



**TAS / CAS**

TRIBUNAL ARBITRAL DU SPORT  
COURT OF ARBITRATION FOR SPORT  
TRIBUNAL ARBITRAL DEL DEPORTE

**CAS 2022/A/9224 John Campbell v. The Jamaica Anti-Doping Commission (JADCO)**

**ARBITRAL AWARD**

**delivered by the**

**COURT OF ARBITRATION FOR SPORT**

**sitting in the following composition:**

Sole Arbitrator: Mr Jeffrey G. Benz, Attorney-at-Law and Barrister, London, United Kingdom

**in the arbitration between**

**John Campbell, Jamaica**

Represented by Ayana L. Thomas & Mark-Paul Cowan of Nunes Scholefield Deloen & Co.,  
Kingston, Jamaica

**Appellant**

**and**

**The Jamaica Anti-Doping Commission (JADCO), Jamaica**

Represented by Conrad E. George & Andre K. Sheckleford of Hart Muirhead Fatta, Kingston,  
Jamaica

**Respondent**

## **I. INTRODUCTION**

1. Mr John Campbell (“Mr Campbell” or “Athlete”), is a Jamaican professional cricketer who is a left-handed batsman and right-arm off spin bowler who has competed internationally on many occasions for the West Indies Cricket Team and the Jamaica Scorpions team.
2. The Jamaica Anti-Doping Commission (“JADCO”) is the national Anti- Doping Organization in Jamaica, recognized as such by the World Anti-Doping Agency (“WADA”), established by section 5 of the Jamaican Anti- Doping in Sport Act of 2014 (“Act”). Under section 6(1)(e) of the Act, JADCO is charged with the responsibility of directing the anti-doping program of the government of Jamaica specific to sport, including conducting testing of athletes, planning, coordinating and implementing the collection of samples and management of test results in keeping with the International Standards. JADCO is required under s. 6(1)(b) of the Act, to comply with and implement the World Anti-Doping Code (“WADA Code”) and the International Standards promulgated by WADA. JADCO is also responsible under s.6(1)(g) of the Act for pursuing potential Anti-Doping Rule Violations (“ADRV”). The JADCO Anti-Doping Rules 2021 (“JADCO Rules”) were passed pursuant to the mandate given to JADCO under the Act. The JADCO Rules were fashioned after the WADA Code (2021) and mandate compliance with the International Standards promulgated by WADA. At all relevant times hereto, JADCO had testing jurisdiction over the Athlete pursuant to section 6 of the Act and Article 5.2 of the JADCO Rules.
3. Individually, the Appellant and the Respondents will be referred to as “Party” and collectively as “Parties.”

## **II. FACTUAL BACKGROUND**

### **A. Background Facts**

4. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced and at the hearing. Additional facts and allegations found in the Parties’ written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, he refers in his Award only to the submissions and evidence he considers necessary to explain his reasoning. The facts are largely not in dispute save for certain facts, as indicated, concerning the actual attempted sample collection.
5. The Athlete, a 28-year-old Jamaican professional cricketer, has been playing cricket since the age of seven (7) and has been a full-time cricketer since leaving high school. Cricket is his only occupation and source of income.
6. He was formally included in JADCO’s Registered Testing Pool in or around November 2019. Prior to being formally included in JADCO’S registered testing pool the Athlete submitted to random testing by JADCO while training with the Jamaica Cricket Team or

the West Indies Cricket Team. He was always compliant with these tests.

7. Since being formally included in the registered testing pool, the Athlete has undergone *No Advance Notice Testing* conducted by JADCO at his home, within his 60-minute time slot entered on the ADAMS system. These out of competition tests occurred approximately 3-5 times without any issue or adverse findings. Prior to 20 April 2022, the Athlete had no prior experience with the JADCO testing team conducting tests at his home outside of his designated 60-minute time slot.
8. The Athlete has never been found to have committed an ADRV and prior to 20 April 2022, he has never had an issue raised with his compliance with the JADCO Anti-Doping Rules.
9. In July 2021, the Appellant updated his whereabouts information in ADAMS and changed his 60-minute time slot for testing from morning to evenings, namely from either 7pm to 8pm or 9pm to 10pm.
10. In August/September 2021, he made further changes to his whereabouts information so that he no longer had any morning times for his 60-minute slots due to changes in his training schedule. His 60-minute slots for daily testing were therefore exclusively in the evening from 7pm to 8pm or 9pm to 10pm from August/September 2021. 20 April 2022, was the first time JADCO conducted testing at the Appellant's home after he updated/changed his 60-minute time slot on ADAMS.
11. The Athlete had five positive results for COVID-19 between the period of 2020 to April 2022 and believed he had COVID-19 at times where he was not able to confirm through testing. The Athlete contended that he suffered back pains, headaches, body aches, fever, fatigue, loss of taste and smell, and brain fog. Some of these symptoms lingered or would come and go even after recovery.
12. Despite the lingering symptoms from COVID-19 the Athlete had to fulfil commitments to the West Indies Cricket Team and the national Jamaica Scorpions Team which required intense training and travelling between Jamaica and various Caribbean islands up to 15 April 2022.
13. On 19 April 2022, the Athlete returned home at approximately 4am after an evening out with friends and fell asleep at around 5am. His friend, Tricia Yearwood was with him. He remained at home for the rest of the day on 19 April 2022, as he was not feeling well. The combination of recovering from intense training and, the lingering effects of Covid-19 and the consumption of alcohol made him very exhausted and disoriented. He also suffered from diarrhea on 19 April 2022. The Athlete suffers from insomnia and has trouble sleeping generally. He did not go to sleep until 3am Wednesday 20 April 2022.
14. On 20 April 2022, JADCO sent a team to collect blood and urine samples from the Athlete at the Athlete's home in Kingston, Jamaica, which team included the following individuals with the roles as designated:

- i. Dr. Aldean Facey – Doping Control Officer (“DCO”)
  - ii. Ms. Nordia Williams – Chaperone
  - iii. Ms. Christine Brown – Blood Control Officer (“BCO”)
  - iv. Mr. Michael Brown – Driver
15. The Athlete’s home consisted of rented accommodations of a small, detached flat located at the rear of his landlord’s premises. In front of the flat was a residential structure which consisted of several accommodations including accommodations for his landlord. The entire compound/premises had a central entrance gate. The Athlete’s flat is not visible from the entrance gate. JADCO’s team arrived at the Appellant’s residence before 6:00AM and outside of the time entered by him in ADAMS for testing.
  16. Upon arrival it is reported that only Ms. Nordia Williams and Dr. Aldean Facey exited the vehicle they were travelling in and called out for the Athlete outside of the gate to the premises. Ms. Joan Ellis-Beecher, the Athlete’s landlady, heard the calls and went around the back of the house where the Athlete’s small detached flat was located. She alerted him to the presence of people looking for him outside. A few minutes later the Athlete went to the gate and spoke with Ms. Williams and Dr. Facey.
  17. During the discussion, the Athlete, when asked how he was doing, indicated at the outset that he was not feeling well. The exact nature and content of the exchanges are disputed but it is not disputed that the Appellant questioned the timing of the arrival of JADCO’s sample collection personnel as it did not conform with his designated 60-minute window slot entered by him in ADAMS, which was 7pm to 8pm or 9pm to 10pm.
  18. JADCO contended that the Athlete was shown the Letter of Authority of the Chaperone, Miss Nordia Williams as well as an ID for Miss Williams. It was never alleged by JADCO that the DCO, Dr Aldean Facey, the person in charge of the mission, showed the Athlete his Letter of Authority or his ID.
  19. The Athlete’s position was that he was never shown a Letter of Authority or ID card by either the Chaperone Miss Williams or the DCO Dr. Aldean Facey. He also claims that the contents of the letter of authority were also not recited to him.
  20. The Athlete also contends and it is not disputed that neither the Chaperone or DCO recited to him his rights as an athlete or explained to him that he had a right to ask for additional information about the sample collection process or that he could request a delay.
  21. The exchanges between the Appellant and JADCO’s sample collection team was short and is not substantively in dispute. The Athlete, during the exchanges, asked, “What if I was not here?”. The DCO responded that he could not be tested and it would not be a missed test. The Athlete responded, “Then I am not here”. The Athlete then went back to his flat. He passed out immediately. No sample was collected from him.
  22. The Athlete contended that at the time of the attempted collection he was feeling woozy, disoriented, dehydrated and fatigued due to a combination of factors at the time of the attempted collection.

23. The Athlete was also subsequently diagnosed with Post-Traumatic Stress Disorder (“PTSD”) by Dr. Winston De La Haye in his report dated 8 August 2022, which was based on early childhood trauma suffered by the Athlete (“Ailment”). Dr. De La Haye’s expert medical opinion was that the Appellant was “triggered” that morning and relived a traumatic experience thereby eroding his capacity for rational thought processes. No contrary evidence was adduced or entered contesting the findings of Dr. De LaHaye. The Sole Arbitrator has determined to not including in this written award the nature of the childhood trauma, as that specificity is irrelevant to the outcome, but suffice it to say that it appeared to the Sole Arbitrator to have been significant.

**B. The Proceedings Below**

24. On May 10, 2022, JADCO issued a Notification Letter of Anti-Doping Rule Violation (“Notification Letter”) signed by JADCO’s Executive Director, Mrs. June Spence Jarrett. After summarizing the report of events on April 20, 2022, the Notification Letter stated:

*“This amounts to a refusal or failure to submit to sample collection without compelling justification after notification by a duly authorized Person.”*

25. It was undisputed that the only allegation of an anti-doping violation which the Athlete has been notified of is in respect of refusing and or failing to submit to sample collection. There was no assertion or charge that the particulars of the events on 20 April 2022 amounted to evasion.
26. The Notification Letter ended up in the spam/junk folder of the Athlete’s email and he did not see it until sometime in June. He then provided a response to JADCO by letter dated 13 June 2022 (“Response”). In the Response, the Athlete further recounted being unwell and disoriented and that he laboured under the impression that the JADCO team was there at the wrong time (even though this was legally not in dispute later).
27. No formal charge letter was subsequently issued to the Appellant. JADCO referred the Notification Letter to the Independent Anti-Doping Disciplinary Panel (the “Panel”) for hearing and determination. In respect thereof, a preliminary hearing was convened on July 6, 2022.
28. After the Parties made their written submissions, an evidentiary hearing was held on 17 and 18 August 2022, followed by a further oral hearing on 5 September 2022 (which oral hearing addressed primarily evidentiary issues).
29. The first instance tribunal issued its decision on 6 October 2022, though the Athlete did not receive it until 7 October 2022 (“Appealed Decision”), which decision sanctioned the Athlete with a period of Ineligibility of four (4) years.

### III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

30. On 24 October 2022, the Athlete filed his Statement of Appeal with the Court of Arbitration for Sport (the “CAS”) against the Appealed Decision, in accordance with Articles R47 and R48 of the 2021 edition of the CAS Code of Sports-related Arbitration (the “Code”). In this submission, the Appellant requested the appointment of Mr Bruce Collins KC as arbitrator.
31. On 2 November 2022, the Appellant filed an application for provisional measures.
32. On 16 November 2022, the CAS Court Office took note of the Parties’ agreement with the appointment of a sole arbitrator.
33. On 25 November 2022, the Respondent file its answer to the application for provisional measures.
34. On 28 November 2022, after several requested extensions, which requests were granted by the CAS Court Office, the Athlete filed his Appeal Brief, in accordance with Article R51 of the Code.
35. On 30 December 2022, the President of the CAS Appeals Arbitration Division issued an Order on Request for Stay.
36. On 5 January 2023, in accordance with Article R54 CAS Code, and on behalf of the President of the CAS Appeals Arbitration Division, the CAS Court Office informed the Parties that the arbitral tribunal appointed to decide the present matter was constituted as follows:  
  
Sole Arbitrator: Mr Jeffrey G. Benz, Attorney-at-law and Barrister in London, United Kingdom
37. On 15 December 2022, in accordance with Article R55 of the Code, Respondent filed its Answer.
38. On 8 February 2023, the CAS Court Office informed the Parties that the Sole Arbitrator had decided to hold a hearing virtually.
39. On 20 February 2023, the CAS Court Office provided the Parties with an Order of Procedure, which was duly signed and returned by the Appellant on 27 February 2023 and by the Respondent on 6 March 2023.
40. On 27 April 2023, a hearing was held by video-conference. At the outset of the hearing, the Parties confirmed that they had no objection as to the constitution and composition of the arbitral tribunal.
41. In addition to the Sole Arbitrator and Ms Delphine Deschenaux-Rochat, Counsel to the CAS, the following persons attended the hearing:

- a) For the Athlete:  
Ms Ayana L. Thomas, Attorney-at-Law, Nunes Scholefield Deleon & Co  
Mr Mark-Paul Cowan, Attorney-at-Law, Nunes Scholefield Deleon & Co  
Mr John Campbell
- b) Representative from West Indies Players Association on behalf of Appellant:  
Mr Warell Hines
- c) For JADCO:  
Mr Conrad E. George, counsel, Hart Muirhead Fatta  
Mr Andre K. Sheckleford, counsel, Hart Muirhead Fatta  
Ms June Spence Jarrett, executive director  
Mr Tajae Smith

- 42. The Sole Arbitrator heard evidence from the Parties at the hearing.
- 43. All Parties were given full opportunity to present their cases, submit their arguments and to answer the questions posed by the Sole Arbitrator.
- 44. Before the hearing was concluded, all Parties expressly stated that they had no objection to the procedure adopted by the Sole Arbitrator and that their right to be heard had been respected.
- 45. The Sole Arbitrator confirms that he carefully heard and took into account in his decision all of the submissions, evidence, and arguments presented by the Parties, even if they have not been specifically summarized or referred to in the present arbitral Award.

#### **IV. SUBMISSIONS OF THE PARTIES**

- 46. This section of the Award does not contain an exhaustive list of the Parties' contentions, its aim being to provide a summary of the substance of the Parties' main arguments. In considering and deciding upon the Parties' claims in this Award, the Sole Arbitrator has accounted for and carefully considered all of the submissions made and evidence adduced by the Parties, including allegations and arguments not mentioned in this section of the Award or in the discussion of the claims below.

##### **A. Submissions of the Appellant**

- 47. The Athlete submits in summary as follows:
  - This is not a case of evasion of Sample collection but merely a case of refusing or failing to submit to Sample collection, which has lesser applicable standards with respect to intent.
  - The Athlete did not intentionally commit any violation.
  - JADCO's doping collection team on the morning in question failed to show proper

documentation for purposes of the Sample collection, or to advise the Athlete of his rights, which are pre-requisites for the valid collection of the Sample.

- The Sample collection was attempted outside of the window which the Athlete had designated for his Whereabouts-based Sample collection and he was of the view that the Sample collection was a mistake as a result, however mistaken the Athlete's view of this might have been.
- The Athlete was tired, was on the back of several sleepless nights and had only had approximately three hours of sleep, was nauseous, his "head was also pounding", had been ill, "felt unwell" and "felt [his body] completely shutting down], and was triggered with a post-traumatic stress event arising from his youth such that he was not of a mindset to appropriately appreciate the nature of the Sample collection or the effects of his refusal to provide his Sample (but he did not evade). He passed out immediately after his interaction with the doping control team from JADCO.
- When he walked away from the JADCO doping control team, he had no understanding, and no one explained to him, the consequences of his refusal or failure to provide a Sample.
- The period of Ineligibility imposed by the Appealed Decision, of four (4) years Ineligibility, was excessive and should have been half or less. Proper consideration should have been given to his intention and to his reduced fault or negligence, which would have resulted in a far lesser sanction.

48. In his Statement of Appeal, the Athlete sought the following relief in summary:

- Setting aside in its entirety the Appealed Decision.
- Reducing the sanction from four (4) years of Ineligibility to an unspecified period.
- Awarding costs pursuant to Articles R65.2 and 65.3 of the Code.
- Ordering the Respondent to pay to the Athlete a reasonable contribution towards his legal fees and other expenses incurred in connection with the proceedings.

49. The Athlete seeks the following relief in its Appeal Brief (paragraph numbers omitted):

*"The CAS is urged to find firstly that the ADRV was not established on the basis that there was no due notification in accordance with the International Standards for Testing and Investigation.*

*In any event the Appellant has proven on a balance of probabilities that he had a Defence of compelling justification due to a confluence of personal circumstances related to his physical and mental state which was outside his control.*

*In the alternative if the CAS is not persuaded as to the above the fault or degree of fault on the part of the athlete is miniscule and a proportionate*



*sanction having regard to all the exceptional circumstances of the case and his history of a clean record as an athlete would be no more than 1 to 2 years period of ineligibility. If this Panel finds that the Athlete’s conduct did not amount to an intent to commit the alleged ADRV, then a period 1 year would be most appropriate in the circumstances.”*

**B. Submissions of the Respondent**

50. Putting aside reliance on the findings of the Appealed Decision which the Sole Arbitrator may not consider under his required *de novo* review, the Respondent submits in summary as follows:

- The Respondent met all required documentary and other standards for taking the Sample it sought to take on the day in question, and the Athlete was properly notified under the applicable rules.
- The Respondent not only refused Sample collection but he did so intentionally.
- The Respondent is unable to show a compelling justification for his conduct or any other basis for mitigating his sanction of four (4) years.

51. Though the Respondent does not set forth a specific prayer for relief in its Answer, the Respondent states the following:

*“In light of the above, [Respondent submits] that the appellant’s appeal ought not to succeed.”*

**V. JURISDICTION**

52. Article R47 of the Code provides in pertinent part as follows:

*“An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body.”*

53. Article 13.2 of the JADCO Rules provides that certain decisions, including “*decisions imposing (or not imposing) Consequences for an Anti-Doping Rule Violation*” may be appealed. Article 13.2.1 of the JADCO Rules further provides that, in cases involving International-level Athletes, appeals “*shall be made exclusively to CAS*” by the parties listed in Article 13.2.3.1, which list includes the Athlete.

54. In its Answer to the Appeal Brief of the Athlete, JADCO challenges whether the Athlete is an International Athlete who is able to appeal the Appealed Decision directly to CAS. This was not put forward by JADCO as a significant argument at the hearing, but the Sole Arbitrator notes that the definition of International Athlete under the JADCO Rules is as follows:

*“Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations.”*

According to JADCO, and perhaps slightly against the case it put opposing jurisdiction, the International Cricket Council (“ICC”) defines “International Level Players” in the ICC Anti-Doping Code as:

*“Players who are (or have been in the previous twenty-four (24) months) selected to play in International Matches and those Players included in the International Registered Testing Pool and the National Player Pool.”*

Based on the substantial international events participation of the Athlete in the twenty-four months preceding the Sample collection attempt at issue here, the Sole Arbitrator is convinced that the Athlete is an International Level Athlete. The Sole Arbitrator is frankly puzzled that the National Anti-Doping Agency for Jamaica would not know exactly who is in or not in the definition of International Level Athlete within the scope of its jurisdiction at any given time and was asserting that the obligation lay with the Athlete to establish this based on frankly general and non-specific assertions by JADCO to the contrary. A simple Internet search reveals that Mr Campbell was, in June 2020, named in the West Indies' Test squad, for their series against England, which Test series was originally scheduled to start in May 2020, but was moved back to July 2020 due to the pandemic and ICC regulations related thereto.

55. The Sole Arbitrator notes that the Appealed Decision, as appealed, meets the requirements of the JADCO Rules for appeal.
56. Moreover, the Sole Arbitrator notes that all Parties signed the Order of Procedure, and all Parties participated fully in the proceedings, providing further evidence of acceptance and appropriateness of CAS jurisdiction.
57. The Sole Arbitrator therefore finds that CAS holds jurisdiction to decide on the present matter.

## **VI. ADMISSIBILITY**

58. Article R49 of the Code provides as follows:

*“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. [...]”*

59. The deadline for appeal found in Article 13.6.1 of the JADCO Rules corresponds to Article R49 of the Code, setting forth the same time limit.

60. In the case of an appeal by an athlete, the time limit starts running from the date when the athlete received the Appealed Decision, which was communicated to the Athlete on 7 October 2022, a day after it issued.
61. The Athlete filed his Statement of Appeal on 24 October 2022.
62. The Athlete in his Statement of Appeal applied for an extension of time of ten (10) days to file his Appeal Brief, which extension request was granted by the CAS Court Office to 17 November 2022, in a letter dated 26 October 2022.
63. The Athlete was granted an additional extension of time to file his Appeal Brief to 28 November 2022, by a letter dated 9 November 2022, from the CAS Court Office.
64. On 27 November 2022, the Athlete filed his Appeal Brief against the Appealed Decision with the CAS Court Office.
65. Consequently, the Appellant complied with the time limits prescribed by the Code and the JADCO Rules.
66. No Party has objected to the admissibility of this appeal and in fact all Parties have participated in this proceeding fully without objection on this basis.
67. The Sole Arbitrator finds that the Appeal was therefore filed in time and is admissible.

## **VII. APPLICABLE LAW AND SCOPE OF REVIEW**

68. Pursuant to Article 58 of the Code, “[t]he Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law the Panel deems appropriate.”
69. For these purposes the “*applicable regulations*” are the 2021 JADCO Rules (as adapted from the WADA Code and being the edition in force at the time of the Athlete’s sample collection), with the law of Jamaica applying “*subsidiarily*”. According to well-established CAS jurisprudence, that means that Jamaican law is applied where necessary to resolve any “*issues that cannot be resolved solely on the basis of the rules invoked by the parties*”, i.e., to fill any *lacunae*, or gap, left by the JADCO Rules. CAS 2002/O/373, at para. 15; *see also* CAS 2006/A/1180., at para. 14. Fortunately, though the Sole Arbitrator is a common law American lawyer and English barrister but not expert in the law of Jamaica, there is no dispute as to applicable law and no *lacunae* appeared in this case, so there is no need to refer to the law of Jamaica to resolve this appeal.

70. The Code provides in its Article R57, in pertinent part, that,

*“The Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance [...]”*

71. Accordingly, the task of the Sole Arbitrator is to decide the matter *de novo*, anew, without reference or deference, or being constrained, in any manner to the decision below.

72. No Party disputed these fundamental legal principles.

73. The principal provision of the JADCO Rules at issue here is Article 2.3, titled “*Evading, Refusing or Failing to Submit to Sample Collection by and Athlete*”, defines the offense as follows:

*“Evading Sample collection, or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorized Person.”*

74. Comment 8 to Article 2.3 of the JADCO Rules, which uses the same language as Comment 11 to the same numbered article of the WADA Code, provides as follows:

*“11 [Comment to Article 2.3: For example, it would be an anti-doping rule violation of ‘evading Sample collection’ if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of ‘failing to submit to Sample collection’ may be based on either intentional or negligent conduct of the Athlete, while ‘evading’ or ‘refusing’ Sample collection contemplates intentional conduct by the Athlete.]”*

75. The appeal focused on refusal or failure to submit by the Athlete rather than evasion and this Award will focus on the same to the exclusion of any claim of evasion (an act that clearly requires some effort to avoid the testing beyond simply refusing it or just not doing it (the latter points being subject to an analysis, as part of the alleged violation, of “*compelling justification*”).

76. Most importantly, Article 10.3.1 of the JADCO Rules, in accord with the same numbered article of the WADA Code, provides in pertinent part as follows:

*“10.3.1 For violations of Article 2.3 [ ], the period of Ineligibility shall be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the anti-doping rule violation was not intentional, the period of Ineligibility shall be two (2) years; [...]”*

77. A finding of an anti-doping rule violation under Article 2.3 of the JADCO rules may be eliminated in its entirety if lack of intention is found and there is No Fault or Negligence pursuant to Article 10.5 of the JADCO Rules, which provides as follows:

*“If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated.”*

78. A finding of an anti-doping rule violation under Article 2.3 of the JADCO rules may be reduced, if lack of intention is found and there is No Significant Fault or Negligence pursuant to Article 10.6.2 of the JADCO Rules, which provides in pertinent part as follows:

*“If an Athlete or other Person establishes in ail individual case where Article 10.6.1 is not applicable, that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of Ineligibility may be reduced based on the Athlete or other Persons degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable.”*

79. The JADCO Rules provide in Appendix 1, among other things, the following definitions that are relevant to this case as submitted:

*“Fault*

*is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athletes or other Persons degree of Fault include, for example, the Athletes or other Persons experience, whether the Athlete or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athletes or other Persons degree of Fault, the circumstances considered must be specific and relevant to explain the Athletes or other Persons departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in*

*reducing the period of Ineligibility under Article 10.6.1 or 10.6.2.”*

*“No Fault or Negligence*

*The Athlete or other Persons establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athletes system .*

*“No Significant Fault or Negligence*

*The Athlete or other Persons establishing that any Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athletes system.”*

## **VIII. ANALYSIS**

80. Essentially, the Sole Arbitrator is asked to resolve a handful of discrete questions, some of which are dependent on answers given to other questions detailed:
- a. Were the prerequisites and documentary formalities met for the taking of an out of competition sample from Mr Campbell on the morning in question?
  - b. Did Mr Campbell refuse or not permit his sample collection with compelling justification after being notified of the purpose of the visit of the anti-doping officers?
  - c. Did Mr Campbell act with intention in refusing or not permitting his sample collection?

- d. Did Mr Campbell act with no fault or negligence in refusing or not permitting his sample collection?
- e. Did Mr Campbell act with no significant fault or negligence in refusing or not permitting his sample collection?

Obviously, depending on the determination of some of the earlier question questions, the later questions may remain unanswered.

81. Consistent with the WADA Code, Article 3.1 of the JADCO Rules provides for the burdens of proof to be borne by parties in anti-doping results management hearings as follows:

*“The Commission shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the Commission has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.”*

**A. The Documentary and Other Formalities of Notification**

82. There can be no question that for a claim of refusal or failure to submit to Sample collection to survive, it must be shown that the Athlete was given “notification” as that word is used in the description of the violation. Unfortunately, the WADA Code, and concomitantly the JADCO Rules, unhelpfully, do not define what “notification” means.
83. Mr Campbell’s counsel submitted that “notification” requires that the WADA International Standards for Testing and Investigations (“ISTI”) makes certain things or steps mandatory as elements of “notification” for an athlete:
  - Sample collection personnel must “have”, as used in the ISTI language (not “provide”, as used in the written brief of Mr Campbell) “*official documentation provided by the Sample Collection Authority, evidencing their authority to collect a Sample from the Athlete, such as an authorization letter from the Testing Authority. DCOs shall also carry complementary identification which includes their name and photographs (i.e. identification card from the Sample Collection Authority, driver’s license, health card, passport or similar valid identification) and the expiry date of the identification.*” Article 5.3.3 of the ISTI.
  - Article 5.4.2(b) of the ISTI provides that, “*When contact is made the DCO/Chaperone shall identify themselves to the Athlete using the documentation referred to in Article 5.3.3*”.

- Articles 5.4.1, 5.4.2, and 5.4.3 of the ISTI provide as follows:
  - “5.4.1 *When initial contact is made, the Sample Collection Authority, DCO or Chaperone, as applicable, shall ensure that the Athlete and/or a third party (if required in accordance with Article 5.3.7) is informed:*
    - a) *That the Athlete is required to undergo a Sample collection;*
    - b) *Of the authority under which the Sample collection is to be conducted;*
    - c) *Of the type of Sample collection and any conditions that need to be adhered to prior to the Sample collection;*
    - d) *Of the Athlete’s rights, including the right to:*
      - (i) *Have a representative and, if available, an interpreter accompany them, in accordance with Article 6.3.3(a);*
      - (ii) *Ask for additional information about the Sample collection process;*
      - (iii) *Request a delay in reporting to the Doping Control Station for valid reasons in accordance with Article 5.4.4; and*
      - (iv) *Request modifications as provided for in Annex A - Modifications for Athletes with Impairments.*
    - e) *Of the Athlete’s responsibilities, including the requirement to:* (i) *Remain within continuous observation of the DCO/Chaperone at all times from the point initial contact is made by the DCO/Chaperone until the completion of the Sample collection procedure;*
      - (ii) *Produce identification in accordance with Article 5.3.4;*
      - (iii) *Comply with Sample collection procedures (and the Athlete should be advised of the possible Consequences of a Failure to Comply); and*
      - (iv) *Report immediately for Sample collection, unless there are valid reasons for a delay, as determined in accordance with Article 5.4.4.*
    - f) *Of the location of the Doping Control Station;*
    - g) *That should the Athlete choose to consume food or fluids prior to providing a Sample, they do so at their own risk;*
    - h) *Not to hydrate excessively, since this may delay the production of a suitable Sample; and*



*i) That any urine Sample provided by the Athlete to the Sample Collection Personnel shall be the first urine passed by the Athlete subsequent to notification.”*

“5.4.2 When contact is made, the DCO/Chaperone shall:

- a) *From the time of such contact until the Athlete leaves the Doping Control Station at the end of their Sample Collection Session, keep the Athlete under observation at all times;*
- b) *Identify themselves to the Athlete using the documentation referred to in Article 5.3.3; and*
- c) *Confirm the Athlete’s identity as per the criteria established in Article 5.3.4. Confirmation of the Athlete’s identity by any other method, or failure to confirm the identity of the Athlete, shall be documented and reported to the Testing Authority. In cases where the Athlete’s identity cannot be confirmed as per the criteria established in Article 5.3.4, the Testing Authority shall decide whether it is appropriate to follow up in accordance with Annex A - Review of a Possible Failure to Comply of the International Standard for Results Management.*

5.4.3 *The DCO/Chaperone shall have the Athlete sign an appropriate form to acknowledge and accept the notification. If the Athlete refuses to sign that they have been notified, or evades the notification, the DCO/Chaperone shall, if possible, inform the Athlete of the Consequences of a Failure to Comply, and the Chaperone (if not the DCO) shall immediately report all relevant facts to the DCO. When possible, the DCO shall continue to collect a Sample. The DCO shall document the facts in a detailed report and report the circumstances to the Testing Authority. The Testing Authority shall follow the steps prescribed in Annex A - Review of a Possible Failure to Comply of the International Standard for Results Management.”*

84. Counsel for Mr Campbell claim that many of these steps were not followed (for example, the requisite letter of authority was not provided from those in the anti-doping collection team, valid photo identification was not provided, and other requirements of “notification” were not complied with including notifying Mr Campbell of his “rights”). This position is based on evidence from Mr Campbell as well as members of the anti-doping collection team.
85. Unfortunately, Mr Campbell’s counsel ignore a fundamental provision of the JADCO Rules, which are identical to the equivalent provision in the World Anti-Doping Code, found at Article 3.2.3 of the JADCO Rules reading as follows:

*“Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules shall not invalidate analytical results or other evidence of an antidoping rule violation, and shall not constitute a defense to an anti-doping rule violation;17 provided, however, if the Athlete or other Person establishes that a departure from one*

*of the specific International Standard provisions listed below could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or whereabouts failure, then the Commission shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the whereabouts failure:*

- (i) a departure from the International Standard for Testing and Investigations related to Sample collection or Sample handling which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case the Commission shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;*
- (ii) a departure from the International Standard for Results Management or International Standard for Testing and Investigations related to an Adverse Passport Finding which could reasonably have caused an anti-doping rule violation, in which case the Commission shall have the burden to establish that such departure did not cause the anti-doping rule violation;*
- (iii) a departure from the International Standard for Results Management related to the requirement to provide notice to the Athlete of the B Sample opening which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case the Commission shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;*
- (iv) a departure from the International Standard for Results Management related to Athlete notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the Commission shall have the burden to establish that such departure did not cause the whereabouts failure.”*

86. To put it simply, and as found by numerous CAS panels, this Article of the JADCO Rules requires an Athlete arguing that the ISTI was not followed strictly to demonstrate that the departure from the standard could reasonably have caused an anti-doping rule violation. Mr Campbell’s counsel did not even attempt to make this basic showing, which is required. Even if the Sole Arbitrator was to accept that the Athlete was not given a verbal description of his rights, or a strict description of the effects of his refusal or failure to submit to Sample collection, even though he decided to walk away before the process was barely commenced, he admits from his own submissions that he asked, “*What if I was not here?*” and the DCO responded that he could not be tested and it would not be a missed test, to which the Athlete responded, “*Then I am not here*”, and returned to his flat. In other words, despite being told by the statement of the DCO that if he was not there then it would not be a missed test, which meant that since he was there it was a missed test, he nonetheless chose to not submit to Sample collection. There is simply no way to dress up the facts here as causing him to commit an ADRV.

87. Accordingly, for the foregoing reasons, the Arbitrator denies relief for Mr Campbell on the basis that the requisites of “notification” were not all met. Mr Campbell simply cut the process off before all of those requirements could be met, and there is no evidence that he questioned the identity or authority of the anti-doping control team or the legitimacy of their mission on the morning in question, or that he asked them about the effect of his decision. In other words, Mr Campbell made his choice to refuse or fail to submit to Sample collection before he could have benefitted from an effort to provide the information about which it is being complained he was not provided.

## **B. Compelling Justification**

88. The question, as set forth in the definition of the standard for failing to submit or refusing Sample collection is whether there was compelling justification. Unfortunately, unhelpfully, the WADA Code and the JADCO Rules do not provide us with guidance on the meaning of this phrase. Fortunately, CAS cases that have examined this language have provided sound, sensible guidance. For example, in CAS 2016/A/4631 para. 77, the CAS panel, consistent with prior CAS decisions, found that, *“If it remains ‘physically, hygienically, and morally possible’, for the sample to be provided, despite objections by the athlete, the refusal to submit to the test cannot be deemed to have been compellingly justified.”* That CAS panel elaborated on this standard in paragraphs 78 and 79 of its award as follows:

*“78. Obviously, this would not be the case if the athlete were to faint unconscious on the floor upon seeing the DCO’s needle, or if he were stone drunk or would experience an epileptic fit at the time of the test. Even a refusal to submit to the test because the athlete must rush his expectant wife to hospital might qualify as a ‘compelling justification’*

*79. Examples of this kind in which it is established that athlete is deprived of his rationality and cognitive senses will, in most cases, be sufficient to ground the excuse of ‘compelling justification.’ These situations present physical and moral hindrances to going ahead with the test [...]”*

89. Mr Campbell asserts the following as the basis for him to have compelling justification for not submitting to the Sample collection:

- *“During the exchange with the JADCO officers I was disoriented and functioning on less than three hours sleep. I felt woozy, a little nauseous and was struggling to keep my eyes open and hold myself up. I remember that my head was also pounding.”*
- *“after telling the person at the gate that ‘I am not here’ I turned around and went back inside to bed. I was simply not able to carry on talking to the persons at the gate much longer as I felt unwell and felt my body completely shutting down. Once inside I passed out.”*
- He also found out later that he suffered from PTSD.

90. Other than the PTSD finding and his woman friend’s confirmation that he fell asleep immediately upon returning to his flat, the remaining elements are simply subjective testimony of Mr Campbell and are not corroborated by any other evidence. There is no independent record of when he went to sleep over the prior few nights, no objective record of a headache (such as taking a painkiller), and no other evidence than his word of disorientation, exhaustion, or illness. And nothing was noted by the anti-doping sample collection team, the only other people on the spot at the time.
91. With all due respect to Mr Campbell, as CAS panels have said before, protestations of innocence are the common currency of both the innocent and the guilty, which is why other evidence is generally required to support the claim being made of some viable defense to an ADRV. There was very little of that here.
92. We also know that Mr Campbell was able to get out of bed, make it to the front gate, have a conversation with the DCO, and ask a relatively sophisticated question about the anti-doping process and how it functions when an athlete is not present when the Sample collectors come calling, and then make a decision to return to his bed rather than provide a Sample, and actually make it back to his bed without issue.
93. This conduct does not support the claim that somehow Mr Campbell was in the category of someone who was so bereft of his faculties that Sample collection was “*physically, hygienically, and morally impossible.*” Rather, it appears that Sample collection was possible on all of those counts had he taken the time to do what was required.
94. Accordingly, the Sole Arbitrator finds that Mr Campbell has failed to present a case of “compelling justification” for failing or refusing to submit to Sample collection.

### **C. Intention**

95. Article 10.3.1 of the JADCO Rules, specifically directed to punishment for cases of failing to submit to Sample collection, provides as follows:

*“10.3.1 For violations of Article 2.3 [ ], the period of Ineligibility shall be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the anti-doping rule violation was not intentional, the period of Ineligibility shall be two (2) years; [...].”*
96. Unfortunately, in this context, the WADA Code, and the concomitant provision of the JADCO Rules do not provide much guidance as the word “intentional” is used in an undefined, generic sense. The comment to Article 10.3.1 of the JADCO Rules, however, makes clear that the Sole Arbitrator can only consider this issue if the act complained of was failing to submit to Sample collection and not refusing to submit. Refusing and evading are both acknowledged as requiring intentional acts, whereas failing to submit to Sample collection can be either negligent or intentional. The determination of whether Mr Campbell’s acts were intentional or negligent has a significant bearing on his punishment here, so the Sole Arbitrator must determine which it was.

97. Here, the Sole Arbitrator is convinced that Mr Campbell acted without intention and negligently. While he was able to function at a high level as described above, he clearly could not have been thinking through the ramifications of his actions and decisions. From his own testimony he seemed to be single-mindedly focused on getting sleep and returning to sleep rather than have to deal with the Sample collection process early in the morning after a late night out, and his PTSD exacerbated this situation.
98. Accordingly, the Sole Arbitrator finds that Mr Campbell acted negligently and without intention, so the sanction range starts at a maximum of two (2) years.

#### **D. No Fault or Negligence**

99. Cases where the No Fault or Negligence standard has been met are truly extraordinary. The inquiry involves a search for any Fault or Negligence whatsoever by the Athlete.
100. Having accepted above in finding that there was no intention present, under the JADCO Rules it necessarily means that the Sole Arbitrator found that Mr Campbell was culpable for negligence, so fault was present. This is possibly dispositive of a No Fault or Negligence case involving a claim of failure to submit to Sample collection, though there may be a small opening in the door that permits in truly extraordinary cases a finding of No Fault or Negligence in failure to submit to Sample collection cases where the absence of intention is found and the absence of Fault or Negligence can also be found. This is not that case.
101. Accordingly, the Sole Arbitrator finds that Mr Campbell is not assisted by the principle of No Fault or Negligence in reducing his sanction to nothing.

#### **E. No Significant Fault or Negligence**

102. While the analysis of a case based on No Fault or Negligence is in many ways a search for any sign or indicia of Fault, the case based on No Significant Fault or Negligence accepts that there is some Fault but considers its severity, i.e., whether it is significant or not. This is a lower standard than that for determining the presence of any Fault at all; this No Significant Fault or Negligence standard accepts that there can be some fault but it cannot be significant.
103. In *Cilic*, the CAS Panel distinguished three categories of fault and established criteria to assess the objective and subjective levels of faults, namely, "*significant degree of or considerable fault*", "*normal degree of fault*", or "*light degree of fault*" (CAS 2013/A/3327 *Cilic v. ITF* and CAS 2013/A/3335 *ITF v. Cilic*). The possible sanction range of 0 to 24 months was divided into each category of fault, i.e., 16 to 24 months for a significant degree of or considerable fault, 8 to 16 months for a normal or medium degree of fault, and 0 to 8 months for a light degree of fault (CAS 2013/A/3327 *Cilic v. ITF* and CAS 2013/A/3335 *ITF v. Cilic*, para. 96, *et seq.*).
104. When looking at Mr Campbell's conduct, for purposes of assessing No Significant Fault or Negligence, one must examine what he did.
105. For the first part of the analysis, the question is: What were the factors, and his actions,

that suggest he breached his duty of care?

106. In answer, the Sole Arbitrator sees the following from the evidence:
- a. He understood he was to give a Sample and in spite of that, and in the face of the Sample collectors, he basically said he would not give it and walked away; and
  - b. He was not unconscious of his obligation to give the Sample, and at the time raised no challenge to the collection of the Sample (even in the face of his confusion of his thinking about his Whereabouts windows being different from when this Sample was being attempted to be collected in conformity with the relevant rules).

In short, these acts of Mr. Campbell were significant and would require a substantial set of mitigating factors to overcome their overwhelming negative significance.

107. For the second part of the analysis, the following question can be raised: What were the factors, and his actions, that suggest he took steps to mitigate his situation or met his duty of care?

108. In answer, the Sole Arbitrator sees the following from the evidence:
- a. He was suffering from undiagnosed PTSD that very likely could have affected his judgment; and
  - b. He was suffering from exhaustion, lack of sleep, headache, and similar ailments, seemingly of his own creation.

109. Based on the foregoing analysis, it is clear that Mr Campbell could easily have comported himself better (and avoided the issues created by his failure to provide a Sample in this case), and acted more in line with his obligations as an athlete subject to out of competition testing, but he also was suffering from certain conditions that blinded him to the full extent of his obligations in these circumstances.

110. His objective Fault was high and is fitting of a determination of his Fault being in the upper end of the *Cilic* Fault range, or a significant degree of Fault or considerable Fault.

111. In analysing the subjective level of his fault, which determines, under *Cilic*, where he falls in the upper range of 16 to 24 months, the evidence was uncontroverted that he was most likely compromised subjectively by his PTSD and exhaustion. The requirement to submit to Sample collection is so fundamental in the anti-doping rules to which Mr Campbell was subject, and would have been stressed in any anti-doping education or even discussion he would have had. He obviously was aware of his anti-doping obligations because he maintained his Whereabouts information and knew he had a window in which he had to be available on a regular basis. In normal circumstances, the Sole Arbitrator is certain that he would have been remiss and unlikely to have refused or failed to provide a Sample during those windows. How can his conduct be explained here? Mr Campbell was obviously confused about out of competition testing being conducted outside of the designated windows, and he was suffering the effects of his PTSD and exhaustion which caused him to make a very bad decision that fateful morning.

112. As a result of considering these factors, and on the limited, specific facts in this case, the Sole Arbitrator determines that Mr Campbell should be sanctioned for a period of Ineligibility of twenty-two (22) months.
113. The start date for Mr Campbell's twenty-two (22) months period of Ineligibility shall commence on 6 October 2022, the date of issuance of the Appealed Decision, with credit for any time served on provisional suspension.

#### **F. Concluding Remarks**

114. The Sole Arbitrator finds that Mr Campbell did not intentionally fail to provide his Sample but that his Fault and Negligence in failing to provide his Sample is at the upper end of the range, so he is sanctioned with a period of Ineligibility of twenty-two (22) months from 6 October 2022, with credit for time served while provisionally suspended or suspended by JADCO as a result of the proceeding below, with other effects as set forth herein.
115. The reader of this Award should not take from it that Mr Campbell is a cheater. He is most likely not that.
116. On the night in question, he was clearly confused, to some extent, when the JADCO doping control delegation appeared very early in the morning at his residence, outside of his designated window for Whereabouts availability. For a variety of reasons, most of which were of his own doing, save perhaps for his experience with prior illness and his post-traumatic stress, he decided that his best option was to not provide a Sample as requested, even though as an International Level Athlete, reasonably well-educated on anti-doping matters, he would have understood at some level the risk he faced from refusing a test (just like all non-athletes understand they will face if, for example, they refuse or fail to give a breathalyzer test or alcohol blood test when stopped by police for drinking and driving in regular life).
117. He will face, and has faced, the consequences of his decision that night, but he acted without intention and simply with misunderstanding. But his actions were not without his own fault.
118. Hopefully, he, and other athletes, can learn from his experience, and from this Award, to avoid making decisions that could negatively affect their limited high level athletic careers and reputations, but which can easily be avoided.
119. This was not a case of an anti-doping agency being aggressive or overstepping its bounds or stretching the rules or not fulfilling its obligations; JADCO was simply trying to do what it is mandated to do to ensure a level playing field for all athletes within its jurisdiction. It behooves all elite level athletes to be conscious of their anti-doping obligations at all times and to act in a manner that allows them to meet those obligations, without creating unnecessary issues or questions affecting their careers, the outcomes and effects of which will necessarily be determined by others and possibly to their detriment in hindsight.

## IX. COSTS

120. Article R64.4 of the Code provides as follows:

*“At the end of the proceedings, the CAS Court Office shall determine the final amount of the cost of arbitration, which shall include:*

- the CAS Court Office fee,*
- the administrative costs of the CAS calculated in accordance with the CAS scale,*
- the costs and fees of the arbitrators,*
- the fees of the ad hoc clerk, if any, calculated in accordance with the CAS fee scale, - a contribution towards the expenses of the CAS, and*
- the costs of witnesses, experts and interpreters.*

*The final account of the arbitration costs may either be included in the award or communicated separately to the parties. The advance of costs already paid by the parties are not reimbursed by the CAS with the exception of the portion which exceeds the total amount of the arbitration costs.”*

121. Article R64.5 of the Code provides as follows:

*“In the arbitral award, the Panel shall determine which party shall bear the arbitration costs or in which proportion the parties shall share them. As a general rule and without any specific request from the parties, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Panel shall take into account the complexity and outcome of the proceedings, as well as the conduct and the financial resources of the parties.”*

122. JADCO, in its Answer, did not specifically seek to recover any portion of its costs but the Athlete made a request for a “reasonable” contribution toward his costs in his Answer. The Athlete received a substantially lesser punishment here than under the Appealed Decision but he still faces suspension for his actions, and his decisions taken on the night in question were his own. Accordingly, the Sole Arbitrator determines that each Party shall bear their own legal costs and expenses incurred in connection with the present proceedings.

123. Because this appeal was a bit of a “mixed bag” in its outcome, being partially upheld, the Sole Arbitrator determines that the Parties shall bear the costs of the arbitration equally.



**ON THESE GROUNDS**

The Court of Arbitration for Sport rules that:

1. The appeal filed on 24 October 2022, by John Campbell, against the Jamaica Anti-Doping Commission, with respect to the decision taken by the Jamaica Independent Anti-Doping Tribunal on 6 October 2022 is partially upheld.
2. The decision rendered by the Jamaica Independent Anti-Doping Tribunal on 6 October 2022 is set aside.
3. Mr John Campbell is found to have committed an anti-doping rule violation under Article 2.3 of the JADCO Rules.
4. Mr John Campbell is sanctioned with a 22-months period of ineligibility starting from 6 October 2022, with credit for any suspension already served by Mr John Campbell.
5. The costs of the arbitration, to be determined and served to the Parties by the CAS Court Office in a separate letter, shall be borne equally by the Parties.
6. Each Party shall bear their own costs and expenses incurred in connection with the present proceedings.
7. All other or further prayers for relief are hereby dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 25 April 2024

**THE COURT OF ARBITRATION FOR SPORT**

  
Jeffrey Benz  
Sole Arbitrator