

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Track and Field

Pursuant to the decision of the Hearing Panel convened for Case 2012-008, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

May 14, 2013
Japan Anti-Doping Disciplinary Panel
Chair: Toshio Asami

Case 2012-008: Hearing Panel Decision

The Hearing Panel for Case 2012-008, 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 April 18, 2013.

May 14, 2013
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 individual competition results for the competition (December 9, 2012: The Honolulu Marathon) 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 one year starting from January 18, 2013.

Reasons:

- The substance “erythropoietin” of which a metabolite was detected in in-competition testing is designated as a prohibited substance under “S2. Peptide Hormones, Growth Factors and Related Substances” 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, and in accordance with Articles 9 and 10.1.1 of the Code, each of the individual competition results for the competition (December 9, 2012: The Honolulu Marathon) shall be disqualified.
- Based on the testimony of JADA, the Athlete herself, the coach and the related parties to the sports organization (such as the Vice Head of the Medical Committee) and the documents submitted (“Report on Doping Violations”, “Medical Report”), and the documents submitted by JADA (such as the Doping Control Form), and furthermore, the written explanation dated May 6, 2013 submitted after the hearing by the doctor who treated the Athlete’s symptoms of anemia (neither did the Athlete side nor the JADA side request to have an additional hearing with respect to this document), the following facts can be found.
- The erythropoietin was detected this time because the doctor above administered this substance to the Athlete on November 12, 2012 in order to treat the serious symptoms of anemia of the Athlete. Since the doctor did not notify the Athlete in advance that the doctor was going to administer this substance, the Athlete herself was unaware that such substance had entered her body until she was notified of the results of the testing.
- However, there also exists the circumstance that the Athlete herself had not proactively informed the doctor above that she was an athlete of a level likely to be subject to doping tests, as well as the circumstance that the Athlete, failed to confirm whether or not the substance that she was being administered contained a prohibited substance, although she should have done so, and failed to take sufficient care with respect to the measures which she should have taken as an athlete.
- Taking into consideration the facts above, as well as the fact that this was a first violation, it is appropriate to impose a one year period of ineligibility pursuant to Article 10.5.2 of the Code.
- In the case that a provisional suspension is validly imposed, the period during which

an athlete submitted to provisional suspension is included in the period of ineligibility pursuant to Article 10.9.2 of the Code. According to the results of the hearing in this case, the Athlete has been under a provisional suspension from January 18, 2013 until today, the commencement date of the original period of ineligibility (a provisional hearing was held on April 18, 2013 concerning the relevant provisional suspension). Accordingly, pursuant to Article 10.2 and Article 10.9.2 of the Code, the Athlete shall be subject to a one year period of ineligibility from January 18, 2013.

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

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