



## **Sport Ireland and [ IS-7146 ]**

### **Reasoned Decision of Sport Ireland**

The following is the reasoned decision of Sport Ireland pursuant to Article 7.6.4<sup>1</sup> of the Irish Anti-Doping Rules (the "**Rules**"). It concerns anti-doping rule violations ("**ADRVs**") committed by Mr [ IS-7146 ] (the "**Athlete**") and records the Consequences<sup>2</sup> to be applied.

#### **1. Background and Facts**

- 1.1 The Athlete is a [...] year-old weightlifter. As set out below, he was found to have committed two ADRVs, a violation of Article 2.2 for the Use of a Prohibited Substance and a violation of Article 2.3 for refusing or failing to provide a Sample without a compelling justification.
- 1.2 The Athlete was first tested on [...] 2019 during In-Competition Testing. The subsequent analytical report, dated [...] 2019, from the World Anti-Doping Agency ("**WADA**") accredited laboratory in Cologne, the Deutsche Sporthochschule Köln Institut für Biochemie (the "**Laboratory**"), notified Sport Ireland of an Atypical Finding which required further investigation<sup>3</sup>.
- 1.3 Article 7.3.4 of the Rules requires that pending the outcome of that investigation, the Atypical Finding is kept confidential and not notified to the Athlete.
- 1.4 As part of that investigation, seven further urine Samples were collected from the Athlete on: 18 August 2019, 17 September 2019, 6 October 2019, 11 November 2019, 2 December 2019, 8 January 2020 and 25 February 2020, all collected Out-of-Competition. As part of that investigation, a further attempt to collect a Sample from the Athlete took place on 1 August 2020. As detailed below, the Athlete was not willing to provide a Sample.
- 1.5 Sport Ireland received a report from the Laboratory dated 24 August 2020 identifying the Use of nandrolone by the Athlete at some point prior to the test of 30 June 2019. Nandrolone is prohibited as one of the 'endogenous Androgenic Anabolic Steroids and their Metabolites and isomers, when administered exogenously' under S1.1.b of the 2019 Prohibited List.
- 1.6 The report is appended to this reasoned decision and provides as follows:

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<sup>1</sup> Article 7.6.4 of the Rules provides that "*In the event that the Sport Ireland withdraws the Notification, or the Athlete or other Person admits the alleged anti-doping rule violation(s) and accedes to the Consequences specified by the Sport Ireland (or is deemed to have done so in accordance with Article 7.6.1), neither B Sample analysis nor a hearing is required. Instead, Sport Ireland shall promptly issue a reasoned decision confirming the commission of the anti-doping rule violation(s) and the imposition of the specified Consequences, shall send notice of the decision to the Athlete or other Person and to the Athlete's or other Person's National Governing Body and International Federation, WADA and the Irish Sport Anti-Doping Disciplinary Panel, and shall publish the decision in accordance with Article 15.*"

<sup>2</sup> Capitalised terms used throughout this decision shall have the meaning given to them in the Rules.

<sup>3</sup> Pursuant to Article 7.3.3, Sport Ireland determined that there was neither a valid and applicable TUE nor a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding.

*“The obtained results indicate, according to available scientific data, the injection of a nandrolone ester with a pseudoendogenous IRMS signature (i.e. a carbon isotopic signature close to that of endogenous human urinary steroids) before [...] 2019. This is consistent with the use of a prohibited substance (WADA Prohibited List 2019; S1.1.b; nandrolone).”*

1.7 Pursuant to Article 7.3.6 of the Rules, Sport Ireland concluded that the Atypical Finding should not be considered as an Adverse Analytical Finding and therefore should not be considered a violation of Article 2.1. Rather, in light of the report from the Laboratory, Sport Ireland decided to allege a violation of Article 2.2 against the Athlete:

*“Article 2.2 – Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method”.*

1.8 Further, as mentioned above, on 1 August 2020 a Sport Ireland Doping Control Officer (“**DCO**”) and chaperone attended the Athlete’s home and notified him that he was required to provide a urine Sample. He was not willing to do so.

1.9 The DCO and chaperone both informed the Athlete that not providing a Sample could be a violation of the Rules which could result in a ban of up to four years. This was also explained to the Athlete by a Sport Ireland representative and by the Athlete’s former coach.

1.10 The Athlete’s reasons as to why he was not willing to provide a Sample were recorded on a supplementary form which he signed - including that he had been tested a number of times since last year and not received results, that he had a newborn baby and the timing was bad and that he had co-operated with every test until now but was now fed up with it.

1.11 Sport Ireland wrote to the Athlete on 6 August 2020 asking him whether he could establish a compelling justification for refusing and/or failing to submit to Sample collection. He responded on 13 August further explaining why he had refused to provide a Sample. He referred to the fact he has been tested every few months for the previous eighteen months or so and had not been given any reason as to why he was being tested so often, given that he was not part of a national team and hadn’t competed in over a year. He also referred to Covid-19 and said he felt uncomfortable, wanted to protect his family and so did not want to be in a small space with the DCO and chaperone.

1.12 However, Sport Ireland has robust Covid-19 procedures in place in full compliance with the WADA guidelines on testing during the pandemic. This includes appropriate PPE and social distancing during the Testing process. In this case there was also a mobile testing unit to ensure there was no need to enter the Athlete’s home.

1.13 Article 2.3 of the Rules provides that the following is an ADRV for an Athlete:

*“Article 2.3 – Evading Sample collection, or without compelling justification, refusing or failing to submit to Sample collection after notification as authorised under these Rules or other anti-doping rules”.*

1.14 Sport Ireland was satisfied that the Athlete did not have a compelling justification within the meaning of the Rules for not providing a Sample.

1.15 On 9 September 2020 Sport Ireland notified the Athlete that he was alleged to have committed two

ADRVs, a violation of Article 2.2 and a violation of Article 2.3. He was Provisionally Suspended as of 10 September 2020. This letter was sent by email and courier and Sport Ireland also spoke to the Athlete.

- 1.16 The Athlete was required to respond by 23 September 2020 (i) admitting both violations and accepting a four year ban, (ii) admitting either or both violations, but electing for a hearing before the Disciplinary Panel seeking a ban less than four years, or (iii) denying the violations and having the sanctions determined at a hearing of the Disciplinary Panel.
- 1.17 The Athlete was clearly informed that if he did not respond in writing by 23 September 2020 he would be deemed to have admitted the ADRVs and accepted a four year ban and the other applicable sanctions, without the need for a hearing.
- 1.18 Sport Ireland received no response by 23 September 2020 and on 29 September 2020 wrote to the Athlete confirming that he was deemed to have admitted the ADRVs and accepted a four year ban and the other applicable sanctions and that Sport Ireland would proceed to draft a reasoned decision in the matter. No response has been received by the Athlete to this email.

## **2. Consequences**

- 2.1 Pursuant to Article 10.6.4.1, unless an Athlete has committed a second ADRV after being notified of the first ADRV, the two ADRVs are considered together as one single first violation and the sanction to be imposed is based on the ADRV which carries the more severe sanction.
- 2.2 The applicable period of Ineligibility is four years in respect of each ADRV (Articles 10.1.1 and 10.2.1). The period of Ineligibility will expire on 9 September 2024.
- 2.3 Sport Ireland is also required to Publicly Report details of the matter following its conclusion.
- 2.4 Pursuant to Article 9.1 of the Rules, the Athlete's results in connection with the In-Competition test on [...] 2019 are automatically Disqualified, with all resulting Consequences, including forfeiture of any medal, points and prizes.
- 2.5 As the Article 2.2 violation occurred during or in connection with an Event – the National Club Championships - a decision by the ruling body of the Event, may lead to Disqualification of all the Athlete's individual results obtained in that Event with all resulting consequences including forfeiture of all medals, points and prizes (Article 9.2).
- 2.6 Further, Article 9.3 provides that all competitive results from the date the anti-doping rule violation occurred, shall be Disqualified unless fairness requires otherwise. Sport Ireland deems the appropriate date to be [...] 2019 and therefore all of the Athletes results since then are Disqualified, with all resulting consequences including forfeiture of all medals, points and prizes.
- 2.7 Pursuant to Article 10.8 of the Rules<sup>4</sup>, during the period of Ineligibility, the Athlete remains subject

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<sup>4</sup> Article 10.8.1 provides that an Athlete who has been declared Ineligible shall not participate in any capacity "in a Competition or activity, (other than authorised anti-doping education or rehabilitation programs) authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation, or by any National Governing Body or by a member or affiliate organisation or licensee of a National Governing Body or in Competitions authorised or organised by any professional league or

to Testing. He may not participate in organised sport in any capacity. This includes training and coaching.

2.8 Pursuant to Article 10.8.1, the Athlete may return to train with a team or to use the facilities of a club or other member organisation of a Signatory's member organisation or a National Governing Body, during the last 2 months of his period of Ineligibility.

2.9 In accordance with Article 7.6.4 of the Rules, a copy of this decision shall be sent to the Athlete, Weightlifting Ireland, the International Weightlifting Federation ("IWF"), WADA and the Irish Sport Anti-Doping Disciplinary Panel.

2.10 Pursuant to Article 13 of the Rules, the Athlete, Weightlifting Ireland, the IWF and WADA each has a right of appeal. Such an appeal must be made to the Chair of the Irish Sport Anti-Doping Disciplinary Panel within 21 days of the date of issuance of this Reasoned Decision.

### **3. Summary**

3.1 Sport Ireland issues this decision pursuant to Article 7.6.4 of the Rules.

3.2 For the reasons given above, Sport Ireland has issued this decision, which records that:

- The Athlete has committed a violation of Article 2.2 of the Rules by virtue of the Use of a Prohibited Substance, nandrolone.
- The Athlete has committed a violation of Article 2.3 of the Rules by refusing and/or failing to submit to Sample collection without a compelling justification.
- A four year ban has been imposed on the Athlete pursuant to Article 10.1.1 and Article 10.2.1.
- The Athlete's period of Ineligibility shall expire at midnight on 9 September 2024.

**Dated the 12th of October 2020**



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**Sport Ireland**

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*any international or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency."*



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ATF sample 4349631  
Further investigations

Köln, 24.08.2020

**Results of the follow-up investigations regarding the ATF of sample 4349631  
(Analytical report AR201905115 from 30<sup>th</sup> July 2019)**

On request of Sport Ireland, further investigations (further target controls) were conducted regarding the atypical finding (ATF) for sample 4349631. In the following table, the obtained results are summarized:

Code	coll. date	conc. NA [ng/mL]	S.G.	corr. conc. NA* <sup>1</sup> [ng/mL]	NA/A* <sup>2</sup>	NA/NE	$\delta^{13}\text{C NA}$ [‰]	$\delta^{13}\text{C A}$ [‰]	$\delta^{13}\text{C PD}$ [‰]
4349631	[ ... ] .2019	11.7	1.023	10.17	0.52%	8.4	-23.9	-23.1	-22.8
4401566	18.08.2019	1.8	1.009	3.27	0.32%	8.5			
4401522	17.09.2019	7.7	1.027	5.70	0.28%	8.5	-23.4	.22.3	-22.0
4401523	06.10.2019	3.9	1.021	3.24	0.17%	11.1			
4401521	11.11.2019	3.1	1.022	2.82	0.14%	7.2			
4502305	02.12.2019	2.7	1.023	2.35	0.12%	9.5			
4502308	08.01.2020	2.0	1.020	2.00	0.12%	6.5			
4502298	25.02.2020	1.3	1.018	1.39	0.09%	10.0			

\*<sup>1</sup>: NA concentration adjusted to a specific gravity (S.G.) of 1.020

\*<sup>2</sup>: ratio norandrosterone/androsterone



The obtained results indicate, according to available scientific data, the injection of a nandrolone ester with a pseudoendogenous IRMS signature (*i.e.* a carbon isotopic signature close to that of endogenous human urinary steroids) before [...] 2019. This is consistent with the use of a prohibited substance (WADA Prohibited List 2019; S1.1.b; nandrolone).



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