



International Paralympic Committee
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE
(the *Applicant*)

Versus

Mr. Luis Carlos MARTINS GONCALVES
(the *Respondent*)

International Paralympic Committee
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Parties

1. The Applicant is the global governing body of the Paralympic Movement and, in particular, of the Paralympic Games. In addition, the IPC is the International Federation of several sports, including IPC Athletics. The IPC's registered offices are in Bonn, Germany.
2. The Respondent is a Portuguese athlete in the sport of IPC Athletics.

Communication

3. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2011 (the *Code*), the Respondent (and other relevant persons) shall be notified of a Sample that is brought forward as an Adverse Analytical Finding by the IPC through the relevant National Paralympic Committee (NPC).

Background

4. On 27 June 2012, the Respondent competed at the IPC Athletics European Championships in Stadskanaal, The Netherlands (hereafter, the *Event*).
5. The Event was approved by IPC Athletics. Global Quality Sports (GQS) had been identified as the authorized sample collection agency.
6. After the Respondent completed his competition, he was requested to provide a sample for doping control for an in-competition test.
7. The Respondent provided a sample (sample number 2701384) (the *Sample*) and declared the use of the following medications and/or supplements used in the last seven days on the doping control form: Arginina Alfa-keto glutarate, Betalalvina, Vixtargo, Magnesona, Adalgur, Vit-C, Men's Staminol.
8. The Respondent complied with the request, provided the Sample and signed the doping control form without adverse comment. By doing so, the Respondent indicated that he was satisfied with the sample collection procedures that had been followed in conducting the test. The Sample was sent for analysis to the WADA accredited laboratory in Cologne, Germany (Institute of Biochemistry - German Sports University Cologne, hereafter the *Laboratory*).
9. On 06 July 2012, the Laboratory reported to the IPC an adverse analytical finding for Methylhexaneamine. This substance is classified



as S6b. Stimulants on the World Anti-Doping Code (WADC) 2012 Prohibited List (the *Prohibited List*) and is prohibited in-competition. This is considered a “specified substance”.

10. The initial review by the IPC determined that the Respondent did not have an applicable Therapeutic Use Exemption (TUE) for this substance, and that there was no departure from the International Standard for Laboratories or International Standard for Testing that caused the Adverse Analytical Finding.
11. On 11 July 2012, the IPC notified the Respondent via the Paralympic Committee of Portugal (NPC Portugal) of the Adverse Analytical Finding in accordance with Article 7.2 of the Code. The Respondent was advised that he was provisionally suspended from the date of notification (11 July 2012) and that unless Article 10.4 or 10.5 of the Code applies, the standard sanctions for a first-time violation would be:
 - automatic disqualification of any competition results in connection with an in-competition test, including forfeiture of any medals, points and prizes obtained on the date of sample collection (27 June 2012);
 - disqualification of all competition results including forfeiture of any medals, points and prizes obtained subsequent to the sample collection date (27 June 2012);
 - an ineligibility period of two (2) years; and
 - a financial sanction of €1.500 (Article 10.11 and Chapter 1.2, Section 2, IPC Handbook (‘Rules on the imposition of financial sanctions for anti-doping rule violations’)).

The Respondent was also advised of his rights, including the right to request a B sample analysis and the laboratory documentation package.

12. The notification included a form titled “Letter of Decision” for the Respondent to complete and return to the IPC by no later than 18 July 2012 at 17:00 hours CET.
13. The Respondent returned the signed Letter of Decision to the IPC in a timely fashion. In the Letter of Decision, the Respondent stated that he:
 - had no valid TUE justifying the presence of the Prohibited Substance found in his sample;
 - accepted the A sample analysis and waived the right for the B sample analysis;
 - accepted to have committed an anti-doping rule violation;



- accepted the consequences as set out in the 'Notification of an Adverse Analytical Finding'; and
- waived the right to a Hearing.

14. The Respondent submitted a letter explaining that he had taken a supplement ("Lipo 6 Black – Nutrex") prior to his race that he did not declare on the doping control form. He was feeling tired and took the supplement "to overcome the state" that he was in. He believes the prohibited substance was in this supplement and accepts responsibility for his mistake.

Analysis

15. On 18 July 2012, the IPC received from NPC Portugal the signed and completed Letter of Decision from the Respondent. The Letter of Decision indicated that the Respondent accepts the consequences as set out in the Notification of an Adverse Analytical Finding. The Chairperson of the IPC Anti-Doping Committee chose to use that information to proceed with the case.

16. The principle of strict liability applies to anti-doping matters. An athlete is responsible for any Prohibited Substance found in his or her sample, and an Anti-Doping Rule Violation occurs whenever a Prohibited Substance is found in an athlete's sample (comment to Code Article 2.1.1.).

Recommendation to the IPC Governing Board

17. The IPC Anti-Doping Committee recommends the following to the IPC Governing Board:
- a. Pursuant to Article 9 of the Code, the Respondent's individual results obtained at the 2012 IPC European Athletics Championships in Stadskanaal, The Netherlands and at any other event from the date of 27 June 2012 onwards should be automatically disqualified, including forfeiture of any medals, points and prizes won;
 - b. Pursuant to Article 10.2 of the Code, a two (2) year period of ineligibility should be imposed on the Respondent.
 - c. pursuant to Article 10.9.3 of the Code, the Respondent shall receive credit for the period of provisional suspension and should



therefore be declared ineligible from 27 June 2012 (date of notification) until 26 June 2014; and

d. Pursuant to Article 10.11 of the Code and the IPC Handbook, Section 2, Chapter 1.2 ('Rules on the imposition of financial sanctions for anti-doping rule violations'), a financial sanction of €1.500,- should be imposed on the Respondent.

18. The IPC Anti-Doping Committee would further like to remind the Respondent of his status of Ineligibility as set forth in Article 10.10 of the Code and in Article 8 of the Appendix 'Rules on the imposition of financial sanctions for anti-doping rule violations'.

Appeal

19. The Respondent is reminded of the Appeal procedures in Article 13 of the IPC Anti-Doping Code.

Submitted to the IPC Governing Board as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2011.

On 31 July 2012 the IPC Governing Board reviewed the above document and accepted the recommendation of the IPC Anti-Doping Committee.

A handwritten signature in black ink, appearing to be 'Xavier Gonzalez', is positioned above the typed name.

Mr. Xavier Gonzalez
Chief Executive Officer
International Paralympic Committee

cc. Toni Pascual, Chairperson IPC Anti-Doping Committee
Kerwin Clarke, WADA Results Management