

**RUGBY FOOTBALL UNION DISCIPLINARY  
PROCEEDINGS CONCERNING REGULATION 20 OF THE RUGBY  
FOOTBALL UNION  
AND REGULATION 21 OF THE INTERNATIONAL RUGBY BOARD**

**B E T W E E N:**

**THE RUGBY FOOTBALL UNION**

**The Regulator**

**- and -**

**CHRISTOPHER JOSE**

**The Player**

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**DECISION OF THE  
INDEPENDENT PANEL**

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*Introduction and factual circumstances*

1. This is the decision of the Independent Panel appointed under Regulation 20.11.4 to deal with a charge against Christopher Jose (“the Player”). This case has been decided without a hearing in person with the consent of all parties.
2. At all material times the player was registered and played for Teignmouth RFC, and in the 2013/2014 season he played for Devon County U20’s.
3. On the 22<sup>nd</sup> April 2014, following Christopher Jose’s return to College from the Easter break, he was questioned by Bicton College’s Director of Rugby, Rob Gibson. Mr Gibson asked Christopher Jose whether he had been using performance-enhancing drugs as he had noticed that his shape had changed considerably. Upon questioning, Christopher Jose admitted to the use of performance enhancing drugs. This fact was reported to the RFU.
4. On the 30<sup>th</sup> April 2014, the RFU Director of Legal & Governance, Karena

Vleck wrote to Christopher Jose informing him that the RFU had received a report that he had recently admitted to the use of performance enhancing drugs, and that he would be provisionally suspended pending the outcome of an investigation.

5. On the 27<sup>th</sup> June 2014, following a decision from UKAD that there was a case to answer, Christopher Jose was charged under IRB Regulation 21.2.2 with:

*Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method*

*(a) It is each Player's personal duty to ensure that no Prohibited Substance enters his body. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the Player's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.*

*(b) The success or failure of the Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.*

6. Christopher Jose responded to the letter of charge on the 11<sup>th</sup> July 2014. Within this response he admitted to the purchase and use of "Dianabol" (a brand name for methandienone) and "Sustanon" (a brand name for an injectable blend of testosterone), both of which are included in Category S1 of the 2014 WADA Prohibited List.

7. On the 15<sup>th</sup> July 2014 Graeme Simpson, UKAD Investigator, interviewed Christopher Jose in person. Mr Jose made a full admission to taking the substances. He explained that he had been injured and was unable to play or train with his team for a lengthy period of time. He became despondent and felt somewhat abandoned. As a result he attended an alternate gym and focused all his efforts there. This led to him suffering from what he believes is a form of 'muscle dysmorphia' whereby he felt driven to taking performance enhancing drugs in order to improve his stature. He explains that since admitting to this violation he has not taken any further substances. He is now fit and able to play rugby again. He expressed what the panel took to be genuine and significant remorse for his actions.

*The Regulations*

8. Regulation 20.1 sets out the RFU Position on Doping as follows:

*"The RFU condemns doping. It is harmful to the health of players, totally contrary to the spirit of rugby and the RFU is committed to protecting all Players' fundamental right to participate in doping free rugby."*

9. IRB Regulation 21.22.1 provides that the consequences of using or attempting to use a prohibited substance contrary to 21.2.2 shall be the imposition of a period of ineligibility of two years unless the conditions for eliminating or reducing it as provided in IRB Regulation 21.22.4 (No Fault or Negligence) or 21.22.5 (No Significant Fault or Negligence) are met or there are aggravating circumstances under Regulation 21.22.9 warranting an increase in the period. That period is to be, for a first violation such as this, a minimum of two years ineligibility unless the conditions for reducing or eliminating the period apply.

9. Those conditions are set out below:

Regulation 21.22.4:

***“No fault or negligence***

*If a Player or other Person establishes in an individual case that he bears No Fault or Negligence, the otherwise-applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in a Player’s Sample in violation of Regulation 21.2.1 (presence of a Prohibited Substance or its Markers or Metabolites), the Player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility eliminated...”*

10. Regulation 21.22.5 states:

***“No Significant Fault or Negligence***

*If a Player or other Person establishes in an individual case that he bears No Significant Fault or Negligence, the otherwise-applicable period of Ineligibility shall be reduced, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable..... When a Prohibited Substance or its Markers or Metabolites is detected in a Player’s Sample in violation of Regulation 21.2.1 (presence of Prohibited Substance or its Markers or Metabolites), the Player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility reduced.”*

*The Findings*

14. Although it is not expressly contended for in the Player’s letter that he bears no fault or negligence, or no significant fault or negligence, we have expressly considered the matter, as it is necessary to do so under the Regulations.

15. Neither of the exceptions “no Fault or Negligence”, or “no Significant Fault or Negligence”, could in our view be said to apply to these circumstances or to this Player.

16. The panel are acutely aware that these proceedings commenced solely because, when confronted, Christopher Jose admitted the sudden change to his physique was because he had been taking performance-enhancing drugs.

17. Regulation 21.22.7 states,

*“Where a player or other person voluntarily admits the commission of an anti-doping rule violation before having received a notice of a sample collection which could establish an anti-doping rule violation ... and the admission is the only reliable evidence of the violation at the time of the admission, then the period of ineligibility may be reduced, but not below the period of one half the ineligibility otherwise applicable.”*

18. The only reliable evidence against this player comes solely from his own admissions. Although the admission was only made because he had been approached and asked why his appearance had changed, he could have chosen to say nothing or simply deny the violation.

19. The RFU in their submissions to the panel, rightly, indicated that Regulation 21.22.7 was applicable and that the player could be entitled to a reduction of up to half.
  
20. In reaching our decision the panel have reviewed the case of Bradley Parker, which came before an RFU panel on the 4<sup>th</sup> May 2012. We find that there are distinct similarities between these two cases and have considered each of the factors it refers to. We have decided to make a reduction of 9 months from the original two-year period of ineligibility.
  
21. We impose a period of ineligibility upon the Player of one year and three months, that period commencing upon the date of his provisional suspension, namely 30<sup>th</sup> April 2014. Accordingly, he is eligible to play again from the 30<sup>th</sup> July 2015.

23<sup>rd</sup> September 2014

Daniel White, Chairman

Christine Bowyer- Jones

Gary O'Driscoll