

Issued Decision

UK Anti-Doping and Ben Solder

Disciplinary Proceedings under the Anti-Doping Rules of Ice Hockey UK

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of Ice Hockey UK ('IHUK'). It concerns an Anti-Doping Rule Violation ('ADRV') committed by Mr Ben Solder contrary to the ADR.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. IHUK is the national governing body for the sport of ice-hockey in the UK. UKAD is the National Anti-Doping Organisation ('NADO') for sport in the United Kingdom. IHUK has adopted, as its own ADR, the UK ADR which are issued by UKAD and are subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code.
2. Mr Solder is a 21-year-old ice-hockey player from England who, at the time of the ADRV, played for Manchester Storm ice-hockey team. At all material times in this matter, Mr Solder was subject to the jurisdiction of IHUK and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has results management responsibility in respect of all players that are subject to the jurisdiction of IHUK.
3. On 30 March 2022, UKAD Doping Control Personnel collected a urine Sample from Mr Solder In-Competition at a game between Manchester Storm vs Sheffield Steelers at Planet Ice Altrincham, Oakfield Rd, Altrincham, WA15 8EW.
4. Assisted by UKAD Doping Control Personnel in attendance, Mr Solder split the urine Sample into two separate bottles which were given reference numbers A1173488 (the 'A Sample') and B1173488 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, King's College (the 'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories. Analysis of the

A Sample returned an Adverse Analytical Finding for benzoylecgonine, a Metabolite of cocaine.

6. Cocaine is listed under section S6.A of the 2022 WADA Prohibited List as a Stimulant. It is a non-Specified Substance that is prohibited In-Competition only. Cocaine is also identified as one of four '*Substances of Abuse*' in the 2022 WADA Prohibited List.
7. Mr Solder does not have a Therapeutic Use Exemption ('TUE') for cocaine.
8. On 23 May 2022, UKAD sent Mr Solder a letter (the 'Notice Letter'). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Mr Solder, in accordance with ADR Article 7.8, that he may have committed an ADRV pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and an ADRV pursuant to ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method).
9. On 10 June 2022, Mr Solder responded to the Notice Letter and admitted that he had taken cocaine on Monday 28 March 2022 at around 19:00. Mr Solder stated that the ingestion occurred Out-of-Competition within a recreational context and at a time when he did not believe he would be playing in the game against Sheffield Steelers on 30 March 2022.
10. On 17 June 2022, Mr Solder provided a further response and indicated that he estimated he ingested "*two keys*" of cocaine nasally.
11. UKAD instructed Professor David Cowan OBE, former Director of the Laboratory, to review the account provided by Mr Solder. Professor Cowan provided a written opinion on 7 July 2022, in which he stated: "*It is my opinion that Mr Solder more likely than not administered cocaine during the WADA defined "Out-of-Competition" period, which ended at 11:59 p.m. on Tuesday 29 March 2022 but likely later than he declared in his statement*".
12. On 8 July 2022, UKAD proceeded to issue Mr Solder with a Charge Letter in accordance with ADR Article 7.11.2. The Charge Letter asserted the commission of an ADRV pursuant to Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in and Athlete's Sample) (the 'Charge')¹

Admission and Consequences

13. ADR Article 2.1 provides that the following is an ADRV:

2.1 *Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the*

¹ Mr Solder was not charged with an ADRV pursuant to Article 2.2 (Use of a Prohibited Substance or a Prohibited Method) as cocaine is prohibited In-Competition only and there is no evidence to suggest that he ingested it after 11:59pm on Tuesday 29 March 2022, i.e. within the In-Competition period.

presence is consistent with a TUE granted in accordance with Article 4.

14. ADR Article 10.2.4 provides:

10.2.4 Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:

(a) If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility shall be three (3) months; provided that it may be further reduced to one (1) month if the Athlete satisfactorily completes a Substance of Abuse treatment program approved by UKAD. The period of Ineligibility established in this Article 10.2.4(a) is not subject to any reduction pursuant to Article 10.6.

(b) [...]

15. On 18 July 2022, Mr Solder responded to the Charge Letter. Mr Solder accepted the Charge and the asserted period of Ineligibility of three (3) months². Mr Solder also indicated in his response that he was undertaking a Substances of Abuse treatment programme, with the last session due to take place on 19 July 2022. It was submitted that the completion of this programme would enable him to receive a further reduction to his period of Ineligibility, down to one (1) month in accordance with ADR Article 10.2.4(a).
16. On 24 July 2022, UKAD received a written report from the practitioner involved with Mr Solder's Substances of Abuse treatment programme ('the practitioner's report').
17. UKAD reviewed the contents of the practitioner's report in accordance with its own policy '*Substances of Abuse: Policy for determining approved treatment programmes, Version Number 1 – 1 December 2020*³ and concluded that the sessions attended by Mr Solder constituted a Substance of Abuse treatment programme, in line with the Policy. Mr Solder is therefore eligible for a further reduced period of Ineligibility of one (1) month pursuant to ADR Article 10.2.4(a).
18. Consequently, the applicable period of Ineligibility is one (1) month.

² UKAD asserted a three (3) month period of Ineligibility within the Charge Letter in view of Mr Solder's earlier responses to the Notice and the written opinion of Professor Cowan, which taken together establish that Mr Solder's ingestion occurred Out-of-Competition and was unrelated to sport performance.

³ See <https://www.ukad.org.uk/sites/default/files/2020-12/Policy%20for%20Determining%20Approved%20Treatment%20Programmes.pdf>

Commencement of period of Ineligibility

19. ADR Article 10.13 requires that the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.
20. However, ADR Article 10.13.2 allows for credit to be given against the total period of Ineligibility to be served where an Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.
21. Mr Solder has been subject to a Provisional Suspension since the date of the Notice Letter, i.e. since 23 May 2022 and as far as UKAD is aware, has respected the terms of that Provisional Suspension. Therefore, affording Mr Solder credit for the time he has spent provisionally suspended (which is longer than one (1) month, his period of Ineligibility is deemed served and he is eligible to participate in sport forthwith.

Summary

22. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2, and records that:
 - a) Mr Solder has committed an ADRV pursuant to ADR Article 2.1;
 - b) A period of Ineligibility of one (1) month is imposed pursuant to ADR Article 10.2.4(a); and
 - c) In accordance with ADR Article 10.13.2, affording Mr Solder credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed served and he is eligible to participate in sport forthwith.
23. Mr Solder, IHUK, International Ice Hockey Federation, and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.
24. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

26 July 2022