

AMERICAN ARBITRATION ASSOCIATION
Walter G. Gans, Esq., Arbitrator

UNITED STATES ANTI-DOPING)	
AGENCY (“USADA”))	
v.)	77 190 E 00043 12
)	
LUIS ARIAS)	

Interim Final Award

The evidentiary hearing in this matter was held on February 23, 2012 on an expedited basis under the United States Anti-Doping Agency Protocol for Olympic and Paralympic Movement Testing (the “Protocol”). The hearing was closed on February 23, 2012.

The parties agreed that due to an upcoming protected competition the award in this matter should be delivered in two parts: an interim final award containing the operative part of the arbitrator’s decision to be communicated to the parties on February 24, 2012, and a full reasoned award to be issued within thirty (30) days which will, when issued, supersede this interim final award. The parties agreed that the time provided under the Protocol for filing any appeal to the Court of Arbitration for Sport shall commence upon transmittal of the full reasoned final award.

After having received testimony and documentary evidence in this matter at the hearing on February 23, 2012, and having considered the arguments of counsel, I have concluded that USADA has met its burden of proving that Luis Arias failed to comply with USADA’s Whereabouts Policy (“Policy”) and the World Anti-Doping Code International Standard for Testing by having negligently committed three (3) whereabouts failures within an eighteen (18) month period despite having received periodic email notices from UDADA in compliance with its Policy. As to each of the three (3) whereabouts failures Mr. Arias failed to prove that no negligent behavior on his part caused or contributed to the failure.

Accordingly, Mr. Arias, who appeared in person and testified at the hearing is subject to sanction for his violation of Article 2.4 of the World Anti-Doping Code, and he is hereby sanctioned for a one year period of ineligibility commencing on February 24, 2012 (the date of this decision) and disqualification of all individual results obtained by Mr. Arias from January 1, 2012, the date of his third whereabouts failure.

Decided this 24th day of February, 2012.

By: *Walter G. Gans*

Walter G. Gans, Esq., Arbitrator