

# UWW ANTI-DOPING PANEL

## DECISION

### Case

**United World Wrestling (UWW) v. Mr Aleksandr Chekhirkin (Athlete - GR 75 kg - member of the Russian Wrestling Federation)**

#### Panel:

- Dr Milica Vukasinovic-Vesic
- Dr Daniel Wozniak
- Ms Carla Morais
  
- Prosecutor: UWW

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#### I. Introduction

1. This is the final Decision of the UWW Anti-doping panel as between UWW and Mr Aleksandr Chekhirkin relating to an Anti-Doping Rule Violation (“ADRV”) arising from the UWW Anti-Doping Rules (“the Rules”).
2. United World Wrestling (UWW) is the governing body for the sport of Wrestling. It is based in Corsier-sur-Vevey, Switzerland.
3. Mr Aleksandr Chekhirkin (herein after the “athlete” or alternatively the “wrestler”) is a Greco-Roman wrestler (75 kg) from the Russian Federation. His sports achievements include, among other: Junior European Silver medallist in 2006, Senior European Gold medallist in 2014 and numerous medals in national championship as well as international tournaments. As a UWW licensed wrestler, he was subject to the jurisdiction of UWW and bound to comply with the Rules. Pursuant to the Rules, UWW was empowered to conduct Doping Controls, as those terms are used in the Rules, in respect of all Wrestlers subject to the jurisdiction of UWW.

#### II. Facts

4. On 21 August 2017, on the occasion of the World Championship Senior, a *Doping Control Officer* (“DCO”) collected a urine *Sample* in-competition from the athlete. The *Sample* was split into two separate bottles, which were given reference numbers 4117113.
5. Both *Samples* were transported to the World Anti-Doping Agency (“WADA”)-accredited Laboratory in Paris (FRA) (the “Laboratory”). The Laboratory analyzed the A *Sample* in accordance with the procedures set out in WADA’s International Standard for Laboratories. Analysis of the A *Sample* returned an *Adverse Analytical Finding* (“AAF”) for the following: *Triamcinolone acetonide metabolite*. This result was reported by the laboratory on 19 September 2017.

6. Triamcinolone *acetonide* is a Glucocorticoid under class S9 of WADA's 2017 *Prohibited List* and is prohibited in-competition. *Triamcinolone acetonide* is a *specified substance*.
7. According to UWW's records, no Therapeutic Use Exemption ("TUE") was delivered by UWW to justify the Presence of *Triamcinolone acetonide* in the athlete's system.
8. No apparent departure from the International Standard for Testing & Investigation or International Standard for Laboratories caused the Adverse Analytical Finding.
9. On 25 September 2017, the athlete was formally charged with the commission of an anti-doping rule violation (herein after 'ADRV') for the Presence of: *Triamcinolone acetonide* in a *Sample* provided by the Wrestler on 21 September 2017 numbered A 4117113, in violation of Article 2.1 of the [UWW Anti-doping Rules](#) (herein after the "Rules").
10. By letter sent by email on 29 September 2017, the wrestler voluntarily accepted a provisional suspension. The wrestler requested the sample documentation package.
11. From 24 September 2017, WADA provisionally suspended the laboratory of Paris for technical reasons.
12. After various contacts with the Paris laboratory, and due to the fact that the laboratories of Cologne (GER) and Seibersdorf (AUT) were not able to accept and analyze the sample due to an overload of work, it was finally decided to send the sample to Rome (ITA).
13. The laboratory documentation package for the A sample was issued by the Paris laboratory on 13 November 2017; it was forwarded to the wrestler on 14 November. A deadline of 7 days for the wrestler to inform UWW of his decision with regard to the B sample was set.
14. On 19 November 2017, the athlete requested the opening and analysis of the B sample. The request was sent to the Rome laboratory on 20 November 2017.
15. The Rome laboratory first analyzed the A sample and reported an AAF for *Triamcinolone acetonide metabolite*. The B sample opening and analysis was then planned for 5 January 2018. The athlete sent a representative, Dr. Olga Kiseleva, a biochemist, to attend the opening and the analysis of the B sample.
16. On 8 January 2018, the laboratory of Rome reported the result of this analysis, which confirmed the result of the A sample, i.e. showing the presence of *Triamcinolone acetonide and its metabolites* in the sample. This result was communicated to the wrestler.
17. On 17 January 2018, a deadline until 28 January was granted to the athlete to provide a written statement of defense and ask for a hearing.
18. On 25 January 2018, the athlete's counsel asked for a short extension of the deadline. As the athlete had accepted a voluntary suspension and as there were no particular reasons to disagree with this request, a new deadline was set for 5 February 2018.
19. On 6 February 2018, the written statement of defense and exhibits were received.

### III. Relevant rules

20. These proceedings are conducted in application of the Rules.
21. Art. 2.1 of the Rules provides as follows:

#### 2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample

2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present

in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; or, where the Athlete's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.

22. Art. 3.1 of the Rules provides as follows:

### 3.1 Burdens and Standards of Proof

UNITED WORLD WRESTLING shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether UNITED WORLD WRESTLING has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an antidoping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

23. Art. 9 of the Rules provides as follows:

### ARTICLE 9 AUTOMATIC *DISQUALIFICATION* OF INDIVIDUAL RESULTS

An anti-doping rule violation in *Individual Sports* in connection with an *In- Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.

24. Art. 10 of the Rules provides as follows:

### ARTICLE 10 SANCTIONS ON INDIVIDUALS

#### 10.1 *Disqualification* of Results in the *Event* during which an Anti-Doping Rule Violation Occurs

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1. Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.

25. Art. 10.2 of the Rules provides as follows :

### 10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method

The period of Ineligibility for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:

10.2.1 The period of Ineligibility shall be four years where:

10.2.1.1 The anti-doping rule violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a Specified Substance and United World Wrestling can establish that the anti-doping rule violation was intentional.

10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.

26. Art. 10.5 of the Rules provides as follows:

10.5 Reduction of the Period of Ineligibility based on No Significant Fault or Negligence

10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Article 2.1, 2.2 or 2.6.

10.5.1.1 Specified Substances

Where the anti-doping rule violation involves a Specified Substance, and the Athlete [...] can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Athlete's [...] degree of Fault.

**IV. Discussion**

27. In the present case, the anti-doping rule violation involved a specified substance. It may not be established that this rules violation was intentional. The default sanction should be 2 years.
28. In his submission, the athlete seeks a finding for no fault or negligence and alternatively no significant fault or negligence and a reprimand or alternatively a suspension of 0-4 months.
29. In substance, the athlete explained that the positive result was due to an out-of-competition injection of *triamcinolone* for his articular pain. His last treatment on his left knee was dated 14 August 2017, seven days before the test that resulted in the adverse analytical finding. The athlete provided a certificate of medical consultation with his defense statement.
30. Although the injection of glucocorticoids was intra-articular and thus permitted according to the Prohibited List (glucocorticoids are prohibited only in-competition when injected via systemic routes), the athlete asserted the injection might have reached a muscle or tendon tissues, resulting in the substance being found in urine in small quantities. The athlete based this assertion on a report prepared by an external analytical chemist, Dr Kiseleva who analysed the metabolism of triamcinolone acetonide in a human body and the influence of different factors on excretion. In this opinion, Dr Kiseleva also cited a study indicating that the administration of a single therapeutic dose of triamcinolone acetonide by using both non-prohibited local routes (intra-tendinous or intraarticular injections) and prohibited routes (epidural and intramuscular injections) can yield positive results for this substance.
31. The Panel notes that the athlete did not mention the injection on the doping control form.
32. The Panel finds that these explanations are plausible and meet the burden of proof placed on the athlete to explain how this substance was found in his system. The athlete put forward a number of arguments and documents to establish this fact.
33. The panel finds that the degree of fault of the athlete is light in view of the circumstances and the substance found. A four months period of ineligibility from the date of acceptance of the provisional suspension should be imposed.

**V. Decision**

Considering the above, pursuant to the Rules, the UWW Anti-doping panel decides that the wrestler, M. Aleksandr Chekhirkin:

- I. Is found to have committed an anti-doping rules violation, namely article 2.1 of the Rules;
- II. Is imposed a period of ineligibility of four (4) months from 29 September 2017 until 28 January 2018 included;
- III. The results achieved at the World Championship senior (2<sup>nd</sup> place in 75kg Greco-Roman) are disqualified with all resulting consequences, including the forfeiture of the medal, points and prizes.

The Silver medal obtained in this competition must be returned to UWW headquarters within 30 days from the date the decision is received by the wrestler's national federation.

- IV. The cost incurred in these proceedings and described in the notice of charge (for example B sample analysis or laboratory documentation package) must be borne by the athlete and/or his national federation.

#### VI. Status during ineligibility

In order to understand the athlete's rights during this period of ineligibility, please refer to article 10.12 of the United World Wrestling Anti-doping rules.

During the period of Ineligibility, the athlete shall not be permitted to participate in any capacity in a Competition or other activity (other than authorized anti-doping education or rehabilitation programs) organized, convened or authorized by:

- United World Wrestling or by any body that is a member of, or affiliated to, or licensed by United World Wrestling;
- 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 organization; or
- any professional league or any international-or national-level Event organization.

#### VII. Right to Appeal

Pursuant to article 13.2.1 of the United World Wrestling Anti-doping rules, this decision may be appealed to the Court of Arbitration for Sport within 21 days after reception of the decision (please refer to the procedural rule R47 and the following of the CAS Code).

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To be notified to the athlete.

Corsier-sur-Vevey, 27<sup>th</sup> February 2018

Dr. Milica Vukašinović-Vesić, PhD

Dr. iur. Daniel Wozniak

Ms Carla Morais