

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Weightlifting

Pursuant to the decision of the Hearing Panel convened for Case 2011-003, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

July 17, 2011
Japan Anti-Doping Disciplinary Panel
Chairman: Toshio Asami

Case 2011-003: Hearing Panel Decision

The Hearing Panel for Case 2011-003, 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 17, 2011.

July 17, 2011
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 9 and Article 10.1.1 of the Code, each of the competition results for the competition (June 24, 2011: The 25th All-Japan Women's Weightlifting 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 two months starting from July 8, 2011.

Reasons:

- The substance “betamethasone” that was detected in in-competition testing is designated as a prohibited substance under “S9. Glucocorticosteroids” 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 24, 2011: The 25th All-Japan Women’s Weightlifting Championship) shall be disqualified.
- Furthermore, the betamethasone 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 (athlete’s written statement, physician’s medical certificate and authorization to provide medical information, etc.) submitted by JADA, the athlete herself, and persons affiliated with the competition (managing director of the Japan Weightlifting Association, supervisor of the weightlifting club to which the athlete belongs and such club’s coach), as well as the documents submitted by JADA (Doping Control Form, etc.), the following facts can be found in this case.
 - (1) While the betamethasone that was found in this case is a substance that is contained in Histablock, which is an oral medicine that was used for treatment by the athlete, no evidence can be found that the athlete used a drug that contains such substance other than such oral medicine. Accordingly, it may be reasonably presumed that this substance was not administered intentionally, but that there is a high possibility that its use is attributable to the taking of such oral medicine, which contains it, without the knowledge that such substance was so contained. In that sense, it can be said that the means by which the relevant substance entered the athlete’s body has been proven as set forth in Article 10.4.
 - (2) Meanwhile, it can be said that such oral medicine was taken for the purpose of treating allergic rhinitis and pollen allergies and not for the purpose of improving competitiveness or concealing the use of substances that improve competitiveness.
 - (3) In this case, circumstances were such that the ingestion of such oral medicine was based on a doctor’s prescription, and moreover, the athlete told such

doctor that she is an athlete and that it is possible that she will be tested for doping. However, such doctor did not pay sufficient attention to the inclusion of prohibited substances only in respect of such oral medicine, because such doctor prescribed such oral medicine from a time before the athlete began competing in the sport, and as a result, he continued to prescribe the oral medicine containing a prohibited substance.

- (4) Nevertheless, the athlete herself is supposed to confirm whether prohibited substances are contained in any prescribed medicine, and she made no such confirmation at all in connection with such oral medicine, nor did she give sufficient consideration to the steps that she should take as an athlete.

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 two-month period of ineligibility pursuant to Article 10.4 of the Code.

- In this case, a provisional suspension pursuant to Article 7.6.1 of the Code has been imposed on the athlete from the July 8, 2011 notice date until the time of the present decision (a provisional hearing was held on July 17, 2011 concerning the relevant provisional suspension). Accordingly, in accordance with Article 10.4 and Article 10.9.2 of the Code, the two-month period of ineligibility shall begin from July 8, 2011.

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

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