

BEFORE THE ANTI-DOPING APPEAL COMMITTEE OF SOUTH AFRICA (APPEAL COMMITTEE)

(Institute in terms of section 1792)(a) of Act N. 14 of 1997, as amended by Act No.25 of 2006)

CASE NO: SAIDS/2015/11/A02

In the matter between:

COLE HENNING

Appellant

versus

SOUTH AFRICAN INSTITUTE FOR DRUG FREE SPORT (SAIDS)

Respondent

DECISION

1. APPEAL HEARING

- 1.1. This is a unanimous decision of the Appeal Committee established by the South Africa Institute for Drug Free Sports ("**SAIDS**") in respect of the disciplinary hearing and sentence in the case of Albert Steyn ("**Athlete**").
- 1.2. The Appeal Committee established by SAIDS is comprised of the following members, -
- 1.2.1. Mr Metja Ledwaba (Chairperson and legal practitioner);
- 1.2.2. Mr Raymond Hack (Sports administrator and legal practitioner); and
- 1.2.3. Dr Ephraim Nematswerani (sport administrator and medical expert).
- 1.3. The appeal hearing took place on 18 May 2016 at the Holiday Inn, Rosebank. Both parties were represented by legal representation as follows:
- 1.3.1. The Appellant was represented by Advocate DB DU Preez SC appearing with Adv Jacques du Randt; and
- 1.3.2. the Respondent was represented by Mr M Murphy.
- 1.4. The Parties' legal representatives were allowed to present the arguments on behalf of

each of them.

- 1.5. The appeal was considered and decided based on a bundle of documents that was prepared by SAIDS ("**Appeal Bundle**") which included the transcript for the hearing before the disciplinary committee ("**DC Transcript**"), a bundle prepared and submitted by the Appellant's legal representatives ("**Supplementary Bundle**") and the heads of arguments submitted by both parties' legal representatives. After confirmation with both Parties, the Appeal was conducted and considered based on the aforesaid documents without either party presenting any further evidence.

2. JURISDICTION

- 2.1. The Appeal Committee was established in terms of Article 13 of the Anti-Doping Rules 2015 of SAIDS ("**Anti-Doping Rules**").
- 2.2. The appeal is against the decision of the disciplinary committee, which was convened by SAIDS ("**Disciplinary Committee**") to hear the charges that were brought against the Respondent, dated 21 December 2015.
- 2.3. None of the members of the Appeal Committee were part of the Disciplinary Committee hearing. All members of the Appeal Committee have confirmed that there is no circumstances likely to affect their impartiality.

3. BACKGROUND

- 3.1. The Respondent was charged on 21 December 2014 in terms of Articles 2.1 of the 2009 SAIDS Anti-Doping Rules, for presence of prohibited substance – Methylhexaneamine or its Markers ("**Prohibited Substance**") in his A sample of his urine that he provided during an in-competition test in a Combat Sport tournament on 11 July 2015 ("tournament"). The Prohibited Substance is categorized under Class S6 – Stimulants on the World Anti-Doping Code 2015, Prohibited List of International Standards ("**Prohibited List**"). The Respondent is accused of having used the Prohibited Substance, while participating in the tournament.
- 3.2. The Disciplinary Committee was constituted by SAIDS to consider and decide on the

charges that were brought against the Respondent. The hearing of the Disciplinary Committee was convened before the Disciplinary Committee on 26 January 2016. Upon considering the evidence that was tendered in the Disciplinary Committee, the Disciplinary Committee found the Appellant guilty of the Anti-Doping Rule Violation that he was charged of¹.

3.3. The Appellant instituted an appeal against the decision of the Disciplinary Committee, contending, amongst other things, that:

3.3.1. the Disciplinary Committee erred in its decision by failing to take cognisance of the following facts²:

- (a) that the Prohibited List, lists "*methylhexaneamine*" and its synonym "*dimethylpentylamine*" as a specified stimulant, i.e. a Class 6 Stimulant;
- (b) that the Athlete used a product marketed under the name "*TNT Napalm (220g)*" ("**the Product**");
- (c) the Product's label does not mention "*methylhexaneamine*" or "*dimethylpentylamine*" as one of its ingredients;
- (d) the Products label indicates that it contains "*dimethylamine*", which does not appear on the prohibited list;
- (e) "*Dimethylamine*" is not a synonym for either "*methylhexaneamine*" or "*dimethylpentylamine*";
- (f) there is no evidence that Cole knew that the Product contained "*methylhexaneamine*" at the time he used it; and
- (g) Cole's admission that "*he was aware that it (the Product) gave him an energy boost*", does not mean that Cole intended to use a prohibited substance.

¹ Page 43 of the Appeal Bundle - DC Transcript

² Paragraph 1 of the Notice of Appeal

- 3.3.2. the Disciplinary Committee should have held that the Athlete had established “*No Fault or Negligence*”, alternatively “*No Significant Fault or Negligence*”, further that the violation of the anti-doping rule was not intentional or due to aggravating fault on the Athlete’s side;
- 3.3.3. the Disciplinary Committee should have eliminated the period of ineligibility alternatively should have imposed a period of ineligibility between a reprimand and no period of ineligibility up to a maximum period of two years as stipulated in Rule 10.2.2, 10.4, 10.5.1 and 10.5.2 of the Anti-Doping Rules 2015.
- 3.4. The Appellant seeks a decision by the Appeal Committee setting aside the decision of the Disciplinary Committee regarding the ineligibility period and replacing same with a period of ineligibility between a reprimand and no period of ineligibility up to a maximum period of two years, as stipulated in Rules 10.2.2, 10.4, 10.5.1 and 10.5.2 of the Anti-Doping Rules 2015.

4. DISCIPLINARY COMMITTEE DECISION

- 4.1. The decision of the Disciplinary Committee was provided as part of the Appeal Bundle³. The essence of the decision can be found in page 48 of the Appeal Bundle in which the Disciplinary Committee, found as follows:

“..... Saids succeeded in discharging it onus in terms of Art 10.2.2 by establishing that the anti-doping violation by the Athlete was intentional and that the inevitable result is a 4 year of ineligibility. On the evidence of both Athlete and that of Ms Magardi, the product that he used contained the specific substance, as well as the fact that he was aware it gave him an energy boost.....”

- 4.2. In page 47 of the Appeal Bundle, the Disciplinary Committee states that having scrutinized the Product that the Athlete referred to have been one of the products that he used prior to the testing “*on the bottom of its label it is mentioned that it contains 1.3 dimethylamylamine or DMMA, which is another name for the prohibited substance found in the Athlete's urine.*”.

³ At page 49 of the Appeal Bundle

5. APPEAL HEARING

- 5.1. As already indicated in the preceding paragraphs, the appeal was heard on the basis of the Appeal Bundle and Supplementary Bundle.
- 5.2. The evidence of the witnesses, before the Disciplinary Committee is fully transcribed in the DC Transcript and has been provided as part of the Appeal Bundle. The evidence is also summarized in the decision of the Disciplinary Committee. There is no need to summarize the evidence that served before the Disciplinary Committee except to the extent necessary to give context to the decision of the Appeal Committee.
- 5.3. Appellant's contention before the Appeal Committee dealt further with the points raised in the Notice of Appeal. The submissions on behalf of the Athlete can be summarized as follows:
 - 5.3.1. that the Disciplinary Committee was wrong in identifying the substance listed on the Product, i.e. *dimethylamine* to be on the Prohibited List. The Disciplinary Committee evidently confused *dimethylamine* with the prohibited substance that the Athlete was charged of i.e. "*methylhexaneamine*" or "*dimethylpentylamine*";
 - 5.3.2. the fact that there was nothing on the label of the Product to have alerted the Athlete to the presence of the prohibited substance in the Product, indicates that there was "*No Fault or Negligence*", alternatively "*No Significant Fault or Negligence*" on the part of the Athlete and on that basis there should be a reduction of his sentence.
- 5.4. The Respondent's contentions before the Appeal Committee can be summarized as follows:
 - 5.4.1. the Anti-Doping Rules places the onus squarely on the Athlete to take responsibility for the substances that enter their body. A finding of the presence of a substance that is reflected on the Prohibited List is an adverse analytical finding;
 - 5.4.2. methylhexaneamine is a Prohibited Substance that was found in the Athlete and there is no dispute about the guilt of the Athlete;
 - 5.4.3. the Product that the Athlete has confirmed to have used, gave him an energy boost

which is submitted to be beneficial in training and in competition;

- 5.4.4. attributes knowledge on the part of the Athlete of doing something wrong with the Product that he used, on the basis that he stopped using it prior to the competition. This is being the approach adopted by the Disciplinary Committee as well;
 - 5.4.5. on the basis that the Disciplinary Committee found that the Athlete had intention to use the Prohibited Substance, the period of ineligibility should be four years;
 - 5.4.6. the conduct of the Athlete was at best reckless and that being the case there is no basis for reducing the period of ineligibility; and
 - 5.4.7. alternatively the Athlete was significantly negligent and that being the case the period of ineligibility should be two years.
- 5.5. The Respondent asks the Appeal Committee to confirm the ruling of the Disciplinary Committee alternatively that it be set aside and replaced in relation to the period of ineligibility with two years or such other period as the Appeal Committee may determine

6. APPLICABLE ANTI-DOPING RULES ARTICLES

- 6.1. When considering the decision of the Disciplinary Committee, the DC Transcript, the submissions that were made in by the Parties as part of the appeal the Appeal Committee makes the following observations regarding the applicable Articles:
 - 6.1.1. there is no dispute between the Parties about the presence of the Prohibited Substance in the Athlete's body. While there was an error on the part of the Disciplinary Committee in associating the labeling on the Product that the Athlete said he had used, with the Prohibited Substance, nothing much turns on that error insofar as the Athlete's guilt is concerned. The Prohibited Substance was found to be present in the Athlete's A Sample testing. The Athlete did not exercise the right to have an analysis of the B Sample carried out. In terms of Article 2.1.2, sufficient proof of anti-doping analysis has been established;
 - 6.1.2. what appears to be the remaining issue in dispute between the Parties is the question of the period of Ineligibility. We should mention in this regard that there is

further no dispute that the Prohibited Substance is indeed a Specified Substance, as contemplated in Article 4.2.2.

6.1.3. the question of Ineligibility brings into consideration Article 10 and in particular Articles 10.2, 10.4 and 10.5, in respect of which submissions were made by both Parties during the hearing and duly considered by the Appeal Committee. The scheme of these Articles can be summarized as follows:

- (a) the period of Ineligibility for violation of Article 2.1 shall be as provided for in Article 10.2.1 or 10.2.2 where Article 10.2.1 does not apply;
- (b) further in terms of Article 10.2 the Period of Ineligibility as provided for in Article 10.2.1, shall be subject to potential reduction in terms of Article 10.4, 10.5 or 10.6, whichever is applicable;
- (c) in terms of Article 10.2.1, Article 10.2.1.2, provides that in the case where the anti-doping rule violation involves a Specified Substance and SAIDS can establish that the anti-doping violation was intentional then the Ineligibility period shall be four (4) years;
- (d) the term "**intentional**" is defined or described in Article 10.2.3. Article 10.2.3 states that the term "intentional" is meant to identify those Athletes that cheat. It is further described to require that "*the Athlete or other Person engaged in conduct which he or she knew constituted an anti-doping violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.*";
- (e) the effect of Article 10.2.1.2 is that in the case of Specific Substances, the burden is placed in SAIDS to establish that the anti-doping rule violation was intentional. If SAIDS fails to discharge this burden, then the Article 10.2.2 applies, in which case the period of Ineligibility shall be two (2) years;
- (f) Article 10.4, provides for total elimination of the period of Ineligibility where there is "No Fault or Negligence". In this case, the Athlete or other Person

must establish No Fault or Negligence. Clearly this Article will find application where the period of Ineligibility has been established in terms of Article 10.2.1 or 10.2.2;

(g) No Fault or Negligence is defined as follows –

“The Athlete or other Person establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of Minor, for any violation of Article 2.1 the Athlete must also establish how the Prohibited Substance entered his or her body.”; [Own underlining]

(h) Article 10.5, provides for the reduction of the period of Ineligibility based on “No Significant Fault or Negligence”. In the case of Specified Substances where the Athlete or the other Person can establish No Significant Fault or Negligence, then in terms of Article 10.5.1.1, the period of Ineligibility shall at the minimum be a reprimand and no period of Ineligibility and at a maximum two (2) years period of Ineligibility depending on the Athlete’s degree of fault. As in the case of Article 4, the Athlete or other Person must establish No Fault or Negligence. Article 10.5 will also find application where the period Ineligibility has been established in terms of Article 10.2.1 or 10.2.2;

(i) No Significant Fault or Negligence is defined as follows –

“The Athlete or other Person establishing that the Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of Minor, for any violation of Article 2.1 the Athlete must also establish how the Prohibited Substance entered his or her body.”
[Own underlining]

6.1.4. The Athlete in his submission does contend for the elimination or reduction of the Ineligibility, in its submission that the Disciplinary Committee should have held that the Athlete had established “*No Fault or Negligence*”, alternatively “*No Significant Fault or Negligence*”, further that the violation of the anti-doping rule was not intentional or due to aggravating fault on the Athlete’s side

6.1.5. What then bears to be determined by the Appeal Committee is:

- (a) whether SAIDS has established that the anti-doping rule violation was intentional and in which case the period of Ineligibility will be as provided for in Article 10.2.1, i.e. four (4) years. If no intent on the part of the Athlete is established then the period of Ineligibility shall in terms of Article 4.2.2 two (2) years;
- (b) upon establishing the appropriate period of Ineligibility either in terms of Article 4.2.1 or 4.2.2, then what follows will be to establish whether the Athlete has established that:
 - (i) there is No Fault or Negligence in which case Article 10.4 will apply with the result that the period of Ineligibility shall be eliminated in total; or
 - (ii) there is No Significant Fault or Negligence, in which case Article 10.5.1.1 will apply to reduce the period of Ineligibility anything between a reprimand and Ineligibility of two (2) years.

7. APPEAL COMMITTEE DECISION

7.1. Intentional Anti-Doping Violation

7.1.1. Insofar as intentional anti-doping violation is concerned:

- (a) The Appellant's submission is based on his lack of knowledge about the prohibited substances. Much reliance is also placed on the fact that the Disciplinary Committee erred in finding that the Product that the Athlete referred to lists as one of the substances in it, the Prohibited Substance. In this regard, the following was submitted:

"Mr Magardi's undisputed evidence is that no one has ever informed the athlete about the list of anti-doping substances. No one has ever advised the athlete to scrutinise the list of ingredients on any product that he was using, that the athlete was unaware that he was not allowed to use anti-doping substances prior to the urine test referred to below. He was uninformed that in competition there were substances that he was not allowed to take and when he started competing there was never a declaration that needed to be signed either with the promotion company or the fight club that he was not allowed to take steroids or certain substances. [Own underlining]"

Mr Chairman, as I read the transcript that question was never put to Ms Magardi whether they informed the athlete that he was not allowed to take any prohibited substance. The athlete had never heard of the South African Institute for Drug-Free Sport and that because the gymnasium was relatively new it did not have sponsors and it was difficult to establish which ingredients were in the substances used at the gymnasium.”

(b) It was further submitted for the Appellant that –

“the period of ineligibility of four years is extremely callous having regard to the present facts and previous precedence. We say that the athlete’s evidence was uncontested and his testimony is supported by the facts. The base period of ineligibility for a first violation is two years, that’s under the old rules, but we submit that you may reduce it accordingly. The use of an immune booster in the absence of an intent to enhance performance justifies the application of Article 10.4 where the product’s label did not mention methylhexanamine or any of its synonyms, that includes dimethylphentermine.” [Own underlining]

(c) The submission of SAIDS, is largely based on point of the Athlete’s knowledge of significant risk, which he manifestly disregarded. This submission is self-evidently made with reference to the second part of the definition of intention which states “or *knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.*” [Own underlining]. It is submitted in this regard that the Athlete knowing that certain substances are prohibited took supplements without checking at all. It is submitted by SAIDS that –

“from time to time athletes even before he turned professional. To be an elite athlete you know that certain drugs will be illegal, it’s 2016 all you need to do is Google the name Johnson or Armstrong. It’s difficult to believe that someone who suspects that certain things could be illegal wouldn’t look at something and if they don’t look at something we say they’re manifestly disregarding the risk.” [own underline]

(d) The other more definitive submission made by SAIDS was to the following effect:

“Mr Henning this gentleman, we know that the rules have application to him he’s pleaded guilty he knows they have application. He knew at least as regards certain substances which he mentioned at page 11 lines 21 and 22 he knew certain substances were illegal and yet he went out and he got something called Napalm. He didn’t check at all and we say to you in those circumstances it’s difficult to see how one can say he didn’t manifestly disregard the risk. That is the B-all and end-all of the argument for us, you will either accept that or you won’t and if you don’t – and it’s very clear to us that because this is a specified substance we bear the, whether it’s an onus or an evidentiary burden let’s not bother too much about that but we need to show, you need to be satisfied from

what we say in argument and more importantly on the record that that is so.”
[own underline]

- (e) While we find some persuasion in the submission made on behalf of SAIDS, it is incorrect to place a blame on the Athlete by reference to his failure to check whether Napalm contains prohibited substances when in fact it has been established that none of the listed items on TNT Napalm contained the Prohibited Substance. It has been confirmed by the Dr Nematswerani for the Appeal Committee that the substance on the label of the Product i.e. “1.3 Dimethylamine” is not the same as the prohibited substance that the Athlete was charged with. We are mindful as the Appeal Committee that the actual substance that the Athlete consumed to result in the presence of the Prohibited Substance in his system was not established at the Disciplinary Committee hearing and it is as such not known. The Athlete suggested that it could be TNT Napalm product but this was not established at all. The closest to TNT Napalm is the very mistake that the Disciplinary Committee made of associating the “dimethylamine” on the label of the Product with the Prohibited Substance. This being the very mistake that the Athlete is complaining about.
- (f) Having said the above, it is however clear from the hearing of Disciplinary Committee that the Athlete was aware that certain substances are prohibited, yet he has not taken any measures to establish information about the prohibited substances. The athlete in this case being an elite athlete, albeit for under a year, it is in the Appeal Committee’s view incumbent on athletes notably elite athletes who are going to be competing professionally to take steps to be aware of the anti-doping regulations and when taking supplements or similar substances to check that such supplements or substances do not contain the prohibited substances.
- (g) We do not find much persuasion from the cases referred to by the Appellant counsel, none of which pertains to the type of intent and Fault that we will elaborate on further below.
- (h) In the Appeal Committee’s view an athlete such as the Athlete, must be aware that failure to establish knowledge about the list of the prohibited

substances or anti-doping regulations (bearing in mind that the Athlete is aware that some substances that are prohibited), insofar as their participation in sport is concerned, must be assuming the significant risk that they can end up taking substances that are prohibited substances, when participating in sports. The behavior of the Athlete manifestly disregarded the risk that he could be taking prohibited substances in the products that he is using and thereby transgress the applicable rules.

7.1.2. The Appeal Committee agrees with the submissions by Mr Murphy that *"To be an elite athlete you know that certain drugs will be illegal"* and that being the case, the Athlete is enjoined to establish in relation to the supplements or similar products that he uses whether the components thereof could be prohibited substances. The Athlete's conduct in taking supplements without having taken measures to establish knowledge about the prohibited substances and the Anti-Doping Regulations, must have known that there was a significant risk that his conduct might result in an anti-doping rule violation and manifestly disregarded that risk.

7.1.3. On this basis, we conclude that the burden to establish intention on the Athlete has been discharged and that the requirements of Article 10.2.1.2 have been met. We thus further conclude that the appropriate period of Ineligibility is, subject to further considerations of Article 10.4 and 10.5 below, four (4) years.

7.2. **No Fault or Negligence**

7.2.1. As already indicated, it is the Athlete's burden to establish No Fault or Negligence. No Fault or Negligence, is established by the Athlete demonstrating both (i) lack actual knowledge or suspicion about the use of the Prohibited and (ii) that he could not reasonably have known or suspected even with the exercise of utmost caution that he has used the Prohibited Substance.

7.2.2. With regard to the first limb of the enquiry the Athlete could possibly argue lack of actual knowledge. However the second limb of the enquiry is the one that the Athlete has major difficulties with.

7.2.3. In the first place, on the evidence before the Disciplinary Committee, the product that the Athlete consumed or used that had the Prohibited Substance was not

established, even by the Athlete. On this basis alone it is difficult to determine whether or not, the Athlete in consuming such a product, could not reasonably have known or suspected even with the exercise of utmost caution that he has used the Prohibited Substance.

7.2.4. Nonetheless we also know from the evidence and submissions made, that the Athlete never bothered to find out about the existence of the list of prohibited substances. It cannot be said in the circumstances of this case that with the exercise of utmost caution the Athlete could not have found out or suspected that he has used the Prohibited Substance.

7.2.5. Lastly, it cannot be said that the Athlete has established how the Prohibited Substance entered the Athlete's body. This being a specific requirement for No Fault or Negligence.

7.2.6. It is for the above reasons that we conclude that the existence of No Fault or Negligence has not been established.

7.3. **No Significant Fault or Negligence**

7.3.1. As already indicated, it is the Athlete's burden to establish No Significant Fault or Negligence. No Significant Fault or Negligence, is established by the Athlete demonstrating that the Fault or negligence when viewed in the totality of the circumstances was not significant in relation to the violation.

7.3.2. "Fault" is a defined term, and it is defined as follows in the Anti-Doping Rules –

"Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2" [Own underline]

7.3.3. The Fault that has been determined by the Appeal Committee to be attributable to the Athlete is in the main his failure to enquire and establish knowledge about the prohibited substances list and/or the Anti-Doping Rules, taking into account, amongst other things, his participation in sport as an elite athlete and the fact that he had been aware that there are some prohibited substances. In so doing, we have already determined that the Athlete must have known that there was a significant risk that his conduct might result in an anti-doping rule violation and manifestly disregarded that risk.

7.3.4. In the context of the Fault that has been determined by the Appeal Committee the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk, does lead the Appeal Committee to the conclusion that the Athlete's Fault or negligence is negligible, put otherwise was not significant in relation to the anti-doping violation. The Fault in this instance goes to the very essence of the Anti-Doping Rules, particularly in relation to elite athletes like the Athlete. The Appeal Committee has in mind, for example, the fundamental rationale for the anti-doping programme, which are stated in the Anti-Doping Rules as follows

—

"Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport". It is the essence of Olympism; the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind,

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Doping is fundamentally contrary to the spirit of sport"

7.3.5. Lastly, it cannot be said that the Athlete has established how the Prohibited Substance entered the Athlete's body. This being a specific requirement for No Significant Fault or Negligence.

7.3.6. It is on the above reasons that we conclude that the existence of No Significant Fault or Negligence has not been established.

7.4. Appeal Committee's Order

7.4.1. Given the above consideration, the Appeal Committee rules that:

- (a) the Appeal brought by the Appellant is not upheld by the Appeal Committee;
- (b) the Athlete is guilty of the charge that was laid against him of contravening Article 2.1 of the Anti-Doping Rules, namely – The presence of a Prohibited Substance Methylhexanamine or its Metabolites or Markers in the Athletes Sample, which contravention occurred on 11 July 2015 during an in-competition anti-doping test;
- (c) the appropriate period of Ineligibility for the contravention of Article 2.1 by the Athlete shall be four (4) years, as prescribed in terms of Article 10.2.1, commencing from the date of the decision of the Disciplinary Committee, i.e. 26 January 2016; and
- (d) the Athlete has not established No Fault or Negligence or No Substantial Fault or Negligence to warrant elimination or reduction of the Ineligibility Period as provided for in terms of Article 10.4 and 10.5 respectively.



METJA LEDWABA
(Appeal Committee Chairperson)

8 July 2016