

Issued Decision

UK Anti-Doping and Luke Graham

Disciplinary Proceedings under the Anti-Doping Rules of England Boxing

This is an Issued Decision as between UK Anti-Doping Limited ('UKAD') and Mr Luke Graham ('the Athlete') relating to an Anti-Doping Rule Violation arising from the England Boxing Anti-Doping Rules (the 'ADR'). Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. England Boxing is the governing body for the sport of amateur boxing in the UK. UKAD is the National Anti-Doping Organisation ('NADO') for the United Kingdom.
2. The Athlete was at all material times an amateur boxer. He was subject to the jurisdiction of England Boxing and bound to comply with the ADR. Pursuant to the ADR, UKAD is empowered to conduct Doping Control and Results Management, as those terms are used in the ADR, in respect of all athletes subject to the jurisdiction of England Boxing.
3. On 29 October 2015, UKAD received a certificate of conviction from the Guernsey Courts confirming that the Athlete had been convicted of the fraudulent evasion of the prohibition on importation imposed by s2(1)(a) of the Misuse of Drugs (Bailiwick of Guernsey) Law 1974 by importing the following 'Class C' drugs ('the Steroids') between 6 and 11 June 2014;
 - 3.1 Testosterone propionate (an ester of testosterone)
 - 3.2 Nandrolone phenylpropionate (an ester of nandrolone)
 - 3.3 Trenbolone acetate (an ester of trenbolone)
 - 3.4 Androst-4-en-3-one-17-yl phenylpropionate (an ester of substance structurally derived from 17-hydroxandrostan-3-one)
 - 3.5 Drostanolone propionate (an ester of drostanolone)
4. Testosterone propionate, nandrolone phenylpropionate, trenbolone, acetate, androst-4-en-3-yl phenylpropionate, and drostanolone propionate ('the Steroids') fall under S1. Anabolic Agents of the 2014 WADA Prohibited List ('the Prohibited List'). They are each Prohibited Substances.
5. The certificate of conviction records that the Athlete was sentenced to 100 hours of community service as an alternative to 4 months imprisonment.

6. On 1 June 2016, UKAD issued the Athlete with a Notice of Charge ('the Charge'). The Charge related to the commission of an anti-doping rule violation pursuant to ADR Article 2.2 (Attempted Use of the Steroids). The Charge explained the facts relied on in support of the allegation, the details of the Charge, the details of provision suspension, and the consequences of an admission or proof of the anti-doping rule violation.
7. The Athlete does not have, nor has he ever held, a Therapeutic Use Exemption in respect of the Steroids.
8. The Athlete has admitted committing an anti-doping rule violation in violation of ADR Article 2.2.

Admission and Consequences

9. Given that this anti-doping rule violation was committed in June 2014, the 2009 ADR apply insofar as determination of sanction is concerned. The following references are to rules contained in the 2009 ADR.
10. ADR Article 2 provides that:

Each of the acts or omissions set out in Article 2.1 to 2.8 shall constitute an Anti-Doping Rule Violation under these Rules:

 - 2.2 Use of Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4.
11. ADR Article 7.5.4 provides:

7.5.4 In the event that the Participant admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the NADO (or is deemed to have done so in accordance with the last sentence of Article 7.5.1), neither B Sample analysis nor a hearing is required. Instead, the NADO shall promptly issue a decision confirming the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences, shall send notice of the decision to the Participant and to each Interested Party, and shall publish the decision in accordance with Article 14.
12. ADR Article 10.2 provides:

10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of Prohibited Substances and/or Prohibited Methods.

For an Anti-Doping Rule Violation under Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of a Prohibited Substance and/or a Prohibited Method) that is the Participant's first violation, a period of Ineligibility of two years shall be imposed, unless the conditions for eliminating or reducing the period of Ineligibility (as specified in Article 10.4 and/or Article 10.5) or for increasing the period of Ineligibility (as specified in Article 10.6) are met.
13. In the circumstances, pursuant to ADR Article 10.2, UKAD has specified the Consequences in respect of the anti-doping rule violation committed by the Athlete to be as provided in ADR 10.2. The Athlete has accepted these Consequences. A period of Ineligibility of two (2) years is therefore hereby imposed.

14. UKAD does not assert that there are aggravating circumstances present to justify the imposition of a period of Ineligibility greater than the standard period, pursuant to ADR Article 10.6.1.
15. UKAD issues this Decision pursuant to ADR Article 7.5.4.

Disqualification of Results and Ineligibility

16. ADR Article 10.9 provides that:

The period of Ineligibility shall start on the date of the decision providing for Ineligibility, save as follows:

- 10.9.3 Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Participant shall be credited against the total period of Ineligibility to be served. To get credit for any period of voluntary Provisional Suspension, however, the Participant must have given written notice at the beginning of such period to the NADO (and the NADO shall copy that notice to each Interested Party). No credit under this Article shall be given for any time period before the effective date of the Provisional Suspension (whether imposed or voluntarily accepted), regardless of the Participant's status during such period.
17. The Athlete has been subject to a Provisional Suspension since the date of his receipt of the Charge. The period of Ineligibility is therefore deemed to have commenced on 1 June 2016 and will expire at midnight on 31 May 2018.
 18. During the period of Ineligibility, in accordance with ADR Article 10.10.1, the Athlete shall not be permitted to participate in any capacity in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened or authorised by:
 - England Boxing or any body that is a member of, or affiliated to, or licensed by England Boxing
 - any Signatory (as that term is defined in the ADR)
 - any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation
 - any professional league or any international or national-level Event organisation
 19. The Athlete, England Boxing, the AIBA and WADA have a right of appeal against this decision or any part of it in accordance with ADR Article 13.4.
 20. The disposition of these proceedings on the terms set out above will be publicly announced via UKAD's website media release after any appeal period has expired and no appeal has been filed, or any appeal has been finalised.

Summary

21. For the reasons given above, UKAD has issued this decision, which records that:
 - the Athlete has committed an ADRV pursuant to ADR Article 2.2
 - a period of Ineligibility of 2 years shall be the Consequences imposed pursuant to ADR Article 10.2
 - the period of Ineligibility is deemed to have commenced from on 1 June 2016 and will expire at midnight on 31 May 2018
 - the Athlete's status during the period of Ineligibility shall be as detailed in ADR Article 10.10

30 June 2016.