

Decision of the Japan Anti-Doping Disciplinary Panel

Case 2015-004

Name of Athlete: X

Sport: Body building

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

October 27, 2015

Japan Anti-Doping Disciplinary Panel

Vice Chair: Takahiro Yamauchi

---

Hearing Panel Decision

The Hearing Panel, 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 (the “Hearing”) held on October 27, 2015.

October 27, 2015

Takahiro Yamauchi

Toshio Asami

Masahiro Murayama

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Decision:

- A violation of Article 2.1 of the Code is found to have occurred.
- In accordance with Article 10.2.1.1 main text, Article 10.7.1(c) and Article 10.11.3.1, a period of ineligibility shall be imposed for a period of eight years starting from August 21, 2015.

Reasons:

- The “dehydrochloromethyl-testosterone metabolite” was detected from the Athlete in Out-of-Competition testing conducted on July 23, 2015, and such substance is designated as a prohibited substance under “S1. Anabolic Agents” in The 2015 Prohibited List International Standard (the “Prohibited List”), and 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 provisional hearing or the hearing.
- Accordingly, the Athlete can be found to have violated Article 2.1 of the Code (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample) in this case (the “Violation”).
- The Athlete asserts that the Violation was not intentional. However, the Athlete is unable to explain the specific details of how such Prohibited Substance entered into his body; furthermore, the supplements taken by the Athlete include those which the manufacturer gives warning of the possibility of testing positive in a doping test if taken in large quantities, and we have no choice but to say there remains a doubt to recognize that the Violation was not intentional. Therefore, the Athlete cannot be said to have proved that the Violation was not intentional, and Article 10.2.1.1 of the Code shall apply.
- Pursuant to the Decision of the Japan Anti-Doping Disciplinary Panel dated November 8, 2013 (Case 2013-005; the “Previous Case”), the Athlete was recognized to have committed a violation of the then-current Japan Anti-Doping Code on the grounds that a Prohibited Substance (clenbuterol, which falls under “S1.2. Other Anabolic Agents” under The 2013 Prohibited List International Standard) was detected from the Athlete at Out-of-Competition testing conducted on October 4, 2013 and October 12, 2013 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample). Pursuant to Article 25.7.1 of the Code, as the Previous Case is counted as a first violation, this case is recognized to be a second violation of the Code occurring within ten years. In addition, if the Code had been applicable to the Previous Case, the period of ineligibility would have been four years pursuant to Article 10.2.1 (the Athlete cannot be recognized to have proved that the violation was not intentional in the Previous Case either). Therefore, Article 10.7.1 of the Code shall apply, and from among Article 10.7.1(a) [six months], Article 10.7.1(b) [one-half of the period of ineligibility which would have been assessed for the Previous Case, i.e. two years] and Article 10.7.1(c) [twice the period of ineligibility of four years set forth in Article 10.2.1 of the Code, i.e. eight years], Article 10.7.1(c), which is the longest period, shall be selected.
- Therefore, it is appropriate to impose an eight year period of ineligibility pursuant to Article 10.7.1(c) of the Code.
- In this case, the Athlete has been under a provisional suspension pursuant to Article 7.9.1 of the Code from the August 21, 2015 notice date until the time of the present decision (a provisional

hearing was held on October 27, 2015 concerning the relevant provisional suspension). Accordingly, pursuant to Article 10.11.3.1 of the Code, the commencement date for the period of ineligibility shall be August 21, 2015.

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

###