

UWW ANTI-DOPING PANEL

DECISION

Case

United World Wrestling (UWW)

v.

Mr Dmitrii Elkanov (Athlete - Freestyle Wrestling - member of the Russian cadets 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 Mr Dmitrii Elkanov 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 Dmitrii Elkanov (herein after the “Athlete”) is a 16 years old Freestyle wrestler (80 kg) from the Russian Federation. According to the data available to United World Wrestling, his participation in the World Championships Cadet 2018 is his first international competition. This athlete is the holder of a UWW licence in 2018. According to the available records, the test performed on this athlete on the occasion of the World Championship 2018 was the first one he was subject to.
4. As a UWW licensed athlete, 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

5. On 3 July 2018, a *Doping Control Officer* (“DCO”) collected a urine *Sample* from the athlete. Assisted by the DCO, the athlete split the *Sample* into two separate bottles, which were given reference numbers 4254042. It is also noted that a partial sample was provided by the athlete one hour before the provision of sample 4254042.
6. Both Samples (A & B 4254042) were transported to the World Anti-Doping Agency (“WADA”)-accredited Laboratory in Seibersdorf (AUT) (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 dehydrochloromethyl-testosterone.

7. Dehydrochloromethyl-testosterone is an Exogenous Anabolic Androgenic Steroid under class S1.1A of the 2018 Prohibited List. This substance is prohibited at all times (in and out-of-competition).
8. This substance is a non-specified substance.
9. No apparent departure from the International Standard for Testing & Investigation or International Standard for Laboratories caused the Adverse Analytical Finding.
10. The athlete was not granted any Therapeutic Use Exemption (“TUE”) to justify the Presence of Dehydrochloromethyl-testosterone in his system.
11. On 23 July 2018, the athlete was formally charged with the commission of an anti-doping rule violation (herein after ‘ADRV’) for the Presence of Dehydrochloromethyl-testosterone in a *Sample* provided on 3 July 2018 numbered A 4254042, in violation of Article 2.1 of the [ADR](#).
12. On 3 August, UWW received explanations from the athlete via the Freestyle Wrestling Department of his national federation. In his explanations, the wrestler explained that as far as he could remember, the only substance he took were pills of “Ecdysterone Ace” taken during 4 weeks in the summer of 2017. He stated that his family was aware of that and that he was not influenced by anyone for the use of that product. In his letter, he did not request the B sample analysis.
13. By email on 9 August 2018, UWW requested from his national federation to seek confirmation from the athlete that he did not request the opening and analysis of the B sample. No reply was received.
14. On 14 August 2018, UWW wrote a letter to the athlete informing that in view that he did not mention the B analysis in his letter, it was considered that he waived this right and accepted the result of the A sample.

III. Applicable rules

15. These proceedings are conducted in application of the Rules.
16. 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.

17. 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.

18. 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.

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.

20. Art. 12.3 of the Rules reads 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

21. All documents and submissions were carefully reviewed by the panel and the following considerations were made.
22. Considering the analysis result of the sample collected on the athlete and the fact that he did not formally request the analysis of the B sample in his answer, this panel is comfortably satisfied with the fact that he accepted the result of the A sample and with the establishment of the anti-doping rules violation, namely the presence of a prohibited substance in an athlete's sample.
23. The wrestler explained that he used a supplement called "Ecdysterone Ace" in 2017 for four weeks. He explained how he searched for information on the internet and explained how and where he bought the supplement.
24. The panel notes that the substance found in the sample provided by the athlete was a metabolite of dehydrochloromethyl-testosterone (also known as turinabol). However, according to a study on the excretion of ecdysterone in human urine¹, ecdysterone does not seem to produce turinabol as a metabolite, but two other different metabolites.

¹ Tsitsimpikou C. et al., "Study on the excretion of Ecdysterone in human urine", Rapid Commun Mass Spectrom., 2001;15(19):1796-80

25. The athlete has not made any allegation as to a contamination of the supplement by turinabol nor did he produce any evidence of a contamination.
26. In conclusion the athlete has not been able to establish how the substance was found in his system. It is therefore not necessary to determine whether any elimination or reduction of the period of ineligibility based on no fault or negligence or no significant fault or negligence is possible.
27. As there are no grounds for a reduction of the period of ineligibility, the wrestler must be sanctioned with a four (4) year period of ineligibility.

V. Decision

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

- 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, starting from 28 July 2018 until 27 July 2022 included.
- III. The results obtained in the World Championship Cadet are disqualified. With this disqualification, the ranking must be modified accordingly, and the place earned for the Youth Olympic Games 2018 is to be reallocated in accordance with the 2018 qualifying system for Wrestling.
- IV. The Russian Wrestling Federation is imposed a fine of 20'000 Swiss Francs.

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 is to be notified to the Athlete c/o his National Federation.

A handwritten signature in blue ink, appearing to be 'Daniel Wozniak'.

Dr. iur. Daniel Wozniak

A handwritten signature in blue ink, appearing to be 'Milica Vukašinović-Vesić'.

Dr. Milica Vukašinović-Vesić, PhD

A handwritten signature in blue ink, appearing to be 'Carla Morais'.

Ms Carla Morais

Corsier-sur-Vevey, 20 August 2018