

**NATIONAL ANTI-DOPING PANEL
IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING REGULATIONS
OF THE WELSH RUGBY UNION LTD**

Before:

**Tim Kerr QC (Chairman)
Dr Barry O’Driscoll (Specialist Member)
Dr Neil Townshend (Specialist Member)**

B E T W E E N:

UK Anti-Doping Limited

Applicant

- and -

Mr Russell Kendall

Respondent

DECISION OF THE ANTI-DOPING TRIBUNAL

Date of hearing: 18 December 2014

Date of decision: 09 January 2015

1. INTRODUCTION

1.1 This is the decision of the Anti-Doping Tribunal convened under Article 5.1 of the 2010 Procedural Rules of the National Anti-Doping Panel (“the Procedural Rules”) and Article 8.1 of the UK Anti-Doping Rules of the Welsh Rugby Union Ltd (“the Anti-Doping Rules”;

“the WRU”) to determine a charge brought against Mr Russell Kendall (“the Athlete” or “Mr Kendall”).

1.2 The hearing was convened to determine a charge arising from the alleged commission of an Anti-Doping Rule Violation in breach of Article 2.2 of the Anti-Doping Rules (Use or Attempted Use of a Prohibited Substance). The hearing took place at the Millennium Stadium in Cardiff, on 18 December 2014.

1.3 The Athlete was charged by UK Anti-Doping Ltd (“UK Anti-Doping”), by a letter dated 12 November 2014. The charge is one of Attempted Use of a recombinant human growth hormone sold under the brand name “Ansomone” (hereafter “HGH” or “Ansomone”).

1.4 The gist of the allegation is that Mr Kendall ordered a consignment of HGH on the internet from a Hong Kong based company, intending to use it himself. Growth hormone is a Prohibited Substance both in and out of competition, under class S2 in the World Anti-Doping Code 2014 Prohibited List.

1.5 At the hearing, UK Anti-Doping was represented by Mr Jamie Herbert, of Bird & Bird, Solicitors, assisted by Messrs Tony Jackson and Graeme Simpson of UK Anti-Doping. Mr Kendall was present throughout the hearing and represented himself. Mrs Hayley Kendall and their young daughter were present for part of the hearing. Also in attendance were Mr Steve Jenkins of the WRU and Mr Richard Hendicott and Ms Joanna Parry, of Sport Resolutions (UK).

1.6 This document is the reasoned decision of the tribunal, reached after consideration of the evidence and submissions made by the parties attending at the hearing and in writing. The facts of the case are strongly in dispute between the parties. We indicate below the matters that are contentious and we indicate in our reasoning and conclusions the extent to which we accept the factual assertions of the parties.

2. THE FACTS

2.1 Mr Kendall is a 38 year old rugby player registered with the WRU. It is clear that he is bound by the Anti-Doping Rules. He has not played rugby at a high level and in recent years has played only occasionally for teams in the lower divisions of the Welsh National League. He works nights as a doorman in a Cardiff night club.

- 2.2 At some point before 8 June 2014, a consignment of Ansomone was ordered from a supplier in Hong Kong. It is not agreed who placed the order and for what purpose. UK Anti-Doping contends that Mr Kendall placed the order and that his purpose was to use at least part of it himself, presumably to enhance muscle growth. Mr Kendall contends that the order was placed by his sister in law, to send to his mother in law for use as an anti-aging product.
- 2.3 Mr Kendall's wife, mother in law and sister in law are originally from Hong Kong. Mr and Mrs Kendall live at Tonypany, in South Wales. Mrs Kendall's mother lives at Gowerton, near Swansea, with three of her children, namely two sisters and a younger brother of Mrs Kendall. Mrs Kendall's mother is aged 57 and runs a restaurant. Another sister, Ms Hayman Chong, lives in Hong Kong and, we accept, keeps in regular contact with the family members in South Wales.
- 2.4 On 8 June 2014, the UK Border Force seized a consignment of HGH in a package addressed to "Mr A. Kendall" at the Athlete's home address in South Wales. Mr Kendall's middle name is Alan; his wife's Chinese name is Ada. Details of the seizure were noted by Ms Linsey Glass of the UK Border Force, and from her notes a record of the seizure was made, a copy of which was before us.
- 2.5 That document indicates that the package weighed 1540 grams (1.54 kilos) and comprised 80 glass vials of Ansomone, each filled with white powder. The powder was not tested. It was described as Ansomone on the packaging. Ansomone is a known brand name for HGH. The sender was a Hong Kong company known to be a supplier of Ansomone.
- 2.6 The details of the seizure were shared with UK Anti-Doping, which on 15 August 2014 made enquiries of the WRU leading to the identification of the Athlete as a person registered with the WRU whose recorded address was the same as the address for which the seized package was destined. It was on 18 August 2014 that the WRU emailed UK Anti-Doping with this information.
- 2.7 Mr Simpson is a former Detective Sergeant in the Metropolitan Police with long experience of investigating organised crime. He acts as UK Anti-Doping's investigator. He wrote to Mr Kendall on 20 August 2014, using UK Anti-Doping headed paper, introducing himself and proposing a discussion of a "potential anti doping violation".

- 2.8 Mr Kendall telephoned Mr Simpson the next day, 21 August 2014. Mr Simpson proposed an interview which would be "informal" (to use Mr Simpson's word), but that Mr Kendall could have a lawyer present if he wished. Mr Kendall speculated that someone might have "lied" about him, i.e. made a false accusation of a doping offence. Mr Kendall added that he had "nothing to hide".
- 2.9 They initially arranged to meet one evening at a hotel in Cardiff before the start of Mr Kendall's shift at the night club where he works. But after discussing arrangements, they eventually met in the early afternoon of 27 August 2014 at the Millennium Stadium, where Mr Simpson had an engagement. Mr Kendall had his daughter with him. She was aged about three months and was crying during part of the meeting.
- 2.10 Before the interview began, Mr Simpson told Mr Kendall about the seizure of the consignment of HGH addressed to Mr Kendall's home address. Mr Jenkins was present, as was Mr Jason Torrance of UK Anti-Doping. It is probable that the UK Border Force's record of the seizure, made from Ms Glass's notes, was on the table but it may not have been shown to Mr Kendall at that stage.
- 2.11 We accept Mr Simpson's evidence that he also informed Mr Kendall that he, Mr Kendall, was under no obligation to answer any questions, was free to leave any time and was free to have a lawyer present if he wished. We are satisfied that Mr Kendall understood these points but indicated that he was content for the interview to proceed, knowing it would be recorded and available if the case went further.
- 2.12 We are satisfied that Mr Simpson also told Mr Kendall, mistakenly, that the substance seized had been tested and found to be HGH. In fact, it had not been tested, as Ms Glass confirmed to us. The identification of the substance in the vials as HGH had been deduced from its brand name, Ansomone.
- 2.13 The interview then started. It was tape recorded and the recording was transcribed with only minor inaccuracies and omissions. We heard the tape and had the transcript before us. Neither party contended that any of the minor inaccuracies and omissions were significant. We are satisfied that we had an adequate record of, and a clear appreciation of, the tone and content of what was said at the meeting.
- 2.14 Mr Kendall answered the questions asked of him, though not always fully. He did not give the impression of being under any particular stress, although his daughter was

crying loudly during parts of the meeting. He confirmed his name and address, that he played rugby occasionally in the lower leagues and has done some coaching, and did not dispute that he was registered with the WRU.

- 2.15 Asked why he had ordered Ansomone from Hong Kong, he said he did not think he was doing anything wrong, that it was for himself, though some of it was for another person, that it was widely available on the internet, that it was not a steroid, and that a previously ordered consignment had not been seized. He said he had taken Ansomone in the past to help pain in his shoulder following an operation at a private hospital in Cardiff a few years earlier.
- 2.16 Asked how Ansomone is taken, he said it was by injecting it into the stomach using needles obtained from a pharmacy. He said he did not know that buying it for himself and others would be an anti-doping rule violation. He denied having taken it on this occasion and offered to submit to a test, but admitted having taken it in the past. He commented that a ban would have no effect on him as he is 38 years old and would not play rugby again.
- 2.17 Asked by Mr Simpson to confirm certain matters during a period while his daughter was quiet, Mr Kendall confirmed that he accepted he was registered with the WRU; that he had ordered the Ansomone from Hong Kong on the internet; that he had paid about £200 to the supplier; that he had ordered it for himself and another person; and that he did not realise that ordering it online would be a doping offence.
- 2.18 Mr Simpson then explained that under the criminal law it is not illegal to possess steroids in this country but it is illegal to administer them other than under a prescription; and that it is illegal to import them from abroad or to possess them in this country with intent to supply them to another person. Mr Kendall acknowledged this and later, near the end of the interview, said it was "something to think about".
- 2.19 At the end of the interview, Mr Torrance stated to Mr Kendall that, among other violations, Mr Kendall may have committed the offence of attempted use "because you tried to import this stuff, presumably with the intention of using it otherwise you wouldn't have ordered it". Mr Kendall's response was: "Yes, I stick my hands up to that, yeah". Mr Torrance then explained that he and others would consider whether to take the matter further or not. The interview lasted less than 10 minutes.

2.20 Following consideration of the matter internally within UK Anti-Doping, on 13 October 2014, Mr Nick Iliffe of UK Anti-Doping emailed the UK Border Force regarding the seized consignment of HGH, saying that the substance was no longer required and could be destroyed. We accept that this was because UK Anti-Doping was content to rely on the admissions Mr Kendall had made in his interview and did not foresee that he would retract them.

2.21 Then in early November 2014, UK Anti-Doping consulted a barrister to advise on whether there was a case to answer. Within a few days, the barrister advised that there was a case to answer. UK Anti-Doping therefore decided to charge the Athlete and prepared its charge letter.

3. THE PROCEEDINGS

3.1 The charge was brought by letter dated 12 November 2014. The Athlete was also provisionally suspended, either on that date, according to the charge letter, or two days earlier on 10 November 2014, according to UK Anti-Doping's opening brief (see paragraph 49.3).

3.2 Mr Kendall responded in an email dated 13 November 2014, denying the charge and asking for the matter to be referred to a hearing before the National Anti-Doping Tribunal. He denied having committed any doping offence, on the basis that "the substance found was not sent to my address and was never used". He also asked for "proof that what customs sized [sic - seized] was hgh and not fake ...".

3.3 The Tribunal was then convened and procedural directions were given on 2 December 2014, following a telephone conference call with the chairman the previous day. The parties then submitted their written evidence and submissions, and appeared at the oral hearing as previously explained.

3.4 UK Anti-Doping's opening brief of 5 December 2014 advanced a simple case against Mr Kendall founded on the admissions he made at his interview on 27 August 2014. No aggravating circumstances that could lead to a period of ineligibility exceeding two years were relied upon by UK Anti-Doping at that stage.

3.5 Mr Kendall's response was then set out in a written statement of 9 December 2014, supported by brief written statements from members of his family. He retracted his

admissions, saying he had “said the first thing that came to my head”; that his sister in law had ordered the HGH for use by his mother in law as an anti-aging product; and that he had not wanted to get his sister in law or wife into trouble.

3.6 Mr Kendall added that he felt he had been misled into thinking that the meeting was informal and that he had with him his young daughter, who was crying and distressed, and that he had been deprived of sleep, having worked a night shift the previous night until 4.30am. He stated: “I knew I had not done anything wrong”. As clarified in oral evidence, his case was that following the interview and after speaking to his sister in law, she had told him that it was alright to say the truth and retract his admissions.

3.7 UK Anti-Doping responded, through Mr Herbert, in a detailed document dated 15 December 2014. In view of the change in Mr Kendall’s defence, which was not accepted, a period of ineligibility exceeding two years, and of up to four years, was now sought. The gist of the reply was that the Tribunal was invited to disbelieve Mr Kendall’s changed story and to be comfortably satisfied that his original admissions were true.

3.8 We heard oral evidence for UK Anti-Doping from Mr Graeme Simpson and Mr Steve Jenkins, and by telephone from Ms Linsey Glass of the UK Border Force. For the Athlete, we heard oral evidence from Mrs Hayley Kendall (also known as Ada Kendall or Ada Chong or Hayley Chong) and from Mr Kendall himself. We also had before us the written statements of various other witnesses on both sides.

4. **THE TRIBUNAL’S CONCLUSIONS, WITH REASONS**

4.1 The Athlete is charged with “Attempted Use” of HGH under Article 2.2 of the Anti-Doping Rules. Accordingly, by Article 2.2.2 it is “necessary to demonstrate intent on the Athlete’s part...”. However, by Article 2.2.3:

“The success or failure of the Use or Attempted Use of a Prohibited Substance is not material. For an Anti-Doping Rule Violation to be committed, it is sufficient that the Athlete Used or Attempted to Use a Prohibited Substance ...”

4.2 An “Attempt” is defined in Appendix One to the Anti-Doping Rules as follows:

“Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an Anti-Doping Rule Violation. Provided, however, there shall be no Anti-Doping Rule Violation based solely on an

Attempt if the Participant renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.”

4.3 And “Use” of a Prohibited Substance is defined as follows, in the same Appendix:

“The utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance ...”

4.4 By Article 8.3.1 of the Anti-Doping Rules, UK Anti-Doping has the burden of establishing to our comfortable satisfaction that the offence charged has been established, bearing in mind the seriousness of the allegations made. In the present case, that means UK Anti-Doping must establish to our comfortable satisfaction that Mr Kendall ordered the Ansomone that was seized by the UK Border Force, and did so with the intention of using it himself.

4.5 We took into account that HGH is used to enhance muscle growth; that Mr Kendall said in his interview that he had taken it in the past; and that the method of taking it is injection into the stomach. In his interview, he made clear admissions to the effect that it was he who ordered the product and that he did so for his own use, as well as for one other person. The central question for us is, therefore, whether we are comfortably satisfied that the admissions made during the interview were true.

4.6 We had written evidence from Mr Simpson to the effect that, judging from his long years of experience as a criminal investigator, he believed Mr Kendall was telling the truth when he made the admissions and that accordingly he did not believe Mr Kendall’s subsequently given evidence that his admissions in interview had been false. As we indicated at the hearing, without any disrespect to Mr Simpson, we did not find that evidence helpful.

4.7 We do not think a witness, even an experienced professional witness such as Mr Simpson, should be giving opinion evidence about another witness’s credibility. In ordinary civil or criminal proceedings, the court would not normally accept evidence of a belief that other evidence is untruthful, or truthful. A witness’s belief that another witness’s evidence is true or false, is normally irrelevant; what is relevant is whether the other witness’s evidence is actually true or false. We see no reason why the position should be different in this tribunal.

4.8 We proceeded to make our own assessment of the credibility of Mr Kendall's evidence before us, and in his written statement, to the effect that the admissions he made in interview were untrue, and that in truth he had not placed the order for Ansomone but rather, his sister in law had placed it in order that it be supplied to his wife's mother, albeit delivered to the address of him and his wife, owing to his mother in law's absence from her home.

4.9 After careful consideration, we have come to the clear conclusion that Mr Kendall's lately altered story does not make sense and should be rejected. Our reasons are as follows:

(1) We start from the proposition that UK Anti-Doping has not produced any actual written purchase order for the consignment of Ansomone, showing who placed the order. It had no reason to solicit that evidence, if it could be obtained, in view of Mr Kendall's admissions in interview.

(2) To state the obvious, the change in Mr Kendall's story came very late, after it was made clear to him that the case against him was based on the admissions he had made. He was charged on 12 November 2014, but did not retract his admissions until he received UK Anti-Doping's opening brief on 5 December 2014.

(3) The transcript and recording do not suggest that Mr Kendall was being untruthful when answering questions. Contrary to his subsequent evidence, he seemed quite calm and his answers were given without hesitation or equivocation. His manner was quite relaxed, probably because he did not appreciate that his conduct amounted to a doping offence and because, as he pointed out, he thought a ban would make no difference to him at his age.

(4) In particular, there is nothing in the tape recording or the transcript to support Mr Kendall's repeated insistence that he was put at a disadvantage by the presence of his very young daughter. Although she was crying a lot during the interview, she was silent when Mr Kendall confirmed Mr Simpson's specific suggestions that he had ordered the Ansomone himself, for his own use. Even if Mr Kendall was stressed by her presence, as he claimed, there is no convincing reason why such stress should lead to the making of false admissions.

(5) While the recorded admissions made on 27 August 2014 are convincing, the evidence in Mr Kendall's written statement and his evidence given orally before us

in December 2014, was not. His demeanour when giving evidence before us was assertive and insistent, and at times came close to evincing indifference as to whether we believed his story or not. He said at the hearing that he did not care if we banned him.

- (6) The written statement of Mrs Kendall referred to beauty products having been ordered from Hong Kong and sent by her sister Hayman Chong as part of the same package. Although Mrs Kendall left the hearing before she could be asked questions on this point, there was nothing to corroborate the suggestion, also made by Mr Kendall, that any beauty products had been sent to the family from Hong Kong, whether as part of the same consignment containing HGH, or separately.
- (7) There is no evidence to support Mr Kendall's suggestion that the package contained anything other than Ansomone. Ms Glass said that if any other substance had been present in the package, its presence would have been recorded on the document produced from her notes. We see no reason not to accept her evidence on this point, particularly since the package emanated from the supplier of Ansomone, and not from any sender of more than one product in the same package.
- (8) While it is not impossible that a package such as this, if ordered by Mrs Kendall's sister Hayman Chong, could have been sent to Mrs Kendall's address rather than to a neighbour of their mother in Gowerton, their mother being away from home and thus unable to receive the package, there is no evidence from their mother herself to support that assertion.
- (9) Nor did Mrs Kendall or Mr Kendall explain why, if a package intended for Mrs Kendall's mother was sent to Mrs Kendall for onward delivery to her mother, the sender, Hayman Chong, should have used the initial "A" for Ada rather than Hayley, the name by which, according to Mrs Kendall, she is generally known in this country and which her sister Hayman calls her.
- (10) The interview transcript and recording strongly indicate that Mr Kendall was unaware of any potential illegality in the importation of HGH until informed of this by Mr Simpson, by which time he had already made the admissions now relied upon by UK Anti-Doping. He had no reason, until alerted to that potential illegality,

to fear trouble for his wife, mother in law or sister in law, if he were to name them as the sender or intended recipients of the package.

(11) On other, collateral aspects of the case, Mr Kendall's evidence was unclear and contradictory. Thus, he said he had a brother whose name he gave first as Alan Russell Joseph Kendall, and subsequently as Alan Robert Joseph Kendall. At another point in his evidence, he made reference to "face masks" being present in packages sent from Hong Kong, but it was not clear whether he was referring to the consignment containing HGH or another package.

(12) Finally, there was no oral evidence, and only brief written statements, from Hayman Chong in Hong Kong, and Mrs Kendall's mother. This was despite an exchange of pre-hearing emails in which the importance of that evidence was carefully explained to Mr Kendall by the chairman, in response to comments from Mr Herbert; and in which it was explained that their oral evidence could be taken by telephone (during the morning in Wales, which is evening in Hong Kong, in the case of Hayman Chong).

4.10 For those reasons, we reject the evidence of Mr Kendall that his previous admissions made in his interview were false, are comfortably satisfied that they were correctly made and were true. We are comfortably satisfied that the story now advanced – that Mr Kendall's sister in law ordered the HGH for use by his mother in law as an anti-aging product, and not for his own use – is false.

4.11 Accordingly, we are comfortably satisfied that Mr Kendall ordered the consignment of Ansomone that was seized on 8 June 2014, and that he ordered it for his own use. We therefore find that UK Anti-Doping succeeds in establishing the commission of the Anti-Doping Rule Violation with which Mr Kendall stands charged.

4.12 We add that it does not matter whether the substance in the vials that were seized was actually HGH and therefore prohibited, or whether it was counterfeit and thus not prohibited. In this regard, we are in full agreement with the reasoning of the Court of Arbitration for Sport in *Luke Troy v. Australian Rugby Union*, CAS 2008/A/1664; see at paragraph 84 (emphasis in original):

"... we do not see it as essential, for the purposes of proving an [Anti-Doping Rule Violation] in the form of an Attempt to Use Prohibited Substances, that the substances are in fact proven to be Prohibited Substances. There is nothing in the

language of the [identically worded] By-Law which suggests this to be the case. Indeed the language of the By-Law is inconsistent with such a requirement. The definition of 'Attempt' does **not** require that the conduct constitutes a substantial step in a course of conduct which **would culminate** in the commission of an ADRV. Rather it only requires the relevant conduct to be '**planned to culminate**' in the commission of such an offence. This use of language strongly suggests that it is irrelevant that the plan to commit the ADRV may fail because the product ordered may not, contrary to the belief and intention of the Respondent, contain, in fact, Prohibited Substances."

- 4.13 We turn to consider the question of sanctions. Under Article 10.2 of the Anti-Doping Rules, the starting point is a period of ineligibility of two years, unless the period falls to be reduced under Article 10.4 or 10.5, or increased in accordance with Article 10.6. In the present case, there are no grounds for any reduction of the two year period, and none were suggested by the Athlete in written or oral submissions or in his evidence.
- 4.14 UK Anti-Doping invites us to increase the two year period to one of up to four years in accordance with Article 10.6 in the light of "aggravating circumstances". We have the power to do so unless the Athlete can prove to our comfortable satisfaction that he did not "knowingly" commit the doping offence with which he is charged. In this context, "knowingly" does not mean lack of awareness that his actions, committed deliberately, constituted the offence.
- 4.15 In the present case, we are comfortably satisfied that Mr Kendall ordered the Ansomone on the internet knowing that he was ordering Ansomone. He is not able to escape the application of Article 10.6 merely because he was unaware that by ordering the product he was committing an Anti-Doping Rule Violation. We are therefore empowered to impose a period of ineligibility of up to four years if we find there are aggravating circumstances justifying the imposition of a period longer than two years.
- 4.16 We agree with UK Anti-Doping that the advancing of a false case in an attempt to avoid a finding of guilt is a recognised form of aggravating circumstance that may justify a ban longer than the standard two years: see the annotation to Article 10.6 in the World Anti-Doping Code, which gives the example of a case where "the Athlete ... engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation".
- 4.17 Examples of cases in which aggravating circumstances were present can be found in the jurisprudence of the National Anti-Doping Panels; see e.g. *UK Anti-Doping v. Burns*, 10

December 2012, in which a four year ban was imposed for multiple violations coupled with a fabricated case before the tribunal; and *UK Anti-Doping v. Windsor*, 30 April 2013, where a ban of three years and nine months was imposed for two offences, one involving use of a prohibited substance over a considerable period, coupled with, again, a fabricated case.

- 4.18 We have borne in mind the factual findings and the penalties imposed in these cases for the purpose of comparison with the present case. Here, Mr Kendall was initially helpful to the investigators; he cooperated with the investigation and made correct admissions in his interview. He did not understand that proof of the genuineness of the product he ordered was unnecessary; nor that a negative doping test, to which he was willing to submit, would not exonerate him. We do not hold these matters against him.
- 4.19 Subsequently, however, he changed his case and adduced untrue evidence before us, from himself and members of his family, in an attempt to escape a finding of guilt. He was defiant and unrepentant, saying at the hearing that he did not care if we banned him. He intended to use Ansomone by injecting it into his stomach. He had used it in the past. In all the circumstances, we are satisfied that aggravating circumstances are present and after careful reflection have come to the conclusion that the appropriate period of ineligibility is three years and three months.
- 4.20 In its written opening brief, UK Anti-Doping stated that the Athlete has been provisionally suspended since 10 November 2014. That may have been an error since the charge letter refers to provisional suspension from 12 November 2014, but we take the earlier date as our starting point for the commencement of the period of ineligibility, since it was not clear at the hearing that the erroneous date was the earlier of the two and not the later.
- 4.21 We then considered, in accordance with Article 10.9 of the Anti-Doping Rules, whether we should backdate the commencement of the period to a date earlier than 10 November 2014 on the ground that there had been "substantial delays" in "aspects of Doping Control that are not attributable to the Participant charged". We concluded that such delays as occurred during the period from seizure of the package in June 2014 up to the date of the charge letter, 12 November 2014, were not substantial.

5. **SUMMARY: THE TRIBUNAL'S DECISION**

5.1 Accordingly, for the reasons given above, the tribunal decides as follows:

- (1) The doping offence under Article 2.2 of the Anti-Doping Rules has been established.
- (2) The period of ineligibility is three years and three months from 10 November 2014, expiring at midnight on 9 February 2018.

6. **RIGHTS OF APPEAL**

6.1 In accordance with Article 13.4 of the Anti-Doping Rules and Article 12 of the Procedural Rules, Mr Kendall and the other parties named in Article 13.4 have a right of appeal to an Appeal Tribunal of the National Anti-Doping Panel Appeal.

6.2 In accordance with Article 13.7 of the Anti-Doping Rules and Article 12.5 of the Procedural Rules, any party who wishes to appeal must lodge a Notice of Appeal with the NADP Secretariat within 21 days of receipt of this decision.

Tim Kerr QC

Dr Neil Townshend

Dr Barry O'Driscoll

Signed on behalf of the Tribunal:

A handwritten signature in blue ink that reads "Tim Kerr". The signature is written in a cursive style with a horizontal line underneath the name.

Chairman

Dated: 09 January 2015



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