

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Powerlifting

Pursuant to the decision of the Hearing Panel convened for Case 2014-002, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

July 5, 2014
Japan Anti-Doping Disciplinary Panel
Chair: Toshio Asami

Case 2014-002: Hearing Panel Decision

The Hearing Panel for Case 2014-002, 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 5, 2014
Yoshihisa Hayakawa _____
Katsumi Tsukagoshi _____
Masahiro Murayama _____

Decision:

- A violation of Article 2.1 of the Code is found to have occurred.
- In accordance with Article 9 and Article 10.1.1 of the Code, each of the competition results for the competition (May 24, 2014: The 33rd Junior and The 32nd Masters All-Japan Powerlifting Championship) 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 18, 2014.

Reasons:

- The substance “methylephedrine” that was detected in excess of an urinary concentration of $10 \mu\text{g/ml}$ in in-competition testing is designated as a prohibited substance under “S6. Stimulants” in The 2014 Prohibited List International Standard (the “Prohibited List”) on the condition that it is greater than an urinary concentration of $10 \mu\text{g/ml}$, 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.
- Accordingly, the Athlete can be found to have violated Article 2.1 of the Code in this case, and in accordance with Articles 9 and 10.1.1 of the Code, each of the individual competition results for the competition (May 24, 2014: The 33rd Junior and The 32nd Masters All-Japan Powerlifting Championship) shall be disqualified.
- Furthermore, the methylephedrine 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 himself, and the committee head of the Sports Medical Science Committee of the sports organization, and the written statement submitted by the Athlete himself, etc., the following facts can be found in this case.
 - (1) The methylephedrine that was detected in this case is reasonably presumed to be highly possible to be attributable due to the administration of a cold medication containing methylephedrine by the Athlete during a period of approximately one week up till immediately prior to the competition. In this regard, it can be said that the route through which “a Specified Substance entered his or her body” in Article 10.4 of the Code has been proved.
 - (2) It can also be said that it has been proved from the submitted evidence, etc. that such cold medication was administered for the sole purpose of curing a cold, and “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, on the other hand, a certain level of negligence is unavoidably recognized on the part of the Athlete in that, regardless of having undergone E-learning with respect to doping and even receiving a completion certificate, he carelessly purchased a commercially available cold medication highly possible of containing a prohibited substance, and failed to make confirmations thereof even though the ingredients label clearly described that

it contained methylephedrine.

- 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 18, 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 18, 2014.

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

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