SPORT RESOLUTIONS

SR/239/2025

IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES OF WORLD ATHLETICS

Before:

Raj Parker (Sole Arbitrator)

BETWEEN:

WORLD ATHLETICS **Anti-Doping Organisation**

and

MS SHEILA CHELANGAT **Respondent**

DECISION OF THE DISCIPLINARY TRIBUNAL

I. Introduction

1. World Athletics is the International Federation governing the sport of Athletics worldwide.[1] It has its registered seat in Monaco.

2. Ms Sheila Chelangat (the "Athlete"), is a 27-year-old long-distance runner from Kenya.

[1] World Athletics is represented in these proceeding by the Athletics Integrity Unit (the "AIU"), which has been delegated authority for Results Management and Hearings, to act on behalf of World Athletics, pursuant to Rule 1.2 World Athletics Anti-Doping Rules ("ADR").

3. In a Notice of Charge, dated 30 June 2025 (the "Charge"), the AIU asserted the following Anti-Doping Rule Violations ("ADRVs") against the Athlete:

   Presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's Samples (specifically EPO) pursuant to Rule 2.1 of the World Athletics Anti-Doping Rules ("ADR"); and

   Use of a Prohibited Substance (specifically EPO) pursuant to Rule 2.2 ADR, which are based on the Presence of Erythropoietin ("EPO") in:

   a) a urine Sample collected from the Athlete on 15 September 2024 (the "First Adverse Analytical Finding") and

   b) a blood Sample collected from the Athlete on 7 March 2025 (the "Second Adverse Analytical Finding").

4. The Athlete denies having committed the ADRVs.

5. The Athlete has claimed in correspondence that there have been irregularities and anomalies in the process of collecting and transporting her Samples to the relevant WADA-accredited Laboratories.

6. The AIU submits that the Athlete's ADRVs were intentional and justify the application of Aggravating Circumstances in accordance with Rule 10.4 ADR and the imposition of an increased period of Ineligibility of two (2) years, such that the total period of Ineligibility to be imposed in this case should be a period of six (6) years.

II. Jurisdiction

7. Rule 1.2 ADR states as follows:

   "1.2.1 In accordance with the World Athletics Constitution, World Athletics has established an Athletics Integrity Unit ('Integrity Unit') whose role is to protect the integrity of Athletics, including fulfilling World Athletics' obligations as a Signatory to the Code.

1.2.2 World Athletics has delegated implementation of these Anti-Doping Rules to the Integrity Unit, including but not limited to the following activities in respect of International-Level Athletes and Athlete Support Personnel: Education, Testing, Investigations, Results Management, Hearings, Sanctions and Appeals. As such, references in these Anti-Doping Rules to the Integrity Unit will, where applicable, be references to the Integrity Unit acting on behalf of World Athletics. For the avoidance of doubt, while the Integrity Unit may act on World Athletics' behalf, World Athletics will be considered as the party asserting anti-doping rule violations and for the purposes of any actions to be taken within the Results Management process, as the responding party in appeals, and as the party in any other matter under these Anti-Doping Rules where that role would appropriately fall to a Signatory under the Code."

8. The application of the ADR to Athletes, Athlete Support Personnel and other Persons is set out in Rule 1.4.2(f) ADR:

"1.4.2 Without limitation to the above, these Anti-Doping Rules shall apply to:

[…]

(f) the following Athletes, Athlete Support Personnel and other Persons:

[…]

(ii) all Athletes, Athlete Support Personnel and other Persons who are members of or authorised by any Member Federation, or any member or affiliate organisation of any Member Federation (including any clubs, teams, associations or leagues);

(iii) all Athletes, Athlete Support Personnel and other Persons preparing for or participating in such capacity in Events and/or other activities organised, convened, authorised, sanctioned or recognised by (i) World

Athletics (ii) any Member Federation or any member or affiliate organisation of any Member Federation (including any clubs, teams, associations or leagues), or (iii) any Area Association, wherever held, and all Athlete Support Personnel supporting or associated with such Athletes' preparation or participation; and

[…]".

9. The Athlete is subject to the ADR, without limitation, by application of Rules 1.4.2(f)(ii) and (iii) ADR because:

   a) the Athlete is a member of Athletics Kenya, the Member Federation of World Athletics for the country of Kenya, and she has represented Kenya at World Championship events on a number of prior occasions;[2]

   b) the First Sample was collected from the Athlete following her participation in the Copenhagen Half Marathon, which is a World Athletics Gold Label Road Race, a competition that is authorised, sanctioned and recognised by World Athletics; and

   c) the Second Sample was collected during the Athlete's preparation[3] for her participation in the Nagoya Women's Marathon, which is a World Athletics Platinum Label Road Race and is also a competition that is authorised, sanctioned and recognised by World Athletics.

10. Rule 1.4.4 ADR specifies those athletes who are classified as International-Level athletes for the purposes of the ADR, as follows:

*"1.4.4 Within the overall pool of Athletes set out above who are bound by and required to comply with these Anti-Doping Rules, each of the following Athletes at the relevant time shall be considered to be an International Level Athlete ('**International-Level Athlete**') for the*

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[2] *The Athlete represented Kenya at the 2015 World U18 Championships, the 2016 World U20 Championships, and the 2018 World Cross Country Championships.*

[3] *The Athlete was tested Out-of-Competition based on Whereabouts Information that she submitted to the Anti-Doping Agency of Kenya ("ADAK"), in her capacity as a member of the ADAK Registered Testing Pool, which indicated that she would be present in Japan to participate in the Nagoya Women's Marathon. The Athlete participated in the Nagoya Women's Marathon as a Pacer.*

purposes of these Anti-Doping Rules and therefore the specific provisions in these Anti-Doping Rules applicable to International-Level Athletes (e.g., Testing, TUEs, whereabouts and Results Management) shall apply to such Athletes:

[…]

(d) For the purposes of Results Management responsibility, in addition to having Results Management responsibility over any Athlete falling within Rule 1.4.4(a), (b) or (c) above, the Integrity Unit shall have Results Management responsibility over Athletes or other Persons whenever the asserted anti-doping rule violation results from (i) Testing conducted under the Testing authority of World Athletics; (ii) an investigation conducted by the Integrity Unit, or (iii) in any of the other circumstances in which World Athletics/the Integrity Unit has Results Management responsibility under Rule 7."

11. The ADRVs resulted from Testing conducted on the Athlete under the Testing Authority of World Athletics. The Athlete is an International-Level Athlete for the purposes of Results Management under the ADR based, without limitation, on Rule 1.4.4(d) ADR.

12. World Athletics has established the Disciplinary Tribunal (the "Tribunal") in accordance with Rule 1.3 ADR, which provides that the Tribunal shall determine ADRVs committed under the ADR.

13. Rule 8.2(a) ADR sets out that the Tribunal shall have jurisdiction over all matters in which:

> *"an anti-doping rule violation or other breach of these Anti-Doping Rules is asserted and/or Consequences or sanctions are sought by the Integrity Unit against an International-Level Athlete or other Person in accordance with these Anti-Doping Rules* […]*".*

14. The Tribunal therefore has the requisite jurisdiction to hear and determine this matter.

III. Factual Background

15. On 15 September 2024, the Athlete provided a urine Sample In-Competition at the Copenhagen Half Marathon in Denmark, which was given code 1228492 (the "First Sample"), pursuant to Testing conducted by the AIU, on behalf of World Athletics.[4]

16. The Copenhagen Half Marathon is a World Athletics Gold Label Road Race, a competition authorised, sanctioned, and recognised by WA.

17. Following initial analysis of the First Sample by the World Anti-Doping Agency's ("WADA") accredited laboratory in Norway (the "Oslo Laboratory"), which did not include analysis for erythropoietin receptor agonists ("ERAs"), on 4 October 2024, the Oslo Laboratory reported that the Sample was negative.

18. On 4 March 2025, the AIU asked the Oslo Laboratory to conduct further analysis of the First Sample for ERAs.[5]

19. On 7 March 2025, the Athlete provided a blood Sample Out-of-Competition in Japan, which was given code 316857 (the "Second Sample"), pursuant to Testing conducted.[6]

20. The First Sample and the Second Sample will forthwith be referred to collectively as the "Samples".

21. The Nagoya Women's Marathon is a World Athletics Platinum Label Road Race.

22. Following the reporting in the ADAMS haematological module of the haematological values of the Second Sample, on 10 March 2025 by the WADA-accredited laboratory in Japan (the

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[4] The Athlete declared on the Doping Control Form (the "DCF") the Use of the following medications and supplements within the last seven (7) days: "*Winners energyie,zulu mr,osemaprazole,recupo ethic sport, voltarine,maurtine".*

[5] Further analysis of the First Sample for ERAs was requested following a review by the AIU of the Athlete's testing history, which resulted in two (2) Atypical Adverse Findings ("AAFs") for EPO reported in Samples that the Athlete provided In-Competition on 17 March 2024 (Semi-Marathon International de Lille, France, at which she came in 2nd place) and 5 January 2025 (Bank of China Hong Kong Zhuhai-Macao Bridge Half Marathon, Hong Kong, at which she again came in 2nd place).

[6] The Athlete declared on the DCF the Use of the following medications and supplements within the last seven (7) days: "*Omega H3, Byoferon, Esomaprazole, Vitals Energy winners, Dextrin-Ethicsport Re-cupero, Magnesium sport 100mg".*

"Tokyo Laboratory"), the AIU requested the Second Sample to be analysed for direct detection of ERAs.

23. On 15 April 2025, the Oslo Laboratory reported the First Adverse Analytical Finding ("AAF") based on the presence of EPO in the First Sample.

24. On 13 May 2025, the Tokyo Laboratory reported the Second AAF based on the presence of EPO in the Second Sample.

25. EPO is a Prohibited Substance under both the WADA 2024 and 2025 Prohibited Lists, under the category S2: Peptide Hormones, Growth Factors, Related Substances and Mimetics. It is a Non-Specified Substance prohibited at all times.

26. The AIU reviewed the AAFs, in accordance with Article 5 of the International Standard for Results Management ("ISRM") and determined that:

    a) the Athlete did not have a Therapeutic Use Exemption ("TUE") that had been granted (or that would be granted) for the EPO found in the Samples; and

    b) there was no apparent departure from the International Standard for Testing and Investigations ("ISTI") or from the International Standard for Laboratories ("ISL") that could reasonably have caused the AAFs.

27. On 20 May 2025, in accordance with Article 5.1.2.1 ISRM, the AIU issued the Athlete with a Notice of Allegation of ADRVs, imposed a Provisional Suspension (effective immediately), and invited her to provide her explanation for the AAFs and confirm whether she wanted her B Samples analysed at her own cost.

28. On 22 May 2025, the Athlete replied to the AIU noting an error in the Notice of Allegation, which referred to the Second Sample being a urine sample, instead of a blood sample. The Athlete further added that the results for the First Sample were appearing as "Negative" on ADAMS.

29. On 23 May 2025, the AIU sent the Athlete an updated Notice of Allegation, correcting the fact that the Second Sample was a blood Sample.

30. The AIU also confirmed that the First Sample had originally been analysed and reported as negative on 4 October 2024, but that it had been subject to further analysis, which resulted in the First AAF for EPO, reported on 15 April 2025.

31. The AIU reminded the Athlete that she was required to confirm her availability for an online interview with the AIU, arranged for 28 May 2025.

32. On 28 May 2025, the Athlete asked to reschedule the interview scheduled to take place later that day because of "*someone who's not feeling well at the hospital today".*

33. On 3 June 2025, the AIU responded to the Athlete, noting that she had withdrawn from the interview on 28 May 2025 and inviting her to provide a written explanation for the AAFs to the AIU by no later than 6 June 2025.

34. On 5 June 2025, the Athlete responded to the AIU asking for a "*possibility of entering into a case resolution agreement as provided for under rule 10.8.2 of the World Athletics Anti-Doping Rules*" and declared that she was willing to accept the Consequences imposed by the AIU and WADA.

35. On 11 June 2025, the AIU informed the Athlete that WADA did not agree to enter into a case resolution agreement in her case and granted her until 18 June 2025 to provide her written explanation for the AAFs or to sign and return to the AIU an admission of ADRVs and Acceptance of Consequences Form.

36. On 13 June 2025, the Athlete submitted a further reply to the AIU and repeated that she did not understand how "*my initial blood sample were said to be from my collected urine sample only be recounted later to of my blood samples after I raised the matter with you"* and why the First Sample "*was subjected to the pointed further analysis and for what purpose having been found to have been 'NEGATIVE'".*

37. On 30 June 2025, following a review of the Athlete's reply and the circumstances of her case, the AIU remained satisfied that she had committed ADRVs under Rules 2.1 and 2.2 ADR, and issued her with a Notice of Charge in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM.

38. On 3 July 2025, the Athlete requested a hearing in this matter.

IV. Procedure Before the Disciplinary Tribunal

39. On 1 August 2025, Sport Resolutions informed the parties that Mr Raj Parker had been appointed Sole Arbitrator to determine the matter. No objections were received to his appointment upon disclosure of his Conflicts of Interests Declaration.

40. The AIU proposed directions which were sent to the Athlete in order for her to comment on them. The directions covered the usual matters concerning jurisdiction, pleadings and evidence, that the Sole Arbitrator would sit alone unless the Athlete sought the appointment of a three-person panel, and that the matter would be heard on the papers, unless the Athlete requested an oral hearing. Despite reminders no response to these matters was received from the Athlete. The Sole Arbitrator issued Directions on 15 August 2025.

a. *Communications with the Athlete from July 2025 to mid-September 2025*

41. A series of communications passed between the Athlete and the Secretariat (who shared them with the AIU and the Sole Arbitrator). It is not necessary to set each of them out here. Instead, the issues which were addressed are summarised below. They concerned:

a) the qualifications of the Sole Arbitrator;

b) the independence of the Sole Arbitrator;

c) the impact of a case filed by the Athlete in the High Court in Kenya (Nakuru County);

d) the alleged errors in her collected samples;

e) the Athlete's allegations that she would not get justice in these proceedings where she alleged the outcome was 'pre-determined'; and

f) the consequences for the Athlete if she chose not to take part in the case against her, before the Disciplinary Tribunal.

42. The following matters were explained to the Athlete:

a) the Sole Arbitrator's qualifications, experience and independence (being appointed by the Chair of the Disciplinary and Appeals Tribunal, not the AIU) and the right to appeal the Tribunal's eventual decision;

b) the Kenya High Court proceedings have no effect on the current proceedings;

c) the Athlete is bound to abide by and comply with the ADRs, including recognising the Disciplinary Tribunal's exclusive jurisdiction in the matter;

d) the Kenya High Court declined to issue a stay or injunction, in favour of the Athlete, pending its ruling on jurisdiction;

e) the AIU was challenging the Kenya High Court's jurisdiction to hear the Athlete's case (which was apparently going to issue further directions in the matter on 17 November 2025);

f) the case before the Disciplinary Tribunal would therefore continue;

g) having originally indicated that she would be willing to accept the Consequences, as determined by the AIU and WADA in her case, the Athlete specifically asked for a hearing before the Disciplinary Tribunal;

h) it was the Athlete's choice whether she wished to participate further in the process (starting with filing an answer by 5 September 2025, in accordance with the Sole Arbitrator's directions) and if she did, she was entitled to appear and be represented by legal counsel. Pro bono legal advice and representation was available to her via the Sport Resolutions Pro Bono Legal Advice and Representation Service.

i) if she did participate, any hearing would be conducted in a fair manner with a reasonable opportunity for her to present evidence (including the right to call and examine witnesses), address the Disciplinary Tribunal, and present her case;

j) alternatively, she could provide written submissions for consideration by the Disciplinary Tribunal;

k) if she chose not to attend the hearing, it would not prevent the Disciplinary Tribunal from proceeding in her absence and determining the matter regardless as to whether or not a written submission was filed, either by way of an oral hearing or a hearing 'on the papers'; and

l) the Disciplinary Tribunal's decision would be subject to appeal before the Court of Arbitration for Sport.

43. In mid-September, a further series of communications took place concerning the Athlete's further questions in relation to the Sole Arbitrator's detailed qualifications and experience to hear this matter. Since the Athlete confirmed on 18 September 2025 that she was indeed challenging the suitability of the Sole Arbitrator to hear the case, the Secretariat referred the matter to the Chair of the Disciplinary and Appeals Tribunal (Mr Charles Hollander KC), pursuant to Rule 8.7.4 of the ADR.

44. Mr Hollander KC issued his decision on 1 October 2025 and dismissed the Athlete's challenge as being "*entirely unmeritorious and without substance*". He urged the Athlete to focus on the issues in her case, as to whether she had committed the alleged ADRVs.[7] She was given a final opportunity to submit an Answer Brief dealing with the merits of her case, failing which the matter would proceed on the papers.

45. The Athlete has continued to fail to engage with the merits of these proceedings. The matter has thus been determined 'on the papers' without a hearing.

V. LEGAL FRAMEWORK AND ANALYSIS

a. Applicable Rules

i. Burden and Standard of Proof

46. Rule 3.1 ADR provides that World Athletics shall have the burden of establishing that an ADRV has been committed to the "*comfortable satisfaction*" of the Tribunal and that, where the ADR place a burden on the Athlete to rebut a presumption or establish specified facts/circumstances, the standard of proof will be a balance of probability:

> ***"3.1 Burdens and Standards of Proof***
>
> *The Integrity Unit or other Anti-Doping Organisation will have the burden of establishing that an anti-doping rule violation has occurred.*

[7] § 16 of the Decision of Mr Hollander KC, Chair of the Disciplinary and Appeals Tribunal

The standard of proof will be whether the Integrity Unit or other Anti-Doping Organisation has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation that has been 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 Rules 3.2.3 and 3.2.4, the standard of proof will be by a balance of probability."

47. Rule 3.2 ADR states that facts relating to ADRVs may be established by *"any reliable means"*.

48. Rule 3.2.3 ADR provides that *"WADA-accredited laboratories and other laboratories approved by WADA are presumed to have conducted Sample analysis and custodial procedures in accordance with the ISL"*. That is subject to the athlete rebutting that presumption by demonstrating, on the balance of probability, that a departure from the ISL occurred that could reasonably have caused the AAF.

ii. The ADRVs

49. Rule 2 ADR specifies the circumstances and conduct that constitute ADRVs. This includes Rule 2.1 ADR, which specifies that the Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample constitutes an ADRV:

> *"**2.1 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 their 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 to demonstrate intent, Fault, Negligence or knowing Use on the Athlete's part in order to establish a Rule 2.1 anti-doping rule violation.*

2.1.2 Sufficient proof of an anti-doping rule violation under Rule 2.1 is established by any of the following: (i) 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; (ii) where the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; or (iii) where the Athlete's A or B Sample is split into two parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample or the Athlete waives analysis of the confirmation part of the split Sample.

2.1.3 Excepting those substances for which a Decision Limit is specifically identified in the Prohibited List or a Technical Document, the presence of any reported quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample will constitute an anti-doping rule violation.

2.1.4 As an exception to the general rule of Rule 2.1, the Prohibited List, International Standards or Technical Documents may establish special criteria for reporting or the evaluation of certain Prohibited Substances."

50. Rule 2.2 ADR provides that the Use of a Prohibited Substance constitutes an ADRV:

"2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method

2.2.1 It is the Athlete's personal duty to ensure that no Prohibited Substance enters their body and that no Prohibited Method is Used. Accordingly, it is not necessary to demonstrate intent, Fault, Negligence or knowing Use on the Athlete's part in

order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method." [8]

51. Rule 2.1 ADR and Rule 2.2 ADR establish that the Athlete is strictly liable for the Presence of a Prohibited Substance or its Metabolites or Markers in her Samples and the Use of a Prohibited Substance or Prohibited Method. It is not necessary for the AIU to establish the Athlete's intent, Fault, negligence or knowing Use of a Prohibited Substance in the context of either Rule 2.1 ADR or Rule 2.2 ADR.

52. In this case the Oslo Laboratory and the Tokyo Laboratory have issued AAFs for the Presence of EPO in the A Samples of the First Sample and the Second Sample.

53. The Athlete was deemed on the facts to have waived her right to the analysis of her B Samples, in respect of both the First Sample and the Second Sample (in accordance with Article 5.1.2.1(c) of the ISRM).

54. The AAFs are sufficient proof of an ADRV under Rule 2.1 ADR (as made clear by Rule 2.1.2(i) ADR) and Rule 2.2 ADR[9].

55. The AIU has reviewed the AAFs in accordance with Article 5.1.1 of the ISRM and has determined that no valid TUE exists to justify the Presence of EPO in the Athlete's Samples. Furthermore, no apparent departures from the ISTI or the ISL have been identified.

56. As to the error identified by the Athlete on 23 May 2025, the AIU sent the Athlete an updated Notice of Allegation of ADRVs correcting the fact that the Second Sample was a blood Sample, not a urine Sample.

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[8] "*[Comment to Rule 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Rule 3.2, unlike the proof required to establish an anti-doping rule violation under Rule 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information that does not otherwise satisfy all the requirements to establish the presence of a Prohibited Substance under Rule 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organisation provides a satisfactory explanation for the lack of confirmation in the other Sample.*]"

[9] The Comment to Rule 2.2 ADR confirms that Use may be established by any reliable means, for example, reliable analytical data from the analysis of an A sample without confirmation from an analysis of the B sample.

57. The AIU also confirmed to the Athlete that the First Sample had originally been analysed and reported as negative on 4 October 2024, but that it had been subject to further analysis, which resulted in the First AAF for EPO, reported on 15 April 2025.

58. Having identified these points in correspondence, the Athlete has taken no further substantive part in these proceedings, despite having been given numerous opportunities to do so. The presumption that the two WADA-accredited laboratories conducted Sample analysis and custodial procedures in accordance with the ISL has not been rebutted.

59. The Athlete has provided no evidence in support of her case nor any substantive arguments as to why the Tribunal should not be comfortably satisfied that she committed the ADRVs charged.

60. The Tribunal, having reviewed all of the relevant evidence, is comfortably satisfied that the Athlete has committed ADRVs in respect of the First Sample and the Second Sample, pursuant to Rule 2.1 ADR and Rule 2.2 ADR.

VI. Applicable Consequences

a. Consequences for commission of the ADRVs

i. Period of Ineligibility

a) Intentional ADRVs[10]

61. Rule 10.2 ADR provides the sanction to be imposed for ADRVs under Rule 2.1 ADR and Rule 2.2 ADR as follows:

> ***"10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method***

[10] The Athlete's AAFs do not constitute multiple violations under Rule 10.9.3 ADR. They are treated together as a single violation for the purposes of the applicable sanction.

The period of Ineligibility for a violation of Rule 2.1, Rule 2.2 or Rule 2.6 will be as follows, subject to potential elimination, reduction or suspension pursuant to Rules 10.5, 10.6 and/or 10.7:

10.2.1 Save where Rule 10.2.4 applies, the period of Ineligibility will be four years where:

(a) The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.

[...]

10.2.2 If Rule 10.2.1 does not apply, then (subject to Rule 10.2.4(a)) the period of Ineligibility will be two years."

62. Rule 10.2.3 ADR specifies the meaning of the term *"intentional"* in the context of Rule 10.2 ADR:

> *"As used in Rule 10.2, the term 'intentional' is meant to identify those Athletes or other Persons who engage in conduct that they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.* [...]*".*

63. EPO is a non-Specified Prohibited Substance.[11] The period of Ineligibility will therefore be four (4) years, unless the Athlete can establish that the ADRVs were not intentional.

64. The Athlete has given no explanation as to her conduct or the particular circumstances which caused the ADRVs in her case. The Athlete did not provide any explanation for the ADRVs at all and did not seek a reduction of the otherwise applicable period of Ineligibility, based upon the "*No Fault",* "*No Significant Fault",* or "*Negligence"* provisions available under the ADR. The Athlete has failed to demonstrate that the ADRVs were not intentional, as

[11] According to the WADA 2024 and 2025 Prohibited Lists.

required by Rule 10.2.1(a) ADR to depart from the mandatory period of Ineligibility of four (4) years.

b) Aggravating Circumstances

65. Rule 10.4 ADR specifies that, where Aggravating Circumstances are present, then the period of Ineligibility may be increased by a period of up to two (2) years depending on the seriousness of the violation(s) and the nature of the Aggravating Circumstances, unless the Athlete can establish that she did not knowingly commit the ADRVs:

> *"**10.4 Aggravating Circumstances that may increase the period of Ineligibility***
>
> *If the Integrity Unit or other prosecuting authority establishes 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 will be increased by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that they did not knowingly commit the anti-doping rule violation."*

66. The term "*Aggravating Circumstances*" is defined in the ADR as follows:

> *"**Aggravating Circumstances:** Circumstances involving, or actions by, an Athlete or other Person that may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or other Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar*

circumstances or conduct may also justify the imposition of a longer period of Ineligibility".

67. The Athlete has failed to submit evidence or to argue that there are no Aggravating Circumstances in this case. The Tribunal has found to its comfortable satisfaction that the Aggravating Circumstances in this case are:

a) the two AAFs (registered five (5) months apart) are consistent with two (2) separate and deliberate administrations of EPO, a substance known to have a short window of detection of mere hours to days. The Tribunal is therefore comfortably satisfied that the Athlete Used a Prohibited Substance on more than one occasion.[12]

b) EPO is a substance that is highly regulated worldwide; it is only taken in injectable form; and it is difficult to detect by anti-doping laboratories.[13] The Tribunal is comfortably satisfied that the Athlete engaged in deliberate doping.

c) the Athlete's ADRVs were committed in connection with her preparation for and participation in two high-level World Athletics Label Road Races: World Athletics Gold Label and Platinum Label Road Races have the highest minimum prize money requirements of all Label Road Races (podium finalists receive the following in prize money: 1st: $50,000, 2nd: $20,000, 3rd: $10,000).[14] The Athlete's ADRVs were

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[12] In CAS 2016/O/4883, *IAAF v. ARAF & Petr Trofimov*, the Sole Arbitrator found Aggravating Circumstances in an ABP case and imposed the maximum increase in the period of Ineligibility of two (2) years (under the 2009 WADA Code) on the following basis: *"In the present case, the Claimant submits that there are two categories of possible aggravating circumstances: the use of a prohibited substance or prohibited method on multiple occasions, and the commission of a doping* "plan or scheme"*. The Sole Arbitrator is satisfied that samples 1 and 11 of the Athlete's ABP profile indicate, to his* "comfortable satisfaction"*, the use of prohibited substances. Moreover, in light of the dates on which these two samples were collected, the evidence indicates artificial augmentation of red blood cell mass in proximity to competitions spaced nearly four years apart from each other. Accordingly, pursuant to the operation of Rule 40.6 of the IAAF Rules,* "aggravating circumstances" *justify the imposition of a period of ineligibility of four years for the Athlete's violation of Rule 32.2(b)."* (§60).

In CAS 2017/O/4980, *IAAF v. RUSAF & Svetlana Vasilyeva*, the Sole Arbitrator concluded that *"*[b]*lood doping offences are repetitive and sophisticated by their nature. For these reasons, the Sole Arbitrator finds that the Athlete has committed a violation of Rule 32.2(b) of the 2012-2013 IAAF Rules under aggravating circumstances pursuant to the IAAF Rule 40.6. As a result, the Sole Arbitrator finds that the Athlete is ineligible for a period of four (4) years."* (§89).

[13] The detection of EPO is particularly difficult as the detection window is known to be very short (hours to days). See for example CAS 2015/A/4006, *IAAF v. ARAF, Zaripova & RUSADA,* para. 55 ii.

[14] According to Articles 2.3.2.3 and 7.1 of the World Athletics Label Road Races Regulations.

therefore committed in connection with two of the highest-paid Road Races on the World Athletics calendar.

68. These factors justify the maximum increase in the period of Ineligibility by two (2) years to a total period of Ineligibility of six (6) years.

c) Commencement of the period of Ineligibility

69. In accordance with Rule 10.13 ADR, the six (6) year period of Ineligibility shall start from the date of the decision in this matter with credit for the period of Provisional Suspension served by the Athlete since 20 May 2025 (provided that it is effectively served), in accordance with Rule 10.13.2(a) ADR.

d) Disqualification of results

70. In accordance with Rule 9 ADR and Rule 10.1 ADR[15], the Athlete's individual results obtained at the Copenhagen Half Marathon shall be automatically Disqualified, with all resulting Consequences, including forfeiture of any medals, titles, awards, points, and prize and appearance money.

71. In accordance with Rule 10.10 ADR[16], the Athlete's competitive results obtained from 15 September 2024 (the date that the First Sample was collected) through to the

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[15] Under Rule 9 ADR, *"*[a]*n anti-doping rule violation in connection with an In-Competition test automatically leads to Disqualification of the Athlete's individual results obtained in that Competition, with all resulting consequences, including forfeiture of any medals, titles, awards, points and prize and appearance money. In addition, further results obtained by the Athlete in other Competitons may be Disqualified, in accordance with Rule 10.1 (same Event) and/or Rule 10.10 (subsequent Competitions)."*
*According to Rule 10.1 ADR: "**10.1 Disqualification of individual results in the Competition during or in connection with which an Anti-Doping Rule Violation occurs***
10.1.1 Subject to Rule 10.1.2, an anti-doping rule violation occurring during or in connection with an Event shall lead to Disqualification of all the Athlete's individual results obtained in that Event, with all resulting consequences for the Athlete, including forfeiture of any medals, titles, awards, points and prize and appearance money.
10.1.2 If the Athlete establishes that they bear No Fault or Negligence for the anti-doping rule violation, the Athlete's individual results obtained in other Competitions shall not be Disqualified unless the Integrity Unit establishes that the Athlete's results in the other Competition(s) were likely to have been affected by their anti-doping rule violation."

[16] Rule 10.10 ADR provides that "[i]*n addition to the automatic Disqualification of the results in the Competition that produced the positive Sample under Rule 9, all other competitive results obtained by the Athlete from the date a positive Sample was collected (whether In-Competition or Out-of-Competition) or other anti-doping rule violation occurred through the commencement of any Provisional Suspension or Ineligibility period, will, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, titles, points, prize money, and prizes.*"

commencement of the Provisional Suspension on 20 May 2025 shall be Disqualified with all of the resulting Consequences, including forfeiture of any medals, titles, points, prize money, and prizes.

VII. Costs

72. In all the circumstances, the parties are to bear their own costs incurred in this case.

VIII. Right of appeal

73. This decision may be appealed to the Court of Arbitration for Sport (CAS), located at Palais de Beaulieu Av. des Bergières 10, CH-1004 Lausanne, Switzerland, (procedures@tas-cas.org), in accordance with Rules 13.2.1 and 13.2.3 ADR.

74. In accordance with Rule 13.6.1 ADR, the parties shall have thirty (30) days from receipt of this decision to lodge an appeal with the CAS.

Raj Parker (Sole Arbitrator)
On behalf of the World Athletic Disciplinary and Appeals Tribunal

London, UK
28 November 2025