

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 2012-007, the Japan Anti-Disciplinary Panel has made the following decision with respect to this case.

December 27, 2012
Japan Anti-Doping Disciplinary Panel
Chair: Toshio Asami

Case 2012-007: Hearing Panel Decision

The Hearing Panel for Case 2012-007, 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 held on December 27, 2012.

December 27, 2012
Kazuki Shishido _____
Toshio Asami _____
Masahiro Murayama _____

Decision:

- A violation of Article 2.1 of the Code is found to have occurred.
- In accordance with Article 9, Article 10.1.1 and Article 10.8 of the Code, all of the individual achievements of the Athlete achieved during the period from the date of sample testing to the commencement date of the provisional suspension period (including the competition results for the Ladies Cup The 4th All Japan Women’s Weightlifting Championship) are disqualified, and all medals, scores and awards acquired during the period above are forfeited.
- In accordance with Article 10.7.1, Article 10.9.1 and Article 10.9.2 of the Code, ineligibility shall be imposed for a period of five years starting from December 14, 2012.

Reasons:

- According to the “Analysis Result Record” submitted by Mitsubishi Chemical Medience Corporation as of December 6, 2012, it is reasonably presumed that “19-norandrosterone” and “19-noretiocholanolone” were found in the samples taken from the Athlete in in-competition testing, that is, that “Anabolic Agents, 1.b Anabolic Androgenic Steroids (AAS), Endogenous AAS when administered exogenously” referred to in The 2012 Prohibited List International Standard were administered. 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.
- Accordingly, the Athlete can be found to have violated Article 2.1 of the Code (The Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample). Due to the provisional suspension issued as of December 14, 2012 in this case, the validity of which was subsequently confirmed in the provisional hearing convened today in accordance with Article 7.6.2, b) of the Code, it is proper to consider that all of the individual achievements of the Athlete achieved during the period from the date of sample testing to the commencement date of the provisional suspension period (including the competition results for the Ladies Cup The 4th All Japan Women’s Weightlifting Championship) are disqualified, and all medals, scores and awards acquired during the period above (if any) are forfeited.
- Furthermore, it is recognized that while on the one hand the substances detected above constitute “prohibited substance(s)”, the violation by the Athlete in this case is a second violation. In accordance with the decision of the Japan Anti-Doping Disciplinary Panel dated July 17, 2011 submitted by JADA, the Athlete has been imposed a two-month period of ineligibility, etc. as of the same date on grounds of violating Article 2.1 of the Code, and since the violation in this case occurred within eight years from the abovementioned violation of the Anti-Doping Code (“First Violation of Anti-Doping Regulations”), the period of ineligibility of this violation is to be determined pursuant to the provisions of Article 10.7 of the Code (it should also be remarked that no circumstances exist in this case which can lead to the conclusion that there was “no fault or negligence” as set forth in Article 10.5.1 of the Code).
- In this respect, in this case a reduced sanction measure is imposed against the First Violation of Anti-Doping Regulations (RS as referred to in Article 10.7.1 of the Code). On the other hand, since with respect to the violation in this case, the targeted prohibited substances do not fall under specified substances, nor are any

particular circumstances found to allow the reduction of the ineligibility period as referred to in Article 10.5.2, it is to be considered that standard sanction measures as referred to in Article 10.2 should be imposed upon the violation for this time (St). Therefore, the period of ineligibility imposed upon the Athlete in this case is to be determined within the scope of four to six years in accordance with Article 10.7.1 of the Code.

- The following facts can be found with respect to this case in accordance with the testimony given and documents (written statement, etc. of the Athlete herself) submitted by JADA, the Athlete herself and the persons associated with the sport governing body (the managing director of the Japan Weightlifting Association, the manager of the weightlifting club to which the Athlete belongs, and the coach of such club) as well as the documents (Doping Control Form, etc.) submitted by JADA. As possible channels for the prohibited substances to have entered into her body, the Athlete listed an injection drug (Rinderon) or an internal medicine (Loxonin) used at an orthopedics for curing the Athlete's injury, as well as tablets (High-Protein, Creatine, Multivitamin) taken until around September 20, 2012, in accordance with recommendations at Taiwan, her overseas training destination. However, no sufficient evidence can be found to demonstrate that the above were the causes of the detection of "19-norandrosterone" and "19-noretiocholanolone". On the other hand, in this case there do not exist any particular circumstances that the Athlete gave false statements or concealed facts with respect to supplements and other substances which were the cause of the detection of the prohibited substances, other than the above.
- With respect to the detection of prohibited substances from the Athlete's sample, (although we cannot go far as to find the Athlete to have intentionally taken the prohibited substances,) while no circumstances can be found in this case to mitigate the sanction period to be imposed upon the Athlete, on the other hand there exist no grounds to aggravate the same; therefore, upon comprehensively weighing the factors mentioned above, we consider that it would be appropriate to impose upon the Athlete a period of ineligibility for five years.
- As the period of provisional suspension, if validly imposed and submitted to by the Athlete, would be counted in the period of ineligibility mentioned above in accordance with Article 10.9.2 of the Code, since it is recognized from the results of the hearing in this case that the Athlete submitted to the provisional suspension during the period from December 14, 2012, the date of the Athlete's acknowledgement of the positive reaction of her sample, until today, the

commencement date of the original ineligibility period, the period of ineligibility shall, in accordance with Article 10.9.1 and Article 10.9.2 of the Code, commence on December 14, 2012, the date on which the Athlete voluntarily submitted to the provisional suspension.

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