

UWW ANTI-DOPING PANEL

DECISION

Case

United World Wrestling (UWW)

v.

Ms Dinara Hallyyeva (Athlete - Belt Wrestling - member of the Turkmenistan national team)

Panel:

- Dr Daniel Wozniak
- Dr Milica Vukasinovic-Vesic
- Ms Carla Morais

- Prosecutor: UWW

I. Introduction

1. This is the final Decision of the UWW Anti-doping panel as between UWW and Ms Dinara Hallyyeva 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 in all its styles, including Belt Wrestling. It is based in Corsier-sur-Vevey, Switzerland.
3. Ms Dinara Hallyyeva (herein after the “athlete” or alternatively the “wrestler”) is a Belt wrestler from Turkmenistan. She participated in the 5th Asian Indoor & Martial Arts Games 2017 in Ashgabat, Turkmenistan. As an athlete who participated in these Games and as a UWW licensed wrestler, she was subject to the jurisdiction, respectively of OCA and UWW and was bound to comply with the Rules.

II. Facts

4. On 21 September 2017, a *Doping Control Officer* (“DCO”) collected a urine *Sample* from the Wrestler. Assisted by the DCO, she split the *Sample* into two separate bottles, which were given reference numbers 3826528.
5. Both *Samples* were transported to the World Anti-Doping Agency (“WADA”)-accredited Laboratory in Doha (Qatar) (the “Laboratory”). The Laboratory analyzed the *A Sample* in accordance with the procedures set out in WADA’s International Standard for Laboratories. The Analysis of the *A Sample* returned an *Adverse Analytical Finding* (“AAF”) for the following: *Meldonium*.
6. Meldonium is classified under class S4 (Hormone and Metabolite Modulators) of the 2017 *Prohibited List* and is prohibited at all times (in and out-of-competition).

7. According to UWW's records, no Therapeutic Use Exemption ("TUE") was delivered by UWW to justify the Presence of Meldonium 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. Following reception of the case file by the Disciplinary Commission of the Olympic Council of Asia ("OCA"), who disqualified the results of the athlete for this competition in its decision of 19 December 2017 after having found that an Anti-doping Rules Violation was established, the athlete was formally charged by UWW on 9 February 2018 with the commission of an anti-doping rule violation (herein after 'ADRV') for the Presence of: Meldonium in a *Sample* provided by the Wrestler on 21 September 2017 numbered A 3826528, in violation of Article 2.1 of the [UWW Anti-doping Rules](#) (herein after the "Rules"). The wrestler was provisionally suspended and was offered the subsequent rights with regards to the provisional suspension.
10. The B sample analysis opportunity had been offered to the wrestler during the proceedings before the OCA Disciplinary Commission. The wrestler declined her right to have the B sample tested.
11. The athlete was also offered the possibility to request the laboratory documentation package.
12. A deadline was offered by UWW to the wrestler to either admit the ADRV and its consequences, accept the ADRV but disagree with the consequences, or deny the ADRV. The deadline was set on 19 February 2018.
13. No answer or comment was received by the wrestler.
14. As mentioned in the notification of charge: *"If you fail to dispute the charge within a deadline of 10 days from the date of this notice (no later than 19 February 2018), you will be deemed to have admitted the violation, to have waived a hearing and/or the submission of a written statement of defense, and to have accepted the consequences that are mandated by these Anti-doping rules"*.
15. On 20 February 2018, a reminder was sent to the wrestler via his national federation. No answer was received.
16. It is noted here that in the file received by OCA, the athlete declared the following at a hearing held on 22 November 2017 before the NADO of Turkmenistan in the course of OCA's proceedings: *"I have no idea on how this medication was found in my body. I haven't used any kind of medicine except of prescribed by my doctor vitamins. Around half a year ago I felt a heart ache after what I called for a medical emergency and received from them some medical injection the doctor was not aware that I'm athlete and they can cause such situation. That was the only case where I used to have medicine. I'm feel very sorry for that situation and never meant to use doping in my sports career"* [sic].

III. Relevant rules

17. These proceedings are conducted in application of the Rules.
18. 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 analysed; or, where the Athlete's B Sample is analysed 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.

19. 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.*

IV. Discussion

20. The substance found ("Meldonium") is not a specified substance. It is classified as Hormone & Metabolite Modulators.
21. The athlete did not provide any answer in UWW's proceedings. She must be deemed as having admitted the charge and accepted the consequences. This being, his explanations during OCA's proceedings are not convincing.
22. The Athlete did not establish that the anti-doping rule violation was not intentional. The default sanction should be four (4) years.
23. There is not any element that would justify any reduction of the suspension for No Fault or Negligence.

V. Decision

Considering the above, pursuant to the Rules, the UWW Anti-doping panel decides that the wrestler, Ms Dinara Hallyyeva:

- 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) years, from 9 February 2018 until 8 February 2022 included.

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).

This decision must be notified to the Athlete.

Corsier-sur-Vevey, 7th March 2018



Dr. iur. Daniel Wozniak



Dr. Milica Vukašinović-Vesić, PhD



Ms Carla Morais