NATIONAL ANTI-DOPING PANEL

Before:
Matthew Lohn, Chair
Professor Peter Sever
Dr Neil Townshend

B E T W E E N:

UK Anti-Doping — *Anti-Doping Organisation*

- and -

Mark Edwards — *Respondent*

IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE 2009 ANTI-DOPING RULES OF **UNI**TED KINGDOM ATHLETICS AGAINST MARK EDWARDS

FINAL DECISION OF THE ANTI-DOPING TRIBUNAL

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1. INTRODUCTION

1.1 This is the final decision of the Anti-Doping Tribunal convened under Rule 9.3 of United Kingdom Athletics Limited ("UKA") Anti-Doping Rules of United Kingdom Athletics Limited ("UKA Rules"), to determine charges brought against Mark Edwards (the "Athlete") for the violation of Rules 32.2(a) and 32.2(b) of the Anti-Doping Rules of the International Association of Athletics Federations ("IAAF Rules"), which are incorporated into the UKA Rules by Rule 2.1 of those rules.

1.2 Rule 32.2 of the IAAF Rules provides that each of the following shall constitute anti-doping rule violations:

> "(a) the presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample.
>
> (b) Use or attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method."

1.3 The facts upon which the charges against the Athlete are based can be summarised as follows:

1.4 The Athlete is a shot putter who has competed for more than 20 years in national-level competitions, as well as in various overseas meetings and competitions. He has also been selected for international-level competition at the World Student Games and the Commonwealth Games, and has qualified for two Olympic Games.

1.5 On 19 August 2010 the Athlete was selected for the England team for the Commonwealth Games to be held in Delhi, India in October 2010. He intended this to be his 'swansong', and planned on retiring from the sport after the Commonwealth Games.

1.6 As a result of the Athlete's selection for the Commonwealth Games, UK Anti-Doping ("UKAD") asked its doping control officer ("DCO"), Mark Dean, to conduct a 'no notice' out-of-competition drug test on the Athlete in the week commencing 13 September 2010, as part of the standard pre-Commonwealth Games testing programme.

1.7 Meanwhile, on 14 September 2010 the Athlete telephoned Alison Wyeth, UKA Project Manager for the Delhi Commonwealth Games, and David Walsh, UKA Anti-Doping Education Coordinator, to inform them that he was withdrawing from the England Commonwealth Games team for medical reasons. The Athlete also asserted that he told Ms Wyeth and Mr Walsh that he was retiring.

1.8 The following day, Wednesday, 15 September 2010, Mr Dean went to the Athlete's house and collected a urine sample from him. An attempt to collect a blood sample from the Athlete at the same time was unsuccessful (through no fault of the Athlete) and was aborted. The urine sample collected from the Athlete was split into two samples (Sample A and Sample B), and Sample A was analysed by the World Anti-Doping Agency ("WADA")-accredited laboratory at King's College, London (the "Laboratory") in accordance with standard procedures. Sample A was found to contain exogenous Testosterone and a metabolite (4-chloro-3α-hydroxy-17-oxo-androst-4-ene) of Clostebol in Sample A. Testosterone and Clostebol are both listed as prohibited anabolic agents on WADA's 2010 List of Prohibited Substances.

1.9 On Thursday, 16 September 2010 the Athlete sent an email to David Herbert notifying him of his retirement. That email states:

> "Please accept this email as my notification of retirement as from Tuesday 14th September. I have also withdrawn form the commonwealth games teams on Tuesday 14th September at 12.30pm.
>
> I withdrew on medical grounds and have decided I have other priorities. now. Please remove me from any testing pool."

1.10 In a follow up email the following day, the Athlete confirmed that he was retiring from "all competition".

1.11 The Tribunal, made up of Matthew Lohn, Professor Peter Sever and Dr Neil Townshend, held a hearing on the charges on 11 March 2011 and 5 and 6 May 2011. The hearing was attended by the following people in addition to the members of the Tribunal:

Jonathan Taylor	Solicitor (for UKAD)
Hannah McLean	UKAD
Jeffrey Bacon	Barrister, Littleton Chambers
Mark Edwards	
Alison Wyeth	Project Manager, UKA
Tony Josiah	Case Manager UKAD
David Walsh	Anti-Doping Education Coordinator, UKA
David Herbert	Anti-Doping Manager, UKA
Mark Dean	DCO, UKAD
Professor Cowan	Kings College, London.

1.12 This Award constitutes the final reasoned decision of the Tribunal, reached after due consideration of the evidence heard and the submissions made by the parties attending at the hearing.

2. PROCEDURAL HISTORY

2.1 The Athlete was charged with a Doping Offence by letter dated 18 October 2010. The letter set out UKAD's position that, having analysed Sample A and found two prohibited substances to be present (exogenous Testosterone and a metabolite of Clostebol), it determined that there was a case to answer for violations of IAAF Rule 32.2(a).

2.2 The letter provides as follows:

> "Please take this letter as formal notice, pursuant to Rule 37.4, that you are hereby charged with the commission of the following anti-doping rule violations:
>
> 1) Charge 1: that metabolites of the prohibited substance Clostebol (namely; 4-chloro-3α-hydroxy-17-oxo-androst-4-ene) were detected in your sample 1083410 in violation of Rule 32.2(a) Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample; and
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> 2) Charge 2: that the prohibited substance Testosterone was detected in your sample 1083410 in violation of Rule 32.2(a) Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample."

2.3 UKAD duly advised the President of the NADP, who appointed the members of the Anti-Doping Panel to sit as the Anti-Doping Tribunal convened to hear and determine the matter. There were no objections to the Tribunal members.

2.4 On 22 November 2010 a directions order was made directing that the matter be heard on 16 December 2010, subject to either party applying to vary the direction. The Athlete applied for a variation of the hearing date to allow for his representative to attend, and a further directions order was made on 17 December 2010, setting a new hearing date of 28 January 2011.

2.5 On 21 January 2010 UKAD wrote to the Athlete notifying him of supplementary disciplinary charges being bought under the UKA Rules. The letter set out UKAD's position that,

having reviewed the matter in accordance with Rule 37.3 of the IAAF Rules, it had been determined that there was a case to answer for violations of Rule 32.2(a) and/or Rule 32.2(b). The charges were therefore re-arranged, and new Charges 2 and 4 added.

2.6 The letter provides as follows:

> "Please take this letter as formal notice, pursuant to Rule 37.4, that you are hereby charged with the commission of the following anti-doping rule violations:
>
> 1) Charge 1: that metabolites of the prohibited substance Clostebol (namely; 4-chloro-3α-hydroxy-17-oxo-androst-4-ene) were detected in your sample 1083410 in violation of Rule 32.2(a) (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample); and/or
>
> 2) Charge 2: that prior to 14 September 2010, you used Clostebol, a Prohibited Substance, in violation of Rule 32.2(b) (Use by an Athlete of a Prohibited Substance); and/or
>
> 3) Charge 3: that the prohibited substance Testosterone was detected in your sample 1083410 in violation of Rule 32.2(a) (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample); and
>
> 4) Charge 4: that prior to 14 September 2010, you used Testosterone, a Prohibited Substance, in violation of Rule 32.2(b) (Use by an Athlete of a Prohibited Substance)"

2.7 In response to this letter, Mr Bacon, Counsel for the Athlete, applied to have the hearing date of 28 January 2011 adjourned. Whilst this application was initially refused, on receipt of further submissions from Mr Bacon to the effect that the Athlete could not get through the additional material served by UKAD on 21 January 2011 in time to instruct Mr Bacon before the hearing, a direction was made to adjourn the substantive hearing. A Directions Hearing took place on 28 January to resolve certain administrative matters, and a further directions order was made on 28 January 2011, setting the hearing down for 4 March 2011, or as soon as possible after that date. The hearing subsequently took place on 11 March 2011. It was adjourned, and completed on 5 and 6 May 2011.

3. THE TRIBUNAL'S DECISION

3.1 Determination of the Charges

3.2 UKAD has the burden of establishing the charges to the comfortable satisfaction of the Tribunal, bearing in mind the seriousness of the allegations made (see Article 33.1 of the IAAF Rules). UKAD contended that, in respect of the charges brought in relation to Rule 33.2(a) (charges 1 and 3), this burden is discharged by the following evidence:

3.2.1 The adverse analytical findings made by the Laboratory. UKAD contended that, by not disputing the Laboratory's findings in any way, and in waiving analysis of his B Sample, the Athlete accepted the adverse analytical findings made by the Laboratory in respect of his A Sample;

3.2.2 That Testosterone and Clostebol are both prohibited substances within the meaning of IAAF Rule 32.2(a);

3.2.3 That proof of presence is sufficient on its own to sustain the charge under IAAF Rule 32.2(a). Rule 32.2(a)(ii) provides:

> "Sufficient proof of an anti-doping rule violation under Rule 32.2(a) is established by… the presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analysed…"

3.3 UKAD contended that, in respect of the charges brought in relation to Rule 33.2(b) (charges 2 and 4), the burden of proof is discharged by the following evidence:

3.3.1 That Rule 33.2(b) is a strict liability offence, meaning that proof of Use is sufficient on its own to sustain the charge of Use under IAAF Rule 32.2(b). Rule 32.2(b)(ii) provides:

> "it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method"

3.3.2 That "Use" is defined in the IAAF Rules as *"the utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method"*. Clostebol is not produced by the body naturally, and the Testosterone found by the Laboratory in the Athlete's Sample A was not produced naturally. Therefore, the only explanation for the presence of those two substances was that they were self administered by him at some point prior to that date.

3.4 The Athlete denied the charges. He contended that:

3.4.1 There was no jurisdiction to conduct the sample collection. He disputed whether he was properly registered with UKA prior to 14 September 2010, and contended that, in any event on 14 September 2010 he had retired, and therefore UKAD had no jurisdiction to submit him to testing;

3.4.2 There were failures in the testing procedure which are such that the integrity of the sample cannot be relied upon; and

3.4.3 There is no evidence of use prior to 14 September 2010, the date on which he contends he retired.

A. <u>Was the Athlete properly registered?</u>

3.4.4 The Athlete disputed whether he was properly registered with the UKA, and thus, whether he was subject to their jurisdiction.

3.4.5 In order to compete in team competitions sanctioned by the UKA, UKA Competition Rules 2.4 and 3.8 require athletes to be members of an affiliated club in accordance with UKA Competition Rule 3.5. In particular, Rule 3.8 of the UKA Competition Rules provides:

> "After 28 days from ceasing to be a member of a Club or Association athletes shall not be eligible to compete in Open Competition until they have again become members of an affiliated Club or Association"

3.4.6 The relationship between athletes and UKA is formed when an athlete joins a club affiliated with the UKA. By joining an affiliated club, the athlete is automatically registered with UKA and is able to enter and compete in UKA sanctioned team competitions on behalf of that club. In exchange, by becoming a member of a club affiliated to the UKA, the Athlete agrees to abide by the UKA Competition Rules, including the UKA Anti-Doping Rules (UKA Rule 1.4). This relationship is a contractual one: *Modahl v. British Athletic Federation* [2002] 1 WLR 1192:

> "In my judgment, the necessary implication of the claimant's conduct in joining a club, in competing at national and international level on both the basis stated in the rules and in submitting herself to both in- and out-of-competition doping tests is that she became party to a contract with the defendant subject to the relevant terms of the rules."

3.4.7 The Athlete had competed in the sport for over 20 years, and spent the vast majority of this time competing as a member of the Birchfield Harriers Athletic Club. In February 2010, he applied to join the Newham & Essex Beagles Athletics Club. A membership application form was completed electronically, and in the box for signature his name was typed. There was some dispute as to whether the Athlete completed the membership form himself, but in any event he submitted it by email on 15 March 2010. In that email he stated:

> "Please find attached club registration form, i will have to print out the other form and post it in as it will not let me edit it?
>
> Can you send me all the club dates for competitions and kit form please.
>
> Looking forward to joining you"

3.4.8 We consider that it is likely that the other form referred to in this email was printed and posted in by the Athlete. The Athlete subsequently registered with the club on 8 April 2010.

3.4.9 Whether or not the Athlete completed the form himself, he was an experienced athlete, having competed on behalf of a club for many years. The act of emailing the completed form made it clear that the application was being made for membership with that Club.

3.4.10 The Athlete also contends that he was not aware that becoming a member of the Club would mean automatic registration with UKA, and that he had not consented to becoming registered. We do not accept this contention. The

Athlete, as an experienced performer within the field, would have been well aware that he needed to be a member of a Club in order to be able to compete in open competition. Over the past 20 years he had submitted himself to numerous drug tests, and therefore would have been well aware of the implications of his membership with the Club, namely, registration with UKA and liability to be drug tested.

3.4.11 We therefore find that the Athlete was a member of the Club and was therefore properly registered with UKA from at least 8 April 2010.

B. Did the Athlete Retire or De-Register on 14 September?

3.4.12 The Athlete contends that he retired on 14 September 2010 and therefore UKAD had no jurisdiction to collect a sample for testing on 15 September 2010.

3.4.13 It was not disputed that the Athlete contacted Ms Wyeth and Mr Walsh on 14 September 2010 and told them that he had made the decision not to go to the Commonwealth Games. However, the Athlete also contends that he told both Ms Wyeth and Mr Walsh that he had decided he was retiring from athletics. Ms Wyeth and Mr Walsh dispute this. Mr Walsh states that the Athlete only told him that he was considering retiring, whilst Ms Wyeth states that the Athlete did not discuss retirement at all with her. Her recollection of events is supported by an email she sent to David Herbert and David Walsh later that day. That email states that the Athlete had withdrawn from the Commonwealth Games team, but made no mention of retirement.

3.4.14 We prefer the evidence of Mr Walsh and Ms Wyeth in this regard. We found their evidence to be credible and supported by the documents. We did not find Mr Edwards credible in respect of a number of aspects of his evidence including this assertion in relation to his retirement. Whilst the Athlete may have, in his own mind, come to the conclusion that he had retired, we do not find that he had informed UKA administrators of his retirement on that date. We therefore find that there was no effective resignation from competition on 14 September 2010.

3.4.15 Even if the Athlete had resigned from competition on 14 September, we do not consider that this alone would have been sufficient to "de-register" or remove him from the testing jurisdiction of UKA.

3.4.16 On that point, there was cogent evidence before the Panel that the Athlete understood that there was a difference between retirement and removal from the jurisdiction of drug testing.

3.4.17 A letter was produced by the Athlete which had been sent to him by a UKA Anti-Doping Administrator on 18 November 2002, following the Athlete's earlier retirement for a previous injury. The letter acknowledges the Athlete's retirement and goes on to state:

"Following our telephone conversation this morning, you advised me that you are happy to remain on the out of competition register for a period of 12 months from 14th November. This means that you will still be liable to no-notice drug testing at any time within this period.

I would just like to draw your attention to the fact that, if you should change your mind and wish to withdraw your retirement notification, you will need to inform me in writing.

You can, if you wish to, be removed from the register immediately; however, as you are probably aware, if you do decide to compete again, you will need to be back on the register for a period of 12 months before you are allowed to take part in any competition in which you are a GB representative athlete."

3.4.18 This letter makes it clear that retirement from competition does not automatically remove oneself from the UKA's testing jurisdiction. The benefit, of course, is that should an athlete decide to return from retirement, which is not uncommon, he or she is able to commence participating in competitions without waiting 12 months before he or she is entitled to compete as a Great Britain representative. The Athlete was aware from this experience, of this distinction, and yet he did not, until 16 September, ask the UKA to remove his name from the testing register. The fact that the Athlete submitted to testing on 15 September, even though he told DCO Dean that he had retired, also demonstrated that he did not think that he had removed himself from UKA's testing jurisdiction.

3.4.19 As the relationship between UKA and the Athlete is a contractual one, formed by the Athlete's membership contract with the Club, the Athlete could have otherwise terminated his relationship with UKA should he have resigned his membership to the Club. Rule 3.7 of the UKA Competition Rules requires a notice of resignation from a Club to be made in writing:

"A notice of resignation from a Club must be made in writing by the athlete… Membership shall be deemed to have ceased on the actual date of posting the notice of resignation …"

3.4.20 There is no evidence that suggests the Athlete resigned his membership to the Club. He therefore remained a member of a Club affiliated with the UKA, and therefore remained under its jurisdiction.

3.4.21 UKAD had, in our view, made a mistake of fact when it stated in its notices of charge dated 18 October 2010 and 21 January 2011, that the Athlete had "retired from being a member and competitor with UKA". There was no such retirement of his membership at any time. Although we find that he had retired from competition on 16 September 2010 (when he emailed David Herbert), this was after the urine sample was taken and therefore does not call into question the Athlete's obligation to submit to testing at that point in time.

3.4.22 The fact that UKAD made an error of fact does not render either the charge or the process invalid, and we are not bound by this error of fact. The Athlete had in fact an opportunity to argue the retirement issue and in fact did avail himself and make submissions on this issue.

3.4.23 We therefore find that the Athlete was properly registered with the UKA, through his membership to the Club, when the sample was collected on 15 September 2010.

C. The Sample Collection Procedure

3.4.24 The Athlete raised a number of issues regarding the sample collection procedure. IAAF Rule 33.3(b) makes it clear that the burden is on the Athlete to establish that a departure from an International Standard or other anti-doping rule or policy has occurred, and that this departure could reasonably have caused the Adverse Analytical Finding:

> "Departures from any other International Standard or other anti-doping rule or policy which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such results. If the Athlete or other Person establishes that a departure from another International Standard or other anti-doping rule or policy has occurred which could reasonably have caused the Adverse Analytical Finding or other anti-doping rule violation, then the IAAF, the Member or other prosecuting authority shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation."

3.4.25 The Athlete's contentions include that he was not shown the mission orders, that DCO Dean, did not give the Athlete a choice of bottle, provided the Athlete with an unsealed bottle, did not give the Athlete a choice of gloves, and had his back to the Athlete and/or left the Athlete unattended at times during the visit. At the hearing questions were raised on behalf of the Athlete as to the possibility of the sample being interfered with when it was in the custody of the courier company, UPS.

3.4.26 The Athlete also contended that Mr Dean and the Blood Collection Officer who also attended, appeared nervous and rushed in their approach, and when the Athlete arrived at his house he overheard Mr Dean saying *"we've got him",* and later on, said *"you've done this before, let's get on with it".*

3.4.27 The Athlete contends that he was not aware of these issues at the time, and this is why he signed a declaration that the sample collection procedures were correctly carried out.

3.4.28 The Athlete's own evidence conflicted at times to what he had said previously in his written statement to the Tribunal. For example, in his written statement he said that Mr Dean handed him the collection vessel and the lids before he went into the toilet, but during the hearing he said that Mr Dean handed these over his shoulder when he was standing facing the toilet. We therefore did not find the Athlete to be a credible witness.

3.4.29 Mr Dean gave evidence of the sample collection procedure and denied any departure from the International Standard on Testing. Although his recollection as to the exact sequence of notification was unclear, we did not find that this in any way undermined the credibility of his evidence. Mr Dean was an

experienced DCO, and could clearly demonstrate his methodical and well-practised routine. Mr Dean's evidence left us in no doubt that, in the absence of any cogent evidence to question the integrity of the process, that the sample was collected properly.

3.4.30 While the Athlete appeared to raise the possibility that his sample could have been interfered with during transport, this seems to amount to no more than conjecture, not based on any factual evidence. The Athlete confirmed in his testimony that he had seen the samples himself in tamper-evident bottles, and the documentation pack for Sample A filled out on receipt of the sample by the Laboratory confirmed the sample was received intact and without any irregularities. Nor was there any degradation of Sample A. We accept the laboratory evidence without hesitation.

3.4.31 We are therefore satisfied that there was no breach of the sample collection process that justifies setting aside the results of the sample. The Athlete has not persuaded us that the sample was collected in anything other than the normal manner. But even if the Panel had accepted that there were some departures, no explanation was put forward by the Athlete as to how any of the alleged departures could have produced the adverse findings of exogenous Testosterone and Clostebol metabolites in his sample.

3.4.32 We did not accept the Athlete's evidence in relation to signing the declaration form confirming his satisfaction with the sample collection procedure. He states that he had not realised there were departures until after he had signed it. However, the Athlete is an experienced athlete who had been tested on nine previous occasions. We therefore find that he would have been well aware of what was standard collection procedure and what was not, and yet no adverse comment was made by the Athlete at that time and no refusal was made to accede to the request to sign the declaration.

3.4.33 The authorities from CAS are clear on the issue of subsequent claims of departures from standard procedure: *La Barbera v. IWAS* (2 May 2011, CAS 2010/A/2277) at para 4.9:

> "… The doping control form is intended to provide contemporaneous record of the process precisely because accurate and detailed recollection is unlikely; while an athlete signature does not amount to a waiver of the athlete's right to later allege that the requirements of the IST have been breached, such signature is of potential evidential value in determining whether [the procedures set out in the IST] have been complied with. Going even further, the CAS held in V. v. FINA (CAS 2003/A/493, 22 March 2004) that the appellant's plain signature of the doping control records expresses his approval of the procedure and prevents him – short of compelling evidence of manipulation of the records or fraud or any similar facts – from raising any such issue at a later stage.."

3.4.34 After careful deliberation, the Tribunal has determined that the Athlete was properly registered and under the testing jurisdiction of the UKA when the sample was collected on 15 September 2010, and that there were no departures from standard collection procedure. Accordingly, the Tribunal is comfortably

satisfied that the adverse findings of exogenous Testosterone and Clostebol metabolites in Sample A have been substantiated.

3.4.35 On this basis, the Tribunal upholds charges 1 and 3 against the Athlete. In consequence the Tribunal has not considered charges 2 and 4 in relation to prior use. These charges would only have been of relevance in this case if it had been established as a matter of fact that the Athlete had in fact retired and deregistered from his club before the sample was taken.

3.5 Consequences

A. Ineligibility

3.5.1 Under IAAF Rules, where an Athlete is found to have violated Rule 32.2(a) of those Rules, and, as here, such violation is the Athlete's first violation, the Tribunal must impose a period of Ineligibility of two years (Rule 40.2).

3.5.2 The Tribunal is given discretion to increase that period of ineligibility where there are Aggravating Circumstances. IAAF Rule 40.6 provides that, if it is established in an individual case involving an anti-doping rule violation that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four years, unless the Athlete or other Person can prove to the comfortable satisfaction of the Tribunal that he did not knowingly commit the anti-doping rule violation.

3.5.3 Examples of aggravating circumstances which may justify the imposition of a period of Ineligibility greater than the standard sanction include (but is not limited to) where the Athlete used or possessed multiple Prohibited Substances or Prohibited Methods (IAAF Rule 40.6(a)).

3.5.4 IAAF Rule 40.6(b) provides that an Athlete can avoid an increased period of Ineligibility due to aggravating circumstances, by admitting the anti-doping rule violation promptly after being confronted with it. The Athlete has not admitted the charges in this case, indeed, he maintains that he has no idea how the prohibited substances got into his sample.

3.5.5 The Tribunal considers that the presence of multiple Prohibited Substances in the Athlete's Sample A, namely exogenous Testosterone and Clostebol metabolites, is an aggravating circumstance. The Athlete is a senior athlete and a role model in the throwing community. He runs a sports therapy business and has a history of working with disabled athletes. In 2008 he attended the Paralympic Games as a full time employed UK Athletics Performance Coach. In these circumstances we consider that an increase in the period of Ineligibility is appropriate.

3.5.6 Accordingly, the period of Ineligibility imposed on the Athlete is 3 years. This properly reflects the aggravating feature of multiple use present in this case.

3.5.7 In accordance with IAAF Rule 40.10, the period of Ineligibility shall run from 3 November 2010, being the date on which the Athlete was provisionally suspended, and so shall end at midnight on 2 November 2013. During the period of Ineligibility, in accordance with IAAF Rule 40.11, the Athlete shall not be permitted to participate in any capacity in a competition or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened or authorised by UKA or by any body that is a member of, or affiliated to, or licensed by UKA.

4. SUMMARY

4.1 Accordingly, for the reasons given above, the Tribunal makes the following decision:

(i) A Doping Offence contrary to IAAF Rule 32.2(a) has been established;

(ii) The period of ineligibility will run for 3 years from 3 November 2010.

5. RIGHTS OF APPEAL

5.1 In accordance with Article 13.4.1 of the UKAD Rules, the following parties shall have the right to appeal against this decision to the NADP Appeal Panel: the Athlete, UKA, UKAD, the IAAF, and WADA.

5.2 Any party that wishes to exercise such rights must file a Notice of Appeal no later than 21 days from notification of this decision, in accordance with Articles 13.4.2 and 13.7 of the UKAD Rules.

Matthew Lohn

Professor Peter Sever

Dr Neil Townshend

signed on behalf of the Tribunal on 7 June 2011