

APPEAL HEARING
Before
THE JAMAICA ANTI-DOPING APPEALS TRIBUNAL
between
JAMAICA ANTI-DOPING COMMISSION **Complainant**
and
DOMINIQUE BLAKE **Respondent**

Mr. Lackston Robinson for the Complainant
Mr. Patrick Foster, Q.C, Ms. Catherine Minto and
Ms. Stephanie Forte for the Respondent
HD – 9th, 10th, 11th September 2013

DECISION

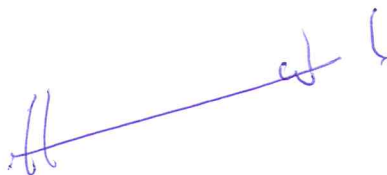
1. This is an appeal against a decision of the Jamaica Anti-Doping Disciplinary Panel which ordered that the Appellant should be ineligible in respect of her athletic pursuits conducted by accredited bodies for a period of six years (6) commencing on the 13th of June, 2013.
2. The hearing before the Disciplinary Panel was occasioned by the presence of a specified substance Methylhexanamine discovered in the Appellant's body subsequent to the test of her urine samples following her participation in the National Senior Championships on July 1, 2012.
3. The Appellant at the commencement of the hearing before the Disciplinary Panel admitted negligence in ingesting the specified substance. Therefore the live issues to be determined were:
 - (a) The period of ineligibility
 - (b) At what time should the period begin to run.
4. The Appellant had two arrows to her bow. The first was that in accordance with the Jamaica Anti-Doping Commission (JADCO) Rules 10.4, she had demonstrated to the requisite standard that she had not taken the specified substance with an intention to enhance her sports performance.
5. Further she has provided corroborating evidence. Accordingly, she should be the beneficiary of a reduced sanction.
6. The Disciplinary Panel did not find comfortable satisfaction as regards her efforts. We see no reason to disturb this conclusion of the Disciplinary Panel. This arrow misses its mark. Therefore, there is to be no reduced sanction.
7. The other arrow was to effect that according to the JADCO Rule 10.5.2, the appellant has demonstrated that no significant negligence should be visited

upon her. The Disciplinary Panel rejected her endeavours in this regard. We see no reason to disturb that conclusion. This arrow also misses its mark; therefore the Appellant is not entitled to a reduced sanction under this provision.

8. The Appellant had previously committed an Anti-doping Violation in 2006. Therefore in accordance with 10.7.1 of the JADCO Rule the range must be between four to six years since there is no benefit to her of reduced sanction under either 10.4 or 10.5.2. We are of the view that the period of six years should not be disturbed as we find there is no mitigating factor to warrant any such reduction.
9. The circumstances pertaining to the conduct of this matter was quite protracted and not in harmony with the expediency envisioned by the JADCO Rules. Whereas it is clear that the Appellant did cause delays by changes of attorneys it cannot be said that at the initiation of the process there was not significant or substantial delay not attributable to her.
10. Accordingly, we are of the view and so state, that the period of ineligibility should run as from the date requested by the Appellant which is 24th July, 2012.

By JAMAICA ANTI-DOPING APPEALS TRIBUNAL

11th September 2013

A handwritten signature in blue ink, consisting of stylized initials and a surname, positioned above a horizontal line.

Hon. Mr. Justice Howard Cooke (Ret'd) CD
Chairman