

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Taekwondo

Pursuant to the decision of the Hearing Panel convened for Case 2013-007, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

May 30, 2014
Japan Anti-Doping Disciplinary Panel
Chair: Toshio Asami

Case 2013-007: Hearing Panel Decision

The Hearing Panel for Case 2013-007, 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 (the “Hearing”) held on April 29, 2014.

May 30, 2014
Kazuki Shishido _____
Katsumi Tsukagoshi _____
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 results of the Athlete obtained from the date of sample collection until the commencement date of the provisional suspension period (including the competition results at THE 7th ALL JAPAN TAEKWONDO CHAMPIONSHIPS) shall be disqualified, and all medals, scores and awards obtained during the period above shall be forfeited.
- In accordance with Article 10.2, Article 10.9.1 and Article 10.9.2 of the Code,

ineligibility shall be imposed for a period of two years starting from April 15, 2014.

Reasons:

- The substance “furosemide” that was detected in in-competition testing conducted on March 2, 2014 is designated as a prohibited substance under “S5. Diuretics and Other Masking Agents” in The 2014 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 provisional hearing and the hearing.
- Accordingly, the Athlete can be found to have violated Article 2.1 of the Code (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample) in this case. Therefore, it is appropriate to consider that, in accordance with Article 9, Article 10.1.1 and Article 10.8 of the Code, all of the individual results of the Athlete obtained from the date of sample collection until the commencement date of the provisional suspension period (including the competition results at THE 7th ALL JAPAN TAEKWONDO CHAMPIONSHIPS) shall be disqualified, and all medals, scores and awards obtained during the period above shall be forfeited.
- Furthermore, the substance above 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 JADA, the Athlete himself, the Athlete’s parents, and the person related to the sports organization (Committee Head of the All Japan Taekwondo Association, Medical Science Committee), the documents submitted (written statement), the documents submitted by JADA (Doping Control Form, etc.) as well as the entire import of the Hearing, the following facts can be found.
 - (1) The furosemide that was detected in this case is found to have been obtained by the Athlete from another taekwondo athlete in Republic of Korea for the purpose of gaining slimming effects at the time of reducing his weight for the competition, and was included in “Lasix” which the Athlete took subsequently.
 - (2) While the administration of this substance by the Athlete is found to have had the purpose of slimming effects as above, we cannot completely rule out any doubt as to whether the enjoyment of slimming effects is generally directly connected with the enhancement of sports performance. However, at least the competition event which the Athlete took part in this case had classifications according to certain widths of weight, and the attainment of the scope of weight

prescribed in the weight classification desired by the Athlete (weight goal) was not merely a fundamental premise for participation in the competition, and the Athlete is also found to have usually selected a classification enabling the relative enhancement of his sports ability. Therefore, the act of taking a prohibited substance with the expectation of gaining slimming effects must inevitably be found to have had the intent to enhance his sports performance.

- (3) The Athlete went to Republic of Korea after graduating from junior high school and thereafter maintained a sports life in Republic of Korea, and asserts that he had no opportunity to gain the perception that “Lasix” fell under a prohibited substance until his sample showed a positive reaction in the doping test in question. However, taking into consideration that the Athlete had mindlessly believed, without undertaking any particular background investigation, inaccurate information from other athletes that “Lasix” did not fall under a prohibited substance, while on the other hand the Athlete states that he had stopped taking it immediately prior to the competition event, the Athlete is found to have been negligent in taking “Lasix” in this case, even taking into account the fact that the Athlete is a minor.
- Taking into consideration the above circumstances, as a first violation, it is appropriate to impose a two-year period of ineligibility pursuant to Article 10.2 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 April 15, 2014 notice date until the time of the present decision (a provisional hearing was held on April 29, 2014 concerning the relevant provisional suspension). Accordingly, pursuant to Article 10.9.2 of the Code, the commencement date of the period of ineligibility shall be April 15, 2014.

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

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