

National Anti-Doping Panel

IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES OF THE RUGBY FOOTBALL LEAGUE

Between:

UK ANTI-DOPING LIMITED

-and-

SEAN PENKYWICZ

CONSENT ORDER

- A. The Anti-Doping Rules of the Rugby Football League (the 'RFL') are the UK Anti-Doping Rules, v2.0, 14 December 2009 (the 'RFL ADR'), pursuant to Article 1 of the RFL Anti-Doping Regulations 2014.
- B. Mr. Penkywicz signed an Agreement to become a registered professional player with the RFL on 5 June 2014. He is therefore subject to and bound to comply with the RFL's Rules and Regulations, including the RFL ADR pursuant to Article 1.2.1(a) of the RFL ADR.
- C. On 5 December 2014 a Doping Control Officer collected a urine sample (the 'Sample') from Mr. Penkywicz during an Out-of-Competition squad test of Leigh Centurions RFLC. Mr. Penkywicz split the Sample into two separate bottles which were given reference numbers A1121887 (the 'A Sample') and B11211887 (the 'B Sample'). Both Samples was analysed by the World Anti-Doping Agency-accredited laboratory in London, the

Drug Control Centre, Kings College (the 'Laboratory'). No prohibited substances or Prohibited Methods were detected in this analysis. These initial results were reported by the Laboratory on 16 December 2014.

- D. On 27 January 2015, UKAD instructed the Laboratory to conduct Growth Hormone Releasing Factor analysis on the A sample. This analysis returned an Adverse Analytical Finding ('AAF') for Growth Hormone Releasing Peptide-6 ('GHRP-6').
- E. GHRP-6 is classified under section S2 of the WADA 2014 Prohibited List for 'Peptide Hormones, Growth Factors and Related Substances.' GHRP-6 is therefore a Prohibited Substance.
- F. UKAD's records did not indicate the Athlete had a Therapeutic Use Exemption to justify the presence of GHRP-6.
- G. On 9 April 2015, UKAD charged Mr. Penkywicz with committing an Anti-Doping Rule Violation pursuant to Article 2.1 of the RFL ADR.
- H. Mr. Penkywicz elected to have his B Sample analysed. This was completed in the presence of Mr. Penkywicz at the Laboratory on 13 May 2015. The analysis of the B Sample confirmed the AAF in the A Sample.
- I. On 19 June 2015, UKAD referred the matter to the NADP Secretariat for hearing and determination in accordance with the RFL ADR and the NADP Procedural Rules. The NADP President appointed the above named chairman to an NADP Tribunal for that purpose.
- J. On 21 July 2015, Mr. Penkywicz informed the NADP and UKAD via his representative Mr. Chantler that he no longer wished to contest the charge of committing an Anti-Doping Rule Violation pursuant to Article 2.1 of the RFL ADR. He confirmed that he accepted the imposition of the applicable Consequences of the Anti-Doping Rule Violation, which is a period of Ineligibility of two years.

K. The parties have therefore proposed resolution of the matter on the terms set out below, subject to the approval of the NADP.

WITH THE CONSENT OF THE PARTIES, IT IS HEREBY ORDERED THAT:

1. Mr. Penkywicz hereby admits to:

1.1 The Presence of Growth Hormone Releasing Peptide-6 ('GHRP-6') in his system on 5 December 2014 in violation of Article 2.1 of the RFL ADR; and

2. As a consequence:

2.1 Mr. Penkywicz is ruled Ineligible for a period of two (2) years in accordance with Article 10.2 of the RFL ADR. The period of Ineligibility is deemed to have started running from the date that he was charged and Provisionally Suspended in accordance with Article 10.9.3 of the RFL ADR. It will therefore run from 9 April 2015 to 8 April 2017 (inclusive).

2.2 During the two (2) year period of Ineligibility:

2.2.1 In accordance with Article 10.10.1 of the RFL ADR, Mr. Penkywicz may not participate in any capacity in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by the RFL or any body that is a member of or affiliated to or licensed by the RFL; (b) any Signatory of the World Anti-Doping Code or 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 (c) any professional league or any international or national-level Event organisation; and

2.2.2 Mr. Penkywicz will remain subject to and bound to comply with the RFL ADR, including the obligation to submit to Testing under Article 10.10.4 of the RFL ADR. If requested, he will provide information as to his whereabouts to facilitate such testing, in accordance with Article 10.11.1 of the RFL ADR.

3. Mr. Penkywicz and each of the RFL, the Rugby League International Federation, and WADA has a right of appeal against this Order or any part of it in accordance with Article 13 of the RFL ADR. There shall be no order as to the costs of these proceedings.
4. The disposition of these proceedings on the terms set out above will be publicly announced (including via the NADP and UK Anti-Doping websites).

ACKNOWLEDGED AND AGREED:

Stacey Cross
For and on behalf of UK Anti-Doping
Limited

Date :
2015

Sean Penkywicz

Date:
2015

SO ORDERED:



William Norris QC
Chairman, NADP Arbitral Tribunal
Date: 11 August 2015



Sport Resolutions (UK)
1 Salisbury Square
London EC4Y 8AE

T: +44 (0)20 7036 1966
F: +44 (0)20 7936 2602

Email: resolve@sportresolutions.co.uk
Website: www.sportresolutions.co.uk

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