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# Decision of the Athletics Integrity Unit in the Case of Ms Shintsetseg Chuluunkhuu

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## Introduction

1. World Athletics has established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling World Athletics' obligations as a Signatory to the World Anti-Doping Code (the "**Code**"). World Athletics has delegated implementation of the World Athletics Anti-Doping Rules ("**ADR**") to the AIU, including but not limited to the following activities in relation to International-Level Athletes: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. Ms Shintsetseg Chuluunkhuu ("the **Athlete**") is a 36-year-old marathon runner from Mongolia<sup>1</sup>.
3. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

*"8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:*

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*
- (c) send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision)."*

## The Athlete's Commission of Anti-Doping Rule Violations

4. Rule 2 ADR sets out that the following shall constitute an anti-doping rule violation:

*"2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample*

*[...]*

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<sup>1</sup> <https://worldathletics.org/athletes/mongolia/s-chuluunkhuu-14384050>

## 2.2 *Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method*

5. On 4 May 2024, the Athlete provided a urine Sample In-Competition at the Issyk-Kul SCO Run the Silk Road Marathon, in Cholpon-Ata, Kyrgyzstan, which was given code 1401086 (the "**Sample**").
6. On 4 June 2024, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Kreischa, Germany (the "**Laboratory**") reported an Adverse Analytical Finding in the Sample for the presence of meldonium (the "**Adverse Analytical Finding**").
7. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management ("**ISRM**") and determined that:
  - 7.1. the Athlete did not have a Therapeutic Use Exemption ("**TUE**") that had been granted (or that would be granted) for the meldonium found in the Sample; and
  - 7.2. there was no apparent departure from the International Standard for Testing and Investigations ("**ISTI**") or from the International Standard for Laboratories ("**ISL**") that could reasonably have caused the Adverse Analytical Finding.
8. Therefore, on 11 June 2024, the AIU notified the Athlete (via the Mongolian Athletic Federation) of the Adverse Analytical Finding in accordance with Article 5.1.2.1 of the ISRM, including that the Adverse Analytical Finding may result in Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR, and of the imposition of an immediate Provisional Suspension.
9. The Athlete was also informed of her rights, inter alia, to request the B Sample analysis, to request copies of the laboratory documentation supporting the Adverse Analytical Finding and to admit the Anti-Doping Rule Violations and potentially benefit from a one-year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR by 18 June 2024.
10. On 14 June 2024, the AIU received a response from the Mongolian Athletic Federation stating that the Athlete had fainted during training and been treated in hospital.
11. On 15 June 2024, the AIU responded to the Mongolian Athletic Federation and asked that the Athlete be requested to provide a full description of her medical episode together with the full details of the hospital treatment that she received, including copies of all documents related to that treatment by no later than 21 June 2024.
12. On 2 July 2024, the AIU wrote to the Mongolian Athletic Federation reiterating the request for the Athlete's full explanation and copies of supporting medical documents.
13. On 5 July 2024, the AIU received a response from the Mongolian Athletic Federation including copies of several medical documents.
14. On 8 July 2024, the AIU requested that translations of the medical documents be provided by no later than 15 July 2024.
15. On 15 July 2024, the AIU received a response to its request for translated documents from the Mongolian Athletic Federation.

16. The AIU reviewed the medical documents provided and noted that none of the documents were sufficient to explain the Adverse Analytical Finding.
17. Therefore, on 16 August 2024, the AIU issued the Athlete with a Notice of Charge (via the Mongolian Athletic Federation) in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM confirming that the Athlete was being charged with Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR (“the **Charge**”) and that the Consequences included (i) a period of Ineligibility of four (4) years and (ii) disqualification of her results on and since 4 May 2024.
18. The AIU invited the Athlete to respond to the Charge confirming how she wished to proceed by no later than 30 August 2024 and reminded her that she could still admit the Anti-Doping Rule Violations and potentially benefit from a one-year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR by no later than 5 September 2024.
19. The Athlete failed to respond indicating how she wished to proceed in the matter by 30 August 2024. Therefore, on 3 September 2024, the AIU wrote to the Mongolian Athletic Federation noting that the AIU was entitled to deem that the Athlete had admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the Notice of Charge and waived her right to a hearing in accordance with Rule 8.5.2(f) ADR.
20. The AIU also reiterated in its 3 September 2024 letter that the Athlete had until no later than 5 September 2024 by which to benefit from a one-year reduction to the period of Ineligibility in accordance with Rule 10.8.1 ADR by signing and returning the Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form that was enclosed with the Notice of Charge.
21. The Athlete failed to sign and return the Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form by the strict deadline of 5 September 2024 as required.

## Consequences

22. This is the Athlete’s first Anti-Doping Rule Violation.
23. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 or Rule 2.2 shall be as follows:
  - “10.2.1 Save where Rule 10.2.4 applies, the period of Ineligibility will be four years where:*
    - (a) The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.*
    - (b) The anti-doping rule violation involves a Specified Substance or a Specified Method and the Integrity Unit can establish that the anti-doping rule violation was intentional.”*
24. Meldonium is a Prohibited Substance according to the WADA 2024 Prohibited List under the category S4.4 Metabolic Modulators. It is a Non-Specified Substance prohibited at all times.

25. The period of Ineligibility to be imposed is therefore a period of four (4) years, unless the Athlete demonstrates that the Anti-Doping Rule Violations were not intentional.
26. The Athlete has not demonstrated that the Anti-Doping Rule Violations were not intentional. Therefore, the mandatory period of Ineligibility is a period of Ineligibility of four (4) years.
27. However, Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) years or more may benefit from a one (1)-year reduction in the period of Ineligibility based on an early admission and acceptance of sanction:

*“10.8.1 One year reduction for certain anti-doping rule violations based on early admission and acceptance of sanction.*

*Where the Integrity Unit notifies an Athlete or other Person of an anti-doping rule violation charge that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Rule 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than 20 days after receiving the Notice of Charge, the Athlete or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by the Integrity Unit. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Rule 10.8.1, no further reduction in the asserted period of Ineligibility will be allowed under any other Rule.”*

28. The Notice of Charge was issued to the Athlete on 16 August 2024 and the deadline for the Athlete to return a signed Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form confirming that she admitted the Anti-Doping Rule Violations and accepted the asserted period of Ineligibility was therefore 5 September 2024.
29. The Athlete failed to sign and return the Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form by 5 September 2024<sup>2</sup>. The Athlete shall not therefore receive a one (1) year reduction in the asserted period of Ineligibility pursuant to Rule 10.8.1 based on an early admission and acceptance of sanction.
30. On the basis that the Athlete has admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR, in accordance with Rule 10.2.1 ADR the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
  - 30.1. a period of Ineligibility of four (4) years commencing on 11 June 2024 (the date of Provisional Suspension); and
  - 30.2. disqualification of the Athlete’s results since 4 May 2024, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and appearance money.

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<sup>2</sup> The AIU eventually received a signed Admission and Acceptance of Consequences Form on behalf of the Athlete on 6 September 2024, but this was after the stipulated strict deadline.

31. The Athlete has accepted the above Consequences for her Anti-Doping Rule Violations and has expressly waived her right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

## Publication

32. In accordance with Rule 8.5.6(b) ADR, the AIU shall publicly report this decision on the AIU's website.

## Rights of Appeal

33. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
34. Further to Rule 13.2.3 ADR, WADA and the Mongolian Anti-Doping Agency ("**MONADA**") have a right of appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at Rule 13.6.1 ADR.
35. If an appeal is filed against this decision by WADA or MONADA, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 11 September 2024