

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Cycling (Road)

Pursuant to the decision of the Hearing Panel convened for Case 2011-002, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

July 6, 2011
Japan Anti-Doping Disciplinary Panel
Chairman: Toshio Asami

Case 2011-002: Hearing Panel Decision

The Hearing Panel for Case 2011-002, 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 July 6, 2011.

July 6, 2011
Yoshihisa Hayakawa _____
Toshio Asami _____
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 competition results for the competition (June 19, 2011: The 27th All-Japan Student Conference Individual Championship Road Race) 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 six months starting from June 28, 2011.

Reasons:

- The substance “methylhexaneamine” that was detected in in-competition testing is designated as a prohibited substance under “S6. Stimulants” 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 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 (June 19, 2011: The 27th All-Japan Student Conference Individual Championship Road Race) shall be disqualified.
- Furthermore, the methylhexaneamine 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 and the evidence (the actual supplement that was ingested, etc.) submitted by JADA, the athlete himself, the coach of the university’s cycling club, and the executive director of the Japan Cycling Federation, the following facts can be found in this case.
 - (1) It may be reasonably presumed that the methylhexaneamine 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 a supplement that contains it without the knowledge that such substance was so contained. In that sense, it can be said that it has been proven how the relevant substance entered the athlete’s body as set forth in Article 10.4.
 - (2) Meanwhile, it can be said that such supplement was primarily taken for the purpose of maintaining the individual’s health, and not for the purpose of improving competitiveness or concealing the use of substances that improve competitiveness.
 - (3) However, even if that is the case, it cannot be denied that there is a definite issue with the careless taking of a supplement obtained from overseas by mail order without any prescription from a doctor whatsoever.

Taking into consideration the above circumstances as well as the fact that the present violation was a first violation, it has been decided that, as a first violation, it is proper to impose a six-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 28, 2011 notice date until the time of the present

decision (a provisional hearing was held on July 6, 2011 concerning the relevant provisional suspension). Accordingly, in accordance with Article 10.4 and Article 10.9.2 of the Code, the six-month period of ineligibility shall begin from June 28, 2011.

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

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