

7<sup>th</sup> July 2020

Athlete: Ngoni Chidoma  
Sport Code: Rugby Union

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

Dear Mr. Chidoma

## **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 (23<sup>rd</sup> December 2019) of an Anti-Doping Rule Violation in terms of Article 2.1 of the Rules for the presence of Exogenous Testosterone and its Metabolites Androsterone, at least one of the Adiol, 5aAdiol and/or 5bAdiol and Etiocholanone , **“A” sample (sample number 4455482)**.
3. SAIDS is required, in circumstances where there is no further 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.
  - 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 Anti-Doping Organisations, 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.

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

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. Notwithstanding your previous anti-doping rule violation, in the circumstances the appropriate Consequences without any reduction is a period of *Ineligibility* of four (4) Years for prohibited substances that are not Specified Substances. Taking into consideration your case and the facts before SAIDS, you were notified by SAIDS of your Adverse Analytical Finding on the 23<sup>rd</sup> December 2019 in which you responded.
9. In the aforementioned correspondence through your attorney, Mr. Barend Kellerman you have, *inter alia*, confirmed the following:
  - a. That you do not dispute the adverse analytical findings to the sample;
  - b. That you provided SAIDS with a timely admission and co-operated with SAIDS through your attorney;
  - c. SAIDS in the circumstances have also noted that this is your second violation within a 10 year period;
  - d. That you compete at provincial level, however therefore become eligible to play for the national team;
  - e. That you requested for a B-Sample Analysis which confirmed the A-Sample;
  - f. You were unable to identify the route of administration of the prohibited substance and therefore, you were unable to prove origin of the prohibited substance;
  - g. You have waived your right to a hearing and have accepted the sanction of 8 years.

10. You were provisionally suspended from 23<sup>rd</sup> December 2019, however due to your co-operation and timely admission your sanction will be effective as from date of sample collection being the 17<sup>th</sup> August 2019. SAIDS acknowledges the delay of the results which were not of your account or actions. In this respect, in terms of Art. 10.7.1 (c) and your total period of ineligibility is eight (8) years.
11. The reasons for the imposition of these Consequences are that: -
- a. The substances in question in your A sample is a Prohibited Non-Specified Substances.
  - b. You have tested positive twice in a 10 year period for anti-doping rule violations, namely Article 2.1
  - c. 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.
  - d. 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 17<sup>th</sup> August 2019 until and including the 17<sup>th</sup> August 2027.
13. Please acknowledge receipt of this letter.

Yours sincerely



**Wafeekah Begg  
(Legal Manager)**