

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Wrestling

Pursuant to the decision of the Hearing Panel convened for Case 2011-001, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

June 10, 2011
Japan Anti-Doping Disciplinary Panel
Chairman: Toshio Asami

Case 2011-001: Hearing Panel Decision

The Hearing Panel for Case 2011-001, which is composed of the following members appointed by the Chairperson of the Japan Anti-Doping Disciplinary Panel pursuant to Article 8.3.2 of the Anti-Doping Code (the "Code"), has made the following decision concerning this case pursuant to the results of the hearing held on June 10, 2011.

June 10, 2011
Yoshihisa Hayakawa _____
Katsumi Tsukagoshi _____
Tetsuhiko Kimura _____

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 individual competition results for the competition (April 29, 2011: 2011 Meiji Cup All-Japan Invitational Wrestling Championships) shall be disqualified.
- In accordance with Article 10.2 and Article 10.9.2 of the Code, ineligibility shall be imposed for a period of two years starting from May 17, 2011.

Reasons:

- The substance “drostanolone” that was detected in in-competition testing is designated as a prohibited substance under “S1. Anabolic Agents” in The 2011 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 requested an analysis of the B Sample, but the results of that analysis confirmed the results of the analysis of the A Sample.
- The athlete did not contest the test results and 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 (April 29, 2011: 2011 Meiji Cup All-Japan Invitational Wrestling Championships) shall be disqualified.
- Furthermore, according to the testimony of and documents (Written Statement, Document 1, Document 2) submitted by the Japan Anti-Doping Agency (“JADA”), the athlete himself and persons affiliated with the competition (Medical Science Chairman, secretariat staff) and the evidence (various supplements), as well as the documents submitted by JADA (Doping Control Form, etc.), it may be reasonably presumed that the drostanolone found in this case was not administered intentionally, but there is a high possibility that the use of it is attributable to the taking of supplements that contain it. However, even if that is the case, Article 10.5 cannot be applied to eliminate or reduce the applicable period of ineligibility, as there was clear negligence on the part of the athlete in his careless use of large quantities of a variety of supplements that he obtained from overseas via mail-order, without any reliance whatsoever on a doctor’s prescription.
- In this case, the athlete has been under a provisional suspension pursuant to Article 7.6.1 of the Code from May 17, 2011 until the time of the present decision (a provisional hearing was held on June 10, 2011 concerning the relevant provisional suspension). Accordingly, in accordance with Article 10.2 and Article 10.9.2 of the Code, the two-year period of ineligibility shall begin from May 17, 2011.

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

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