

Issued Decision

UK Anti-Doping and Kyle Bochek

Disciplinary Proceedings under the Anti-Doping Rules of Ice Hockey United Kingdom

This is an Issued Decision as between UK Anti-Doping Limited ('UKAD') and Mr Kyle Bochek ('the Athlete') relating to an Anti-Doping Rule Violation ('ADRV') arising from the Ice Hockey UK ('IHUK') Anti-Doping Rules (the 'ADR'). Capitalised terms used in this Decision have the same meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. IHUK is the governing body for the sport of ice hockey in the UK. UKAD is the National Anti-Doping Organisation ('NADO') for the United Kingdom.
2. The Athlete is an ice hockey player. At all material times he was subject to the jurisdiction of IHUK and bound to comply with the ADR. Pursuant to the ADR, UKAD is empowered to conduct Doping Control and Results Management in respect of all athletes subject to the jurisdiction of IHUK.
3. On 30 November 2014, UKAD collected an In-Competition Sample from the Athlete 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 12 December 2014, the Laboratory reported to UKAD an Adverse Analytical Finding ('the Finding') for methylhexaneamine in the Sample.
5. Methylhexaneamine is a Prohibited Substance classified as a Specified Stimulant under S6.b of the WADA 2014 Prohibited List.
6. The Athlete does not have, nor has he ever held, a Therapeutic Use Exemption (as that term is used in the ADR) in respect of methylhexaneamine. On 18 December 2014 UKAD issued the Athlete with a Notice of Charge ('the Charge'). The Charge related to the commission of an ADRV pursuant to ADR Article 2.1 (the Presence of Prohibited Substances in the Sample). The Charge explained the facts relied on in support of the allegation, the details of the Charge, the procedure for analysis of the B Sample and the Consequences of an admission or proof of the ADRV.
7. The Athlete admitted the charge and waived his right to have the B Sample analysed.

Admission and Consequences

8. ADR Article 2 provides that:

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:

- 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. The Athlete has admitted an ADR Article 2.1 ADRV.
10. ADR Article 7.5.4 provides:
- 7.5.4 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.
11. ADR Article 10.2 provides:
- 10.2 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.
12. Pursuant to ADR Article 10.2, the sanction to be imposed for the ADRV referred to in paragraph 6 above is a period of Ineligibility of two (2) years ('the Standard Sanction'). The Athlete has no record of having committed any previous ADRVs.
13. ADR Article 10.4 states that:
- 10.4.1 Where the Participant can establish how a Specified Substance entered his/her body or came into his/her Possession and that such Specified Substance was not intended to enhance the Athlete's sport performance or to mask the Use of a performance-enhancing substance, the period of Ineligibility established in Article 10.2 shall be replaced (assuming it is the Participant's first offence) with, at a minimum, a reprimand and no period of Ineligibility, and at a maximum a period of Ineligibility of two (2) years.
- 10.4.2 To qualify for any elimination or reduction under this Article 10.4, the Participant must produce corroborating evidence in addition to his/her word that establishes, to the comfortable satisfaction of the hearing panel, the absence of an intent to enhance sport performance or to mask the Use of a performance-enhancing substance. The Participant's degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.
14. UK Anti-Doping accepts that ADR Article 10.4 is capable of application in this matter. The Athlete has explained that his ingestion of methylhexanamine arose by way of his use of a dietary supplement. The supplement concerned was marketed as a 'pre-workout' drink. The Athlete did not undertake any reasonable enquiries of any person who might have advised him as to the utility or efficacy of the supplement, nor did he undertake any steps to satisfy himself that the supplement was free of

Prohibited Substances. The Athlete has, however, provided evidence to the effect the he did not intend to use methylhexanamine to enhance his performance. Article 10.4 is therefore engaged.

15. The Athlete is significantly at fault. He failed to take any straightforward steps that he could have taken to avoid ingesting methylhexanamine. Since receipt of the Charge he has cooperated with the disciplinary process and promptly admitted the ADRV. He has been frank about the circumstances in which the ADRV arose. His prompt admission and cooperation have avoided the need to expend time and resources on a hearing.
16. UK Anti-Doping has (pursuant to Anti-Doping Rule 7.5.4) specified that the Consequences in respect of the Athlete's ADRV should be a period of Ineligibility of eighteen (18) months. The Athlete accepts this sanction.

Disqualification of Results and Ineligibility

17. ADR Article 10.9 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.

18. The Athlete has been subject to a Provisional Suspension since the date of the Charge. The period of Ineligibility is therefore deemed to have commenced on 18 December 2014 and will expire at midnight on 17 June 2016.
19. During the period of Ineligibility, in accordance with ADR Article 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:
 - IHUK or any body that is a member of, or affiliated to, or licensed by IHUK
 - any Signatory (as that term is defined in the ADR)
 - any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation
 - any professional league or any international or national-level Event organisation
20. The Athlete, IHUK, the International Ice Hockey Federation and WADA have a right of appeal against this decision or any part of it in accordance with ADR Article 13.4.
21. 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

22. For the reasons given above, UKAD has issued this decision, which records that:

- the Athlete has committed an ADRV pursuant to ADR Article 2.1
- a period of Ineligibility of eighteen (18) months shall be the Consequences imposed pursuant to ADR Article 10.2
- the period of Ineligibility is deemed to have commenced from 18 December 2014 and will end at midnight on 17 June 2016
- the Athlete's status during the period of Ineligibility shall be as detailed in ADR Article 10.10

Dated this 9th day of March 2015.