

UWW ANTI-DOPING PANEL

DECISION

Case

United World Wrestling (UWW) v. Mr Manish Manish (Athlete - GR 50 kg - member of Indian Wrestling Federation)

Panel:

- Dr Wozniak Daniel
- Ms Carla Morais
- Dr Szabolcs Molnar

- Prosecutor: UWW

I. Introduction

1. This is the final Decision of the UWW Anti-doping panel as between UWW and Mr Manish Manish 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 Manish Manish (herein after the “wrestler”) is a Greco-Roman wrestler (50 kg) from India. He is an international wrestler and member of the Indian junior wrestling team. 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

1. On 16 June 2017, after his Bronze medal in his category at the Asian Championship, a *Doping Control Officer* (“DCO”) collected a urine *Sample* in-competition from him. The Sample was split into two separate bottles, which were given reference numbers **6252454**.
2. Both *Samples* were transported to the World Anti-Doping Agency (“WADA”)-accredited Laboratory in Tokyo (JPN) (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 (ca 600 ng/ml)*. This result was reported by the laboratory on 14 July 2017.
3. *Meldonium* is classified under S4 (Hormone & Metabolic Modulator) in the WADA’s 2017 *Prohibited List* and is prohibited at all times (in and out-of-competition).
4. This substance is a *non-specified substances*.

5. According to UWW's records, no Therapeutic Use Exemption ("TUE") was delivered by UWW to justify the Presence of *Meldonium* in the wrestler's system.
6. No apparent departure from the International Standard for Testing & Investigation or International Standard for Laboratories caused the Adverse Analytical Finding.
7. On 19 July 2017, the wrestler was formally charged 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 19 July 2017 numbered A 6252454, in violation of Article 2.1 of the [UWW Anti-doping Rules](#) (herein after the "Rules").
8. In view that the substance is not a specified substance, a provisional suspension was imposed on the Wrestler from 19 July 2017 in accordance with article 7.9.1 of the Rules.
9. A deadline to request the opening and analysis of the B sample was set until 26 July 2017.
10. On 26 July, the athlete informed that he did not request the B sample analysis.
11. The deadline to either request a hearing or send written explanations was set for 9 August 2017.
12. On 26 September 2017, as not any news was received from the athlete, UWW sent a letter to the Athlete, c/o his national federation to inform that nothing was received from him and that the file would be forwarded to the panel for a decision.
13. While it was thought that the wrestler would ultimately provide explanations, although the deadline was largely passed, nothing has come to date.

III. Applicable rules

14. These proceedings are conducted in application of the Rules.
15. 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.

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

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.

17. 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.

18. Art. 10.8 of the Rules provides as follows:

10.8 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.

19. Art. 12.3 of the Rules provides as follows :

12.3 If an anti-doping rule violation is committed by an Athlete during an official competition on the UNITED WORLD WRESTLING calendar, a 20.000 Swiss Francs fine will be imposed on the Athlete's National Federation.

IV. Discussion

In the present case, the anti-doping rule violation involved a non-specified substance (Meldonium), prohibited at all times.

The athlete did not request the B sample analysis. The anti-doping rules violation is thus sufficiently established.

The athlete was offered either a hearing, the provision of written explanations or both solutions. Nothing was received to date.

This may be interpreted as the acceptance of the consequences provided by the UWW Rules for an Anti-doping rules violation.

V. Decision

Considering the above, pursuant to the Rules, the UWW Anti-doping panel decides that the wrestler, Mr Manish Manish:

- I. Is found to have committed an anti-doping rules violation, namely article 2.1 of the Rules;
- II. Is imposed a period of suspension of forty-eight (48) months from the date of the provisional suspension imposed, i.e. 19 July 2017 until 18 July 2021 included.
- III. All results obtained in the Asian Championship Junior (3rd place in 50kg and 7th place in 60kg) are disqualified with all resulting consequences, including the forfeiture of the medal, points and prizes. The Bronze 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. All results obtained in the World Championship Junior (5th place in 60kg) are disqualified with all resulting consequences, including the forfeiture of the medal, points and prizes.
- V. The Indian Wrestling Federation is imposed a fine of 20'000 Swiss Francs.

VI. Status during ineligibility

In order to understand your 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, you 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](#)).

Corsier-sur-Vevey, 4th October 2017



Dr. iur. Daniel Wozniak



Ms Carla Morais

Dr Szabolcs Molnar

A copy of this decision is forwarded to the World Anti-doping Agency (WADA) and the concerned National Anti-doping Organization (NADO).