on the side of the stadium (near the tunnel). The bottle was

opened and the Athlete consumed the water. The Athlete and Mr. Wolmansrans then went to the Doping Control Station.

Mr. Wolmanrans agreed that he had approached the Athlete after the race but disputed that the Athlete had consumed the water along the way. The Athlete only consumed water given to him by Mr. Wolmanrans himself at the Doping Control Station after the Doping Control forms were completed.

It was put to Mr. Wolmanrans that there was another African male who was with Mr. Wolmanrans. He gave the Athlete the opened bottle of water. This person accompanied the Athlete when the Athlete was asked to walk as the Athlete could not produce urine.

Mr. Wolmansrans admitted that the Athlete could not produce a urine sample and was taken out of the Doping Control Center to walk, but he indicated that he was the only person walking with the Athlete. In fact, he stated that he was with the athlete at all times.

It was also put to Mr. Wolmanrans that the African gentleman served the role as a interpreter. The African gentleman had told him that he was being taken to the Doping Control Centre to produce urine. Mr. Wolmanrans denied this.

Mr. Wolmanrans indicated that the Athlete had not consumed water until the Doping Control registration forms were complete. He asked the Athlete whether he needed liquid to drink and the Athlete answered in the affirmative. Mr. Wolmanrans took four bottles of water from the cooler box and offered it to the Athlete. The Athlete chose one bottle.

Mr. Wolmanrans indicated that it was his duty and responsibility to stay with the Athlete at all times until the testing process is complete. Even if the athlete is required to speak to the media or collect trophies, he would be at the athlete's side at all times. This is how he understood his duties as a Doping control Officer to be.

Mr. Wolmanrans was questioned as to whether he could have been side tracked and not focused on the athlete. He indicated that even though there was a number of Athletes being tested , his focus was on one Athlete.

Advocate Nic Kock questioned Mr. Wolmanrans and the following evidence was elicited:

The Athlete was notified of the testing in English.

The coach, Mr. Seme , came to the Doping Control Station a little while after the Athlete was taken there by Mr. Wolmanrans. Mr. Seme then enquired whether his Athlete was going to be tested. Mr Wolmansrans confirmed this.

Mr. Wolmanrans then went through the whole Doping Control process. Mr Seme also signed the form and Mr. Seme was handed a red copy of the form. He indicated that Mr. Seme had spoken to the Athlete in Zulu and both the Athlete and Mr. Seme signed the form.

It was put to the witness by Mr. Skozana that it was an African male who gave the Athlete the open bottle of water. Mr. Wolmanrans denied this.

He was asked to give an indication of the important times that the various processes were done, after he approached the Athlete. He indicated that he approached the Athlete at 14:30 PM(the race was just completed). The Athlete arrived at the Doping Control Station at 14:36 PM. At 14 :49 PM Mr. Seme arrived.

At 14: 55 PM Mr. Wolmanrans commenced explaining to the Athlete and Mr. Seme what the Doping Control Test was all about. Information in this regard was given to them. The forms were completed.

At 16:07 PM, the Athlete was not in a position to produce urine and Mr. Wolmanrans and the Athlete left the Doping Control Station and walked on the track. They returned after a few minutes. A sample was then produced at 16:12 PM.

The Athlete left the Doping Control Station at 16:37 PM.

Mr. Skozana put to the witness that the Athlete would say that he walked in the stadium between 14:55 PM to 16:07 PM. Mr. Wolmansrans indicated that the Athlete only walked for about four minutes. He indicated that they had walked in silence and they did not have a conversation. After five minutes, the Athlete passed 160 ml of urine.

The panel then questioned Mr. Wolmansrans and he testified that:

He had been responsible for only two tests on the day in question. The first test was at 10:55 AM and was completed by 13:02 PM and Mr. Mbatha's test was the second test he conducted.

During the period that he was with Mr. Mbatha he conducted no other tests. He also did not witness any other samples being collected.

EVIDENCE GIVEN BY MS.THANDI MOKETSE

Ms. Thandi Mocketse was the next witness. She testified that she was the lead Doping Control Officer on the day in question. She indicated that Mr. Wolmanrans was one of the Doping Control Officers at the time and that he was still in training.

The other Doping Control Officers were Ms. Mbali Hadebe, who was observing Mr. Wolmanrans perform his tasks, and Mr. Ratief Verysien. There were no black male Doping Control Officers. There was a black male by the name of T-Bone, whose function it was to assist with chores.

The cooler box and the refreshments were provided by Athletics South Africa and they were set up in the Doping Control Station by T-Bone. T-bone took the bottles from the store room in the stadium.

She remembered the test conducted in respect of the Athlete as he was the only African athlete tested on the day. Mbali had asked her what "Imbezi", from Shoprite Checkers was called. She stated that the Athlete had informed the Doping Control officer and Mbali that he had consumed "Imbezi". She stated that "Imbezi" was herbs. She stated that she had advised Mbali to inform the Doping Control Officer that he should tell the Athlete that he must send a letter within seven days setting out exactly what the substance was. He could obtain the correct name and make a declaration in this regard.

She indicated that T-Bone did not assist in the Doping Control process.

It was suggested to her by Mr. Skozana that it was her duty to ensure that the Doping Control Forms contained the substance, "Imbezi", mentioned by the Athlete. She indicated that she advised Mbali to inform the Athlete that he should get the correct name and include the information in a declaration that should be sent to SAIDS. She was questioned as to why she had not made a report of this "Imbezi" in her report. She stated that she did not report this as she did not have to.

It was suggested to her that the Athlete shops at Pick and Pay and not Shoprite Checkers and therefore she was mistaken when she had stated that the Athlete had said these things. She stated that she may have been mistaken as to which store it was but she was not mistaken in respect of the rest of the evidence.

ATHLETE'S FINAL SUBMISSIONS

The following arguments were made by the Athlete's Representative:

1. Ms. Thandi Mocketse provided a lot of insight as to what transpired on the day in question
2. The refreshments were brought by T-Bone and she was not sure what source they came from.

3. Ms. Thandi Mocketse heard the word "Imbezi" being used and she did not report it.
4. Mr Wolmanrans had stated that the Athlete had walked for a few minutes, whilst the Athlete said he walked for a substantial amount of time. There is a major discrepancy .
5. The Doping Control Officers did not take their job seriously. The lead Doping Control Officer did not run the Doping Control Station with the diligence it deserved.

SUBMISSIONS BY THE PROSECUTOR

The Prosecutor made the following points:

1. SAIDS takes all doping control testing very seriously. On the day in question eleven athletes were tested and three athletes tested positive.
2. SAIDS went out of it's way to ensure that all the possible sources for the identified substance was eliminated.
3. Mr. Wolmanrans testified that the Athlete was given sealed drinks and that he had the Athlete under observation for more than two hours.
4. The Athlete tried to blame a black male for handing him an unsealed bottle of water. It was clear that from Ms. Thandi Mocketse's evidence that there was no African male Doping Control Officer on the day in question.
5. It was up to the athlete to identify how the substance entered his body and having failed to do so, the Athlete should be found guilty and be given a period of two (2) years ineligibility.

DECISION

by

the South African Institute for Drug Free Sport (SAIDS)
Anti-doping Disciplinary Panel established in accordance with
Article 8 of the

South African Institute for Drug Free Sport Act 14 of 1997 (as amended)

In the matter

Bongamusa Mbatha

Hereafter referred to as:

(‘The Athlete’)

Whereas the Athlete underwent an in-competition doping test organized by the South African Institute for Drug Free Sport (SAIDS) on the 19th May 2012 after the Athlete’s event at the South African Masters Athletics Championships;

Whereas the analysis of the Athlete’s urine sample was conducted at South African Doping Control Laboratory at the University of Free State, which informed SAIDS that the analysis showed the presence of the prohibited substance Methylhexaneamine in the Athlete’s sample.

Whereas by the letter dated 14th June 2012, SAIDS informed the Athlete regarding the adverse analytical finding. The Athlete was also informed in accordance with Article 10.10 of SAIDS, he was provisionally suspended with immediate effect from competing and participating in any authorized or organized sport by any professional league or any international or national level event organizer as of the date of the letter;

Whereas by letter dated 14th June 2012, SAIDS drew a letter to the Athlete and attached a copy of the laboratory report;

Whereas by letter dated 5th August 2012, SAIDS informed the Athlete that an anti-doping disciplinary hearing has been convened;

Whereas on the 4th September 2012, 8th November 2012, 5th February 2013 and 7th March 2013, the Athlete – assisted by his legal representative Mr. Alex Skozana was heard in a disciplinary hearing by the SAIDS disciplinary panel composed of Mr. Siven

Samuel, chairperson and legal representative, Dr Mike Marshall, medical representative and Ms Beverly Peters, sports administrator. Advocate Nic Kock was the prosecutor.

Whereas, at the disciplinary hearing, held on the 4th September 2012 the Athlete stated that:-

- 1) He did not take any medication prior to the competition in question. He was a healthy person.
- 2) He had only taken three substances: USN Spike blue can, Bio Plus and Berocca.
- 3) He consumed USN Spike from a can and Bio Plus and Berocca in tablet form.
- 4) He used these substances because he had seen them been advertised on television.
- 5) One television advertisement had indicated that if you consume Berocca, you won't have cramps and it relieves your muscles.
- 6) He had also seen other Athletes consuming Bio Plus.
- 7) He had taken the USN Spike as it makes him feel good.

And whereas at the disciplinary hearing held on the 5th February 2013, the Athlete stated that:-

- 8) After the race, he was approached by a certain gentlemen who required that he provides a urine sample at the Doping Control Centre.
- 9) At the Doping Control Centre, the gentlemen gave him three bottles of water, one of which was open. He drank the water as he could not provide a urine sample.
- 10) He did not consume anything from the sachets.
- 11) He had consumed some watermelon and drank Spike Blue, the USN product, prior to the race.
- 12) He did not have any injuries or the flu and therefore did not need any medication prior to the race.
- 13) He stayed in Gauteng for 18 days and consumed water and fruit juices from jugs at the hotel.
- 14) The substances found in his urine sample could have only been present in the water the gentlemen gave him after the race.

- 15) The water was given to him in the Doping Control Centre. He was given three bottles. One bottle had its seal broken. The seal was not broken in front of him. It was a Bonaqua bottle of water.
- 16) Two closed bottles were wet whilst the open bottle was dry.
- 17) The same person gave him the bottles of water, was the one who signed the Doping Control forms.
- 18) When he finished the event, the Doping Control Official asked him if he had ever been tested before.

And whereas the Athlete (through his representative), put the following version to the Doping Control Official and the lead Doping Control Official at the hearing held on the 7th March 2013:-

- 19) When the race had finished and the Athlete had collected his belongings, he was approached by the Doping Control Official who asked the Athlete to accompany him to the doping control station.
- 20) On the way to the doping control station, the Athlete himself took a bottle of water that was left at the side of the stadium. The bottle was opened and the Athlete consumed the water.
- 21) At the doping control station, there was another African male who was with the Doping Control Official. This African male gave the Athlete the open bottle water. This person also accompanied the Athlete when the Athlete was asked to walk as he could not produce urine.

And whereas the evidence tendered by the Doping Control Official and the lead Doping Control Official was clear and satisfactory in all respects and in the circumstances the Panel takes the following:-

REASONS:-

- 1) The Disciplinary Panel shall first deal with the issue of applicable regulations. In compliance with the Anti-Doping Rules of the South African Institute for Drug-Free Sport (SAIDS).
- 2) **Article 2.1 of the Anti-Doping Rules of the South African Institute for Drug-Free Sport (SAIDS) reads as follows:-**

"2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample

2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an antidoping violation under Article 2.1.

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample.

2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously."

- 3) In the present case, the Athlete committed an anti-doping rule violation since the prohibited substance Methylhexaneamine was found in his urine sample. The urine test was conducted on the 19th May 2012 which was confirmed by the B Sample testing. This B Sample test confirmed the presence of the stimulant, Methylhexaneamine in the Athlete's urine.

And whereas the Athlete has not demonstrated how the specified substance entered his body in accordance with Article 10.4 of the Anti-Doping Rules of SAIDS.

And whereas the Athlete has not established that he bears no fault or negligent in terms of Article 10.5.1 of the Anti-Doping Rules of SAIDS and neither has he established that he bears no significant fault or negligent in terms of Article

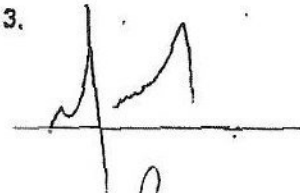
10.5.2 of the Anti-Doping Rules of SAIDS accordingly, and in the circumstances the Disciplinary Panel decides that it is appropriate to assign a period of two years ineligibility.

- 4) The Disciplinary Panel deems it appropriate pursuant to Article 10.10 of the Anti-Doping Rules of SAIDS that the period of ineligibility is to start on the date of the provisional suspension that is on the 14th June 2012 and to end on the 13th June 2014.
- 5) This decision is subject to an Appeal according to Article 13 of the South African Institute for Drug-Free Sport (SAIDS).

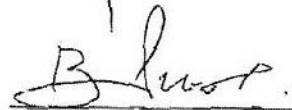
South African Institute for Drug-Free Sport (SAIDS)
Disciplinary Panel

DATED AT DURBAN ON THIS 7TH OF MARCH 2013.

SIVEN SAMUEL (Chair)



BEVERLY PETERS



MIKE MARSHALL

