

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Volleyball

Pursuant to the decision of the Hearing Panel convened for Case 2014-001, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

July 23, 2014
Japan Anti-Doping Disciplinary Panel
Chair: Toshio Asami

Case 2014-001: Hearing Panel Decision

The Hearing Panel for Case 2014-001, which is composed of the following members appointed by the Chair of the Japan Anti-Doping Disciplinary Panel pursuant to Article 8.3.2 of the Japan Anti-Doping Code (the “Code”), has made the following decision concerning this case pursuant to the results of the hearing held on July 5, 2014.

July 23, 2014
Yoshihisa Hayakawa _____
Toshio Asami _____
Masahiro Murayama _____

Decision:

- A violation of Article 2.1 of the Code is found to have occurred.
- In accordance with Article 10.8 of the Code, all of the individual results of the Athlete obtained from the date of sample collection until the commencement date of the provisional suspension period (including, but not limited to, the competition results at the Kanto Universities Volleyball 2014 Spring League Game (competing against Tokai University and competing against Kaetsu University)) shall be disqualified.
- In accordance with Article 10.4 and Article 10.9.2 of the Code, ineligibility shall be imposed for a period of three months starting from June 16, 2014.

Reasons:

- The substance “canrenone” that was detected in out-of-competition testing conducted on May 14, 2014 is designated as a prohibited substance under “S5. Diuretics and Other Masking Agents” in The 2014 Prohibited List International Standard (the “Prohibited List”), and it constitutes a “prohibited substance” as prescribed in Article 2.1 of the Code. In response to this, the Athlete neither requested an analysis of the B Sample, nor contested the test results or the process and procedure that led to those results at the hearing.
- The canrenone that was found in this case, while on the one hand constituting a “prohibited substance,” also is a “specified substance” under the Prohibited List. Based on the testimony of JADA, the Athlete herself, and the coach of the team to which the Athlete belongs, as well as the written statement submitted by the Athlete, the certificate of the prescribed medication and treatment of the doctor, the medical record, the written explanation submitted by the doctor regarding the volume of the drug including the specified substance contained in the prescribed medication, the written explanation regarding such drug, the document of JADA regarding the results of the independent inspection concerning the detection of the prohibited substance, etc., the following facts can be found in this case,
 - (1) The canrenone that was found in this case is reasonably presumed to be highly possible of having been caused by the Athlete’s use of an ointment prescribed by the doctor for the purposes of curing a skin disease (the “Ointment”). In this regard, it can be said that the route through which the substance “entered his or her body” as under Article 10.4 of the Code has been proved.
 - (2) Furthermore, the Ointment was solely used for the purposes of curing a skin disease, and it can also be said that it has been proved, based upon the submitted evidence, etc., that it was not “intended to enhance the Athlete’s sport performance or mask the Use of a performance-enhancing substance.”

From the above, it is subject to elimination or reduction of the period of ineligibility for specified substances under Article 10.4 of the Code. However, regardless of having previously received anti-doping training, the Athlete lacked the perception that she herself might possibly be subject to a doping test, and failed to notify the doctor that she was an athlete who might possibly be subject to a doping test. As a result, the Ointment Medication was prescribed, and furthermore the Athlete used without any perception of its components. Therefore, a certain level of negligence is unavoidably recognized on the part of the Athlete.

- Taking into consideration the above circumstances, as a first violation, it is

appropriate to impose a three month period of ineligibility pursuant to Article 10.4 of the Code.

- In this case, the athlete has been under a provisional suspension pursuant to Article 7.6.1 of the Code from the June 16, 2014 notice date until the time of the present decision (a provisional hearing was held on July 5, 2014 concerning the relevant provisional suspension). Accordingly, pursuant to Article 10.4 and Article 10.9.2 of the Code, the Athlete shall be subject to a three month period of ineligibility commencing June 16, 2014.

Based on the foregoing, we have made our decision as stated above.

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