

Issued Decision

UK Anti-Doping and Frankie Foster

8 September 2014

Disciplinary Proceedings under the Anti-Doping Rules of the Rugby Football League

This is an Issued Decision as between UK Anti-Doping Limited ('UKAD') and Mr Frankie Foster ('the Athlete') relating to an Anti-Doping Rule Violation ('ADRV') arising from the Rugby Football League ('RFL') Anti-Doping Rules (the 'ADR').

Background and Facts

1. The RFL is the governing body for the sport of rugby league in the United Kingdom. UKAD is the National Anti-Doping Organisation ('NADO') for the United Kingdom.
2. The Athlete is an eighteen (18) year old rugby league player. At all material times he was subject to the jurisdiction of the RFL and bound to comply with the ADR. Pursuant to the ADR, UKAD was empowered to conduct Doping Control and results management, as those terms are used in the ADR, in respect of all players subject to the jurisdiction of the RFL.
3. On 13 July 2014, the Athlete provided an In-Competition Sample to UKAD pursuant to the ADR ('the Sample').
4. The Sample was submitted for analysis to the Drug Control Centre, King's College London, a World Anti-Doping Agency ('WADA') accredited laboratory ('the Laboratory'). On 11 August 2014, the Laboratory reported to UKAD an Adverse Analytical Finding ('the Finding') for clomiphene.
5. Clomiphene is a Prohibited Substance classified as a hormone or metabolic modulator under S4 of the WADA 2014 Prohibited List ('the List').
6. On 14 August 2014 the Athlete was issued with a Notice of Charge ('the Charge') by UKAD. The Charge related to the commission of an ADRV pursuant to ADR D3:2.1 for the Presence of a Prohibited Substance or its Metabolites or Markers in the Sample. The Charge explained the facts relied on in support of the allegation, the details of the Charge and the Consequences of an admission or proof of the ADRV and the procedure for analysis of the B Sample. The Athlete admitted the Charge and waived his right to have the B Sample analysed.
7. The Athlete does not have, nor has he ever held, a Therapeutic Use Exemption (as that term is used in the RFL ADR) in respect of clomiphene.

Admission and Consequences

8. ADR D3:2 provides:

Each of the acts or omissions set out in Article 2.1 to 2.8 shall constitute an Anti-Doping Rule Violation under these Rules:

D3:2.1 The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.

9. ADR D3:7.5.4 provides:

In the event that the Participant admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the NADO (or is deemed to have done so in accordance with the last sentence of Article 7.5.1), neither B Sample analysis nor a hearing is required. Instead, the NADO shall promptly issue a decision confirming the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences, shall send notice of the decision to the Participant and to each Interested Party, and shall publish the decision in accordance with Article 14.

10. ADR D3:10.2 provides:

Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of Prohibited Substances and/or Prohibited Methods.

For an Anti-Doping Rule Violation under Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of a Prohibited Substance and/or a Prohibited Method) that is the Participant's first violation, a period of Ineligibility of two years shall be imposed, unless the conditions for eliminating or reducing the period of Ineligibility (as specified in Article 10.4 and/or Article 10.5) or for increasing the period of Ineligibility (as specified in Article 10.6) are met.

11. The sanction to be imposed for the violation referred to in paragraph 8 above is a period of Ineligibility of two (2) years ('the Standard Sanction'). The Athlete has no record of having committed any previous anti-doping rule violations.
12. The Athlete has not satisfied the criteria for eliminating or reducing the period of Ineligibility as specified in either ADR D3:10.4 or ADR D3:10.5.2.
13. In the circumstances, UKAD has (pursuant to ADR D3:7.5.4) specified the Consequences in respect of the ADRV to be the Standard Sanction. The Athlete has accepted these Consequences. This Decision is issued pursuant to ADR D3:7.5.4.

Disqualification of Results and Ineligibility

14. ADR D3:10.9.3 provides that:

The period of Ineligibility shall start on the date of the decision providing for Ineligibility, save as follows:

[...]

- 10.9.3 Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Participant shall be credited against the total period of Ineligibility to be served. To get credit for any period of voluntary Provisional Suspension, however, the Participant must have given written notice at the beginning of such period to the NADO (and the NADO shall copy that notice to each Interested Party). No credit under this Article shall be given for any time period before the effective date of the Provisional Suspension (whether imposed or voluntarily accepted), regardless of the Participant's status during such period.
15. The Athlete has been provisionally suspended since the date of the Charge. The period of Ineligibility is therefore deemed to have commenced on 14 August 2014 and will expire at midnight on 13 August 2016.
16. During the period of Ineligibility, in accordance with ADR D3:10.10.1, the Athlete shall not be permitted to participate in any capacity in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened or authorised by:
- (i) the RFL or by any body that is a member of, or affiliated to, or licensed by the RFL;
 - (ii) any Signatory (as that term is defined in the Anti-Doping Rules);
 - (iii) any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation; or
 - (iv) any professional league or any international- or national-level Event organisation.
17. The Athlete, the RFL, the Rugby League International Federation ('RLIF') and WADA have a right of appeal against this decision or any part of it in accordance with ADR D3:13:4.
18. The disposition of these proceedings on the terms set out above will be publicly announced via UKAD's website media release after any appeal period has expired and no appeal has been filed, or any appeal has been finalised.

Summary

19. For the reasons given above, UKAD has issued this decision, which records that:
- (a) The Athlete has committed an ADRV pursuant to ADR D3:2.1;
 - (b) A period of Ineligibility of two (2) years shall be the Consequences imposed pursuant to ADR D3:10.3.1;
 - (c) That period of Ineligibility is deemed to have commenced from 14 August 2014 and will therefore end at midnight on 13 August 2016.
 - (d) The Athlete's status during the period of Ineligibility shall be as detailed in ADR D3:10.10.

Dated this 8th day of September, 2014.