

4<sup>th</sup> July 2019

Athlete: Marchant Henning  
Sport Code: Rugby Union

Address: [...]  
[...]  
[...]

Dear Mr. Henning,

## **CHARGES AND CONSEQUENCES: ANTI-DOPING RULE VIOLATION**

### **Introduction**

1. The South African Institute for Drug Free Sport (SAIDS) and all participants in sport are required to act in accordance with the South African Institute for Drug-Free Sport Anti-Doping Rules.
2. You have been notified of an Anti-Doping Rule Violation in terms of Article 2.1 of the Rules for the presence of Stanozolol and its metabolites 16 $\beta$ -hydroxystanozolol, 3'-hydroxystanozolol, 4 $\beta$ -hydroxystanozolol as well as Oxandrolone and its metabolites, 18-nor-17 $\beta$ -hydroxymethyl-17 $\alpha$ -methyl-2-oxa-5 $\alpha$ -androst-13-en-3-one, 18-nor-17 $\alpha$ -hydroxymethyl-17 $\beta$ -methyl-2-oxa-5 $\alpha$ -androst-13-en-3-one in your "A" sample (sample number 3124014).
3. SAIDS is required, in circumstances where there is no dispute as to the adverse analytical finding<sup>1</sup>:-
  - a. To issue a written decision confirming the commission of the Anti-Doping Rule Violation and the Consequences that will be imposed should you not elect a hearing.

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<sup>1</sup> Article Rule 7.10.3 of the Rules

- b. To set out the reasons for the period of Ineligibility imposed and (if applicable) a justification as to why the maximum period of Ineligibility was not imposed.
  - c. To send copies of the decision to decision to other Anti-Doping Organizations, viz. South African Rugby Union (SARU), World Rugby and the World Anti-Doping Agency (WADA) with a right of appeal and to make Public Disclosure.
4. SAIDS has assessed the facts of your case, has arrived at a decision, and this letter sets out that decision and the reasons it has been arrived at.

### **The Anti-Doping Rule Violation**

5. You have committed and are guilty of the Anti-Doping Rule Violation referred to above. In other words of the Anti-Doping Rule Violation set out in point 2.

### **Consequences**

6. The Consequences that the Rules contemplate distinguish between Prohibited Substances that are Specified Substances and those that are not. The Consequences for the use of Prohibited Substances that are not Specified will in most instances include a four (4) year period of ineligibility. Where a substance is Specified the athlete can also be ineligible for such a period if SAIDS demonstrates that the Anti-Doping Rule Violation was intentional.
7. Where SAIDS does not demonstrate intentional use then the period of ineligibility under the Rules provided for is two (2) years. The period of two (2) years can be reduced in certain specified circumstances which require you to show that you bore no significant fault or negligence here.
8. In these circumstances the appropriate Consequences without any reduction is a period of *Ineligibility* for four (4) Years for prohibited substances that are not specified. Taking into consideration your case and the facts before SAIDS, you are not eligible for a reduction in terms of Article 10.6.3 as the laboratory analysis shows that the supplements/fat burners taken were all negative for the prohibited substances. As a result, you have not provided the origin of the prohibited

substances and SAIDS is unable to assess the degree of fault or the seriousness of your violation pertaining to intention.

9. In this respect, you are not eligible for a reduction in terms of Art. 10.6.3 and your total period of ineligibility is four (4) years.
  
10. You were tested by the German NADA on the 26<sup>th</sup> August 2018 and provisionally suspended from the date of receiving the notification of the adverse analytical finding, that being 27<sup>th</sup> February 2019. Given the extenuating circumstances and delays in your notification, SAIDS has agreed that your sanction commence from date of sample collection, i.e 26<sup>th</sup> August 2018.
  
11. The reasons for the imposition of these Consequences are that: -
  - a. The substances in question in your A sample are Prohibited Non- Specified Substance.
  
  - b. SAIDS is not required, in the circumstances, to prove anything more than presence and no factors have been advanced by you that would suggest there is a basis for reducing the period of ineligibility and doing so would be unfairly discriminatory towards other athletes.
  
  - c. There is no basis for SAIDS to conclude that you were not negligent in these circumstances.

## **Sanction Period**

12. The period of ineligibility will be applicable as of 26 August 2018 until and including 25 August 2022.
  
13. You have a right to appeal this matter as per the below mentioned and the process is as follows:

**BOARD MEMBERS: JUDGE L. MPATI (CHAIRPERSON), MR. G. ABRAHAMS, DR. H. ADAMS, MR. D. BAYEVER, DR. S. MANJRA, DR. M. PEENZE, DR. M. QOBOSE, MR. M. QUINN, PROF. L. SKAAL, DR. P. ZONDI, MR. K. GALANT (CEO)**



- a) You must give notice of your appeal in writing to SAIDS to the SAIDS Legal Manager, Wafeekah Begg at e-mail address [wafeekah@suids.org.za](mailto:wafeekah@suids.org.za) within **21 (twenty-one) days i.e. 21 calendar days as of the date of this notice, therefore should you want to appeal, your Notice of Appeal is due by the 17:00 on the 26 July 2019;**
  - b) Your notice must incorporate or be accompanied by your grounds of appeal and must include an address (email, fax number, and/or street address) for SAIDS to provide you with an invoice in respect of appeals **(the appeal fee is R1000.00);**
  - c) Upon receipt of the notice and grounds SAIDS will provide you an invoice in respect of the appeal and the appeal fee must be paid and proof of payment provided to SAIDS within **seven (7) days** of the date of the invoice;
  - d) The failure to comply with these procedural rules will mean the appeal will not proceed.
14. The appeal hearings may be heard in Johannesburg or Cape Town or Durban. You need to confirm with us which of the regions will be suitable for you should the appeal proceed.
15. Please acknowledge receipt of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wafeekah Begg', written in a cursive style.

**Wafeekah Begg**  
**(Legal Manager)**