

BEFORE THE AMERICAN ARBITRATION ASSOCIATION

North American Court of Arbitration for Sport Panel

U.S. Anti-Doping Agency, Claimant

and

Genevieve Jeanson, Respondent

AAA No. 30 190 00609 04

Interim Award of the Arbitrators

We, THE UNDERSIGNED ARBITRATORS, having been designated in accordance with the Arbitration Agreement governing this matter, and having duly heard the proofs and allegations of the parties have been requested to issue a summary award by, at the latest, June 11, 2004. We issue the following Interim Award, with the understanding that a definitive, reasoned award will be issued by July 31, 2004.

1. We conclude that a doping offense under the UCI Regulations took place by reason of the failure of Respondent to appear for post-competition testing, which she did not dispute, following the conclusion of the road race at the La Fleche Wallonne on April 21, 2004.
2. Accordingly, the panel concludes that Respondent was negligent and subject to sanction in accordance with UCI Regulation, Article 132.
3. Respondent disproved the presumption that she refused to take the test.
4. Based on the testimony and written exhibits presented, and taking into account the facts and circumstances surrounding the events which took place on April 21, 2004 on the occasion of La Fleche Wallonne competition, as UCI Regulation, Article 124 authorizes, and having taken into account the few precedents with respect to failures on the part of athletes to appear for prescribed testing, we believe that a warning should be issued to the Respondent as authorized by UCI Regulation, Article 132.
5. In addition, in accordance with UCI Regulation, Article 128(4) a fine in the sum of CHF 500 is imposed insofar as Respondent is an elite woman athlete under the age of twenty-three.
6. Each side shall bear its own costs and attorney's fees.

7. The administrative fees and expenses of the American Arbitration Association and the compensation and expenses of the Arbitrators, to be determined by the American Arbitration Association, shall be borne by the Claimant, USADA.

8. This Award is in full settlement of all claims submitted to this arbitration. All claims not expressly granted herein are hereby denied.

Dated: June 11, 2004

Walter G. Gans
Walter G. Gans, Chair

Christopher L. Campbell, Esq.

Hon. Peter J. Lindberg