

2.2 Article 2.1 of the JADCO rule reads “Presence of a prohibited substance or its metabolites or markers in an athlete’s sample. 2.1.1 It is each Athlete’s personal duty to ensure that no prohibited substance enters his or her body. Athletes are responsible for any prohibited substance or its metabolites or markers found to be present in their samples. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the athlete’s part be demonstrated in order to be establish an Anti-Doping Rule Violation under Article 2.1”.

2.3 On the 24th day of March 2021 out-of-competition urine samples were collected at the athlete’s place of residence and dispatched on the 26th day of March 2021 to the WADA accredited laboratory, INRS-Institut Armand Frappier in Laval, Quebec, Canada. The A sample bearing code number 4514564 revealed the presence of **Mesterolone metabolite**. Mesterolone metabolite is listed as a prohibited substance in the World Anti-Doping Agency’s 2021 prohibited list which falls under the category of Class[S1.1] Anabolic Androgenic Steroids (AAS). This is a “Non-Specified Substance” and is prohibited at all times in and out of competition.

2.4 On the 29th day of April 2021 JADCO notified the athlete in writing (‘JADCO letter’) that inter alia on the 24th day of March 2021 JADCO conducted an out-of-competition testing at the athlete’s place of residence whereby the presence of a prohibited substance under the WADA Anti-Doping Agency’s prohibited list 2021 namely Mesterolone metabolite was detected. A JADCO doping control officer (DCO) collected a urine sample from the athlete and was allocated the sample code number **4514564 (A sample)**.

2.5 The athlete was also notified in the aforementioned letter as to his rights under the Anti-Doping In Sport Act and JADCO Rules and that he was provisionally suspended with immediate effect pursuant to Article 7.11.1 of the said rules. The athlete acknowledged receipt of the JADCO letter in writing that included inter alia: (1) notification of adverse analytical finding in respect of his A sample beating code number 4514564 which was collected on the 24th day of March 2021 (2) Request for B sample Analysis, (3) Waiver of Right to a Hearing and (4) Request for laboratory Documentation Package.

2.6 The athlete declined to request a B sample analysis. The relevant bodies associated with the athlete’s sport as well as WADA Results Management were notified in writing on the 29th April 2021 by JADCO as to the returned adverse analytical findings for the athlete.

2.7 The athlete replied in a letter dated 10th May 2021, to the JADCO letter mentioned at paragraph 2.4 herein, that he/athlete, regrettably in the last quarter (January – March 2021), in a moment of what can be described as sheer ignorance and youthful exuberance **intentionally undertook a course of action that violates the principles of fair play and ethics** and undermines the integrity of Sports by consuming a small quantity of a Testosterone Booster (Test Rx). The athlete went on to explain that he consumed this small quantity as he was unaware that this was a banned substance and also having some libido challenges. He went on to say that he had gained no unfair significant advantage. He closed his letter by acknowledging that he promptly acknowledged committing a violation of an anti-doping rule and asked for compassion and grace. He also asked that the period of ineligibility be reduced and that he had no intention to cheat as he took the substance out of ignorance and that JADCO consider the cultural and economic values of society with the desires of a young marginalized male that caused him to commit the anti-doping rule violation.

2.8 The IADP panel dispatched a letter dated 25th May 2021 to the athlete's home address notifying him of the proposed hearing to take place on Tuesday 08th day of June 2021 at 10:00am via ZOOM (an internet platform) and that although he had written to the Executive Director, Mrs. June Spence Jarrett, stating his position on the adverse analytical findings, he still had the right to legal representation and a hearing and this was eventually held.

3. The substantive issue to be decided

3.1 Whether the athlete is in breach of article 2.1 of the JADCO Anti-Doping Rules.

4. Legal Analysis

4.1 Article 2.1 of the JADCO Rules clearly state that 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 under Article 2.1.

4.2 The athlete has waived his right to a hearing pursuant to JADCO rule 7.14.1 and WADA code 8.3 and moreover has not challenged the adverse analytical finding for sample code 4514564.

5. Orders-

The Independent Anti-Doping Panel finds as follows:-

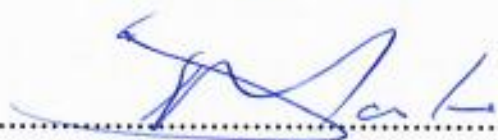
5.1. The athlete had in his body a prohibited substance in violation of the World Anti-Doping Agency's 2021 Prohibited List.

5.2 There is nothing in the JADCO Rules and or the WADA Code that allows for any cultural and economic considerations to be taken into account by the IADP when adjudicating on an anti-doping rule violation.

5.2. In the circumstances of this case the athlete is ineligible for **2.5 years**, as per JADCO rule 10.2.1.2 and the period of provisional suspension from the time of the official notification by JADCO¹ to the athlete of the adverse analytical findings for time already served would be deducted from the 2.5yearsperiod of ineligibility.

Dated this 18th day of June 2021


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Kent P. Gammon – Chairman IADP


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Dean Martin - Member of the IADP


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Dr. Marjorie Vassell – Member of the IADP

¹29th April 2021