

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Handball (Beach Handball)

Pursuant to the decision of the Hearing Panel convened for Case 2012-001, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

April 15, 2012
Japan Anti-Doping Disciplinary Panel
Chairman: Toshio Asami

Case 2012-001: Hearing Panel Decision

The Hearing Panel for Case 2012-001, 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 April 15, 2012.

April 15, 2012
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 10.4 and Article 10.9.2 of the Code, ineligibility shall be imposed for a period of three months starting from April 6, 2012.

Reasons:

- The substance “clomiphene” that was detected in out-of-competition testing held on March 16, 2012 is designated as a prohibited substance under “S4. Hormone and Metabolic Modulators” in The 2012 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.
- Furthermore, the clomiphene 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 health certificate, physician’s medical certificate, etc.) submitted by JADA, the athlete herself, and persons affiliated with the competition (chairman of the anti-doping special committee, chairman of the medical advisory committee and secretariat of the Japan Handball Association), as well as the documents submitted by JADA (Doping Control Form, etc.), the following facts can be found in this case.
 - (1) While the clomiphene that was found in this case is a substance that is contained in Clomid, which is an oral medicine that was used for treatment by the athlete about one month before the out-of-competition testing, 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 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.
 - (4) Nevertheless, the athlete did not tell such doctor that she was an athlete and that it was possible that she would be tested for doping. Moreover, 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 three-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 April 6, 2012 notice date until the time of the present decision (a provisional hearing was held on April 15, 2012 concerning the relevant provisional suspension). Accordingly, in accordance with Article 10.4 and Article 10.9.2 of the Code, the three-month period of ineligibility shall begin from April 6, 2012.

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

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