SPORT RESOLUTIONS

SR/462/2025

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

Before:
Charles Hollander KC (Chair)
Julien Berenger
Dr Thomas Murray

BETWEEN:

WORLD ATHLETICS ***Anti-Doping Organisation***

– and –

Hillary Kipchirchir CHEPKWONY ***Respondent***

DECISION OF THE DISCIPLINARY TRIBUNAL

I. Introduction

1. World Athletics ("**WA**") is the international federation governing the sport of athletics worldwide, having its registered seat in Monaco.

2. World Athletics is represented in these proceedings by the Athletics Integrity Unit ("**AIU**"), which has delegated authority for Results Management and hearings on behalf of World Athletics, as per Rule 1.2.2 of the World Athletics Anti-Doping Rules, effective 1 January 2024 ("**2024 ADR**").

3. Mr Hillary Kipchirchir Chepkwony (the "**Athlete**") is a 27-year-old long-distance runner from Kenya. The Athlete is an International-Level Athlete for the purposes of the World Athletics Anti-Doping Rules ("**ADR**").

4. On 8 December 2025, AIU served a Notice of Charge on the Athlete.

5. The Athlete was charged with Use of a Prohibited Substance or Prohibited Method, pursuant to Rule 2.2 2025 ADR.

6. The Notice of Charge asserted that:

   a. Between 20 September 2022 and 2 January 2025, 17 blood samples were collected from the Athlete in the context of the World Athletics Athlete Biological Passport ("**ABP**") programme.

   b. The ABP samples were analysed in each case by a World Anti-Doping Agency ("**WADA**") accredited laboratory and the values obtained for haematological blood values were uploaded into the Anti-Doping Administration and Management System ("**ADAMS**") to constitute a longitudinal profile (the "**Passport**").

   c. The Joint Expert Panel (the "**JEP**") identified abnormalities in the blood samples collected from the Athlete in "**Sample 14**" and "**Sample 15**" (together, the "**Samples**") collected on 24 August 2024 and 29 August 2024, respectively, and confirmed their unanimous opinion (the "**First Joint Opinion**", dated 12 May 2025) that it was "*highly likely*" that the Passport was the result of the Use of a Prohibited Substance or Prohibited Method (blood doping) and "*unlikely*" that the Passport was the result of any other cause.

   d. In consequence, the Athlete Passport Management Unit ("**APMU**") declared an Adverse Passport Finding ("**APF**") against the Athlete.

7. On 29 August 2025, the Athlete's legal representatives submitted his response setting out his explanation for the abnormalities detected in the Passport as referred to and relied upon by the JEP.

8. Following a review of the Athlete's explanation, the JEP in their "**Second Joint Opinion**", dated 24 October 2025, reasserted its unanimous opinion; notwithstanding the Athlete's explanation, all members of the JEP remained of the opinion that it was "*highly likely*" that the abnormal haematological pattern observed in Samples 14 and 15 resulted from the Use of a Prohibited Substance or Prohibited Method and it was "*highly unlikely*" that it resulted from a normal physiological or pathological condition.

9. The Athlete disputed this conclusion and denied the Charge. On 22 December 2025, the Athlete requested that the matter be determined by way of a hearing before the Disciplinary Tribunal.

II. Procedure

10. On 5 January 2026, Mr Charles Hollander KC was appointed from the Disciplinary and Appeals Tribunal to Chair the "**Panel**" in the present matter. Mr Julien Berenger and Dr Thomas Murray were subsequently appointed to the Panel on 13 April and 14 April 2026, respectively.

11. A "**Hearing**" took place remotely via video conference on 21 April 2026.

12. The following persons attended the Hearing:

    <u>For World Athletics</u>:

    a. Mr Adam Taylor, WA external counsel, Kellerhals Carrard;

    b. Mr Tony Jackson, AIU Deputy Head of Case Management;

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c. Mr Joe Wightman, AIU Case Manager;

d. Professor Guiseppe d'Onofrio, Member of the JEP, Expert witness;

e. Doctor Jakob Mørkeberg, Member of the JEP, Expert witness;

f. Professor Paulo Paixao, Member of the JEP, Expert witness.

For the Athlete:

a. Mr Hillary Kipchirchir Chepkwony;

b. Ms Amajanti van de Beek, counsel, Holla legal & tax;

c. Mr Jurre Grotenhuis, Athletes Manager, Global Sports Corporation,

d. Professor Jean-Claude Alvarez, Expert witness.

Other:

a. An interpreter of English to French was present to assist as needed,

b. Ms Freya Pock, Case Manager, Sport Resolutions.

13. Oral evidence was given at the Hearing by the three members of the JEP for World Athletics, and by Prof. Alvarez for the Athlete. The Athlete himself made a statement at the end of the Hearing.

III. Jurisdiction

14. The Disciplinary Tribunal is constituted in accordance with Rule 1.3 2025 ADR to hear alleged Anti-Doping Rule Violations ("**ADRVs**") and other breaches of these ADR.

15. Pursuant to Rule 8.2(a) 2025 ADR, the Disciplinary Tribunal has jurisdiction to hear and determine all matters in which an ADRV is asserted by the AIU against an International-Level Athlete. The AIU's responsibility for the Results Management for potential violations in connection with any Testing conducted by WA or the AIU under the ADR is set out in Rule 7.1.3 2025 ADR.

16. The Athlete has not challenged the application of the ADR, the jurisdiction of the AIU, or that of the Disciplinary Tribunal.

IV. The Athlete Biological Passport claim

17. As explained by the Court of Arbitration for Sport ("**CAS**") panel in *Simona Halep v ITIA*, CAS 2023/A/10025 (the "***Halep* case**"), an ABP is based on a longitudinal monitoring of an athlete's blood values and is designed to be an indirect means of doping detection. It focuses on the effect of Prohibited Substances and Prohibited Methods on the athlete's haematological values rather than the identification of a specific substance or method in the athlete's specimen. It records the values from an athlete's blood samples of the following haematological parameters, which are known to be sensitive to changes in red blood cell production:

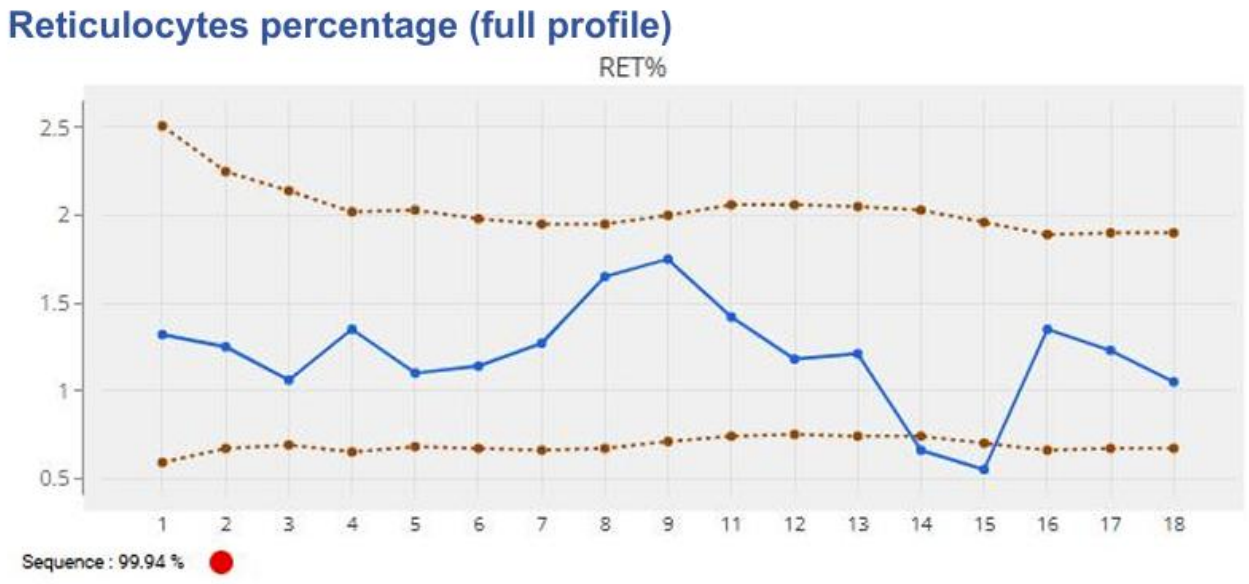
    a. The concentration of haemoglobin ("**HGB**" or "**HG**"), a molecular carrier within red blood cells that transports oxygen from the lungs to the body's tissues; and

    b. The percentage of immature red blood cells, known as reticulocytes, in the blood ("**RET%**"). Reticulocytes are the youngest red blood cells ("**RBCs**") released from the bone marrow into the circulating blood during the last day or two before the blood sample was taken. The relationship between levels of HGB and the RET% is calculated using a function known as the "**OFFscore**" to assist in identifying abnormal blood profiles. A high OFFscore is typically observed when the HGB is

elevated and the reticulocyte production is suppressed. An abnormal increase in the OFFscore is hence the haematological result of artificial manipulation of the blood; e.g. through the use of an Erythropoiesis Stimulating Agent ("**ESA**") or after blood transfusions.

18. As an athlete's blood samples are obtained over time, they are entered into a statistical model and a longitudinal profile for that athlete is established. That profile includes upper and lower limits within which the athlete's HGB and RET% would normally be expected to sit. Any blood sample whose values fall outside those parameters will be considered abnormal.

19. In the present case, of the 17 Samples taken from the Athlete, two Samples, 14 and 15, those taken on 24 and 29 August 2024 were found to be outside acceptable parameters. Although HGB scores for these Samples were within acceptable ranges, the RET% was not, and in relation to Sample 15 the OFFscore was not, as appears from the following:



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OFF-Score(full profile)

20. The Athlete did not seek to justify the abnormalities by reference to any physical condition on his part, although it was said that he was sick at the time of the tests in question. Instead, the sole case put forward on his behalf was that each of Sample 14 and Sample 15 were inadmissible because the circumstances of transport, storage and Testing rendered them unreliable, and, in the case of Sample 15, the abnormalities were inconsistent with the results of a private blood test taken by the Athlete on the same day. This position was supported by the evidence of Prof. Alvarez. The JEP considered and rejected Prof. Alvarez's criticisms.

21. The JEP noted the RET% was very low for these Samples. Their evidence was that this was consistent with the aftercycle of a course of doping, more likely to be erythropoietin ("**EPO**") than a blood transfusion, where extra RBCs would be created, increasing the amount of HGB available to transport oxygen to the tissues; the body would respond by reducing the production of new RBCs which would give rise to suppression and a low

RET% in the aftercycle. They considered that the results were consistent with a course of doping after Sample 13 had been taken, commencing in late July or early August 2024.

22. It is therefore necessary to consider the challenges in respect of each of Sample 14 and 15.

V. Applicable Rules

23. Pursuant to Rule 3.1 2025 ADR, WA has the burden of proving the ADRV to the standard of comfortable satisfaction. Other relevant provisions of the 2025 ADR are set out below.

24. Rule 3.2.3 2025 ADR provides as follows:

> *"WADA-accredited laboratories and other laboratories approved by WADA are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred that could reasonably have caused the Adverse Analytical Finding.*
>
> *If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred that could reasonably have caused the Adverse Analytical Finding, then the Integrity Unit will have the burden of establishing that such departure did not cause the Adverse Analytical Finding.*
>
> [Comment to Rule 3.2.3: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. Thus, once the Athlete or other Person establishes the departure by a balance of probability, the Athlete's or other Person's burden on causation is the somewhat lower standard of proof – 'could reasonably have caused'. If the Athlete or other Person satisfies these standards, the burden shifts to the

Integrity Unit to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]"

25. Rule 3.2.4 2025 ADR provides:

"Departures from any other International Standard or other anti-doping rule policy set forth or referred to in the World Anti-Doping Code or in these Anti-Doping Rules will not invalidate analytical results or other evidence of an anti-doping rule violation or other breach of these Anti-Doping Rules and will not constitute a defence to an anti-doping rule violation or other breach of these Anti-Doping Rules; 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 Integrity Unit will have the burden of establishing that such a departure did not cause the Adverse Analytical Finding or the whereabouts failure:

(a) a departure from the International Standard for Testing and Investigations relating to Sample collection or Sample handling that could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case the Integrity Unit will have the burden to establish that such departure did not cause the Adverse Analytical Finding;

(b) a departure from the International Standard for Results Management or International Standard for Testing and Investigations relating to an Adverse Passport Finding that could reasonably have caused an anti-doping rule violation, in which case the Integrity Unit will have the burden to establish that such departure did not cause the anti-doping rule violation;

(c) a departure from the International Standard for Results Management relating to the requirement to provide notice to the Athlete of the B Sample opening that could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case the Integrity Unit will have the burden

to establish that such departure did not cause the Adverse Analytical Finding; or

[Comment to Rule 3.2.4(c): The Integrity Unit would meet its burden to establish that such departure did not cause the Adverse Analytical Finding by showing that, for example, the B Sample opening and analysis were observed by an independent witness and no irregularities were observed.]

(d) a departure from the International Standard for Results Management relating to Athlete notification that could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the Integrity Unit will have the burden to establish that such departure did not cause the whereabouts failure.

[Comment to Rule 3.2.4: Departures from an International Standard or other rule unrelated to Sample collection or handling, Adverse Passport Finding, or Athlete notification relating to whereabouts failure or B Sample opening – e.g., the International Standard for Education, International Standard for the Protection of Privacy and Personal Information or International Standard for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defence in an anti-doping rule violation proceeding and are not relevant on the issue of whether the Athlete committed an anti-doping rule violation. Similarly, a violation of the Athlete's Anti-Doping Rights Act by the Integrity Unit (or other relevant body) will not constitute a defence to an anti-doping rule violation.]*"*

26. It follows that the Athlete would have to show that (i) there has been a relevant departure from the International Standard for Results Management ("**ISRM**") or the International Standard for Testing and Investigations ("**ISTI**") and that (ii) such departure "*could reasonably have caused an anti-doping rule violation*".

27. WA point out that the ISRM has built-in safeguards to exclude invalid samples.

28. Article C.2.1.4 ISRM 2023 provides that (i) the APMU will remove samples that have been affected by non-conformities from the Adaptive Model calculations, but that (ii) even where it has been removed (which is not the present case for Sample 14 and Sample 15), the

JEP can still include non-conforming samples within their review of the Passport if their conclusions can be validly supported when taking into account any effects of the non-conformity. Thus Sample 10 (collected 13 January 2024) was invalidated because of sub-zero degree conditions during transport. The ISRM 2023 further provides as follows:

> *"**C.2.1.4. Departure from** **WADA Athlete Biological Passport requirements***
>
> ***C.2.1.4.1*** *If there is a departure from* WADA Athlete Biological Passport *requirements for* Sample *collection, transport and analysis, the biological* Marker *result obtained from this* Sample *affected by the non-conformity shall not be considered in the Adaptive Model calculations (for example, RET% can be affected but not HGB under certain transportation conditions).*
>
> ***C.2.1.4.2*** *A* Marker *result which is not affected by the non-conformity can still be considered in the Adaptive Model calculations. In such case, the* Athlete *Passport Management Unit shall provide the specific explanations supporting the inclusion of the result(s). In all cases, the* Sample *shall remain recorded in the* Athlete's *Passport. The Experts may include all results in their review provided that their conclusions may be validly supported when taking into account the effects of the non-conformity."*

29. The procedure for obtaining an opinion from the JEP and the requirement of a finding of "*likely doping*" for the purpose of an APF are set out in the ISRM 2023, Annex C, Section C.5: Issuing an Adverse Passport Finding.

30. The ISTI 2023 Annex I: Collection, Storage and Transport of Blood Athlete Biological Passport Samples, provides as follows:

> *"**I.2 Requirements***
>
> […]

I.2.4 *For* Out-of-Competition Testing*, A and B urine* Samples *should be collected together with the blood* Athlete Biological Passport Sample(s) *in order to permit Analytical* Testing *for ERAs unless otherwise justified by a specific intelligent* Testing *strategy.*

[Comment to I.2.4: WADA's Guidelines for Sample Collection reflect these protocols and include practical information on the integration of Athlete Biological Passport Testing into "traditional" Testing activities. A table has been included within WADA's Guidelines for Sample Collection that identifies which particular timelines for delivery are appropriate when combining particular types of analysis (e.g. blood Athlete Biological Passport and growth hormone (GH), blood Athlete Biological Passport and HBT, etc.), and which types of Samples may be suited for simultaneous transport.]

I.2.5 *The* Sample *shall be refrigerated from its collection until its analysis with the exception of when the* Sample *is analyzed immediately following collection. The storage procedure is the DCO's responsibility.*

I.2.6 *The storage and transport device shall be capable of maintaining blood* Athlete Biological Passport Samples *at a cool temperature during storage. Whole blood* Samples *shall not be allowed to freeze at any time. In choosing the storage and transport device, the DCO shall take into account the time of storage, the number of* Samples *to be stored in the device and the prevailing environmental conditions (hot or cold temperatures). The storage device shall be one of the following:*

a) Refrigerator;

b) Insulated cool box;

c) Isotherm bag; or

d) Any other device that possesses the capabilities mentioned above.

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I.2.7 *A temperature data logger shall be used to record the temperature from the collection to the analysis of the* Sample *except when the* Sample *is analyzed immediately following collection. The temperature data logger shall be able to:*

a) Record the temperature in degrees Celsius at least once per minute;

b) Record time in GMT;

c) Report the temperature profile over time in text format with one line per measurement following the format "YYYY-MM-DD HH:MM T"; and

d) Have a unique ID of at least six characters.

[…]

I.2.10 *The DCO/BCO shall start the temperature data logger and place it in the storage device. It is important to start recording the temperature before* Sample *collection.*

[…]

I.4 Transportation Requirements

I.4.1 *Blood* Samples *shall be transported in a device that maintains the integrity of* Samples *over time, due to changes in external temperature.*

I.4.2 *The transport procedure is the DCO's responsibility. The transport device shall be transported by secure means using a* Sample *Collection Authority authorized transport method.*

I.4.3 *The integrity of the* Markers *used in the hematological module of the* Athlete Biological Passport *is guaranteed when the Blood Stability Score (BSS) remains below eighty-five (85), where the BSS is computed as:*

BSS = 3 * T + CAT

with CAT being the Collection to Analysis Time (in hours), and T the average Temperature (in degrees Celsius) measured by the data logger between Sample *collection and analysis."*

31. The WADA Analytical Requirements for the Hematological Model of the Athlete Biological Passport ("**WADA Technical Document TD2021BAR**"), effective 1 June 2021, provides as follows:

"5.2 ABP *Blood* Sample *Analysis*

The ABP *blood* Sample *shall be analyzed twice. The Laboratory's or* ABP *Laboratory's procedure should minimize the delay between the two analyses. Absolute differences between the two (2) analyses shall be equal or less than (≤) each of the following criteria in order to accept the results:*

- *0.1 g/dL for HGB;*
- *0.15% for RET% if either the first or second measurement is lower or equal to 1.00%; otherwise 0.25% absolute difference.*

The data from the second injection is used to confirm the first injection data. Therefore, if the absolute differences between the results of the analyses are within the criteria above, then only the first injection data is reported into ADAMS.

If the absolute differences between the results of the two analyses are greater than (>) those defined above, then the ABP *blood* Sample *shall be analyzed twice again in accordance with Article 5.2. In cases of repeated analysis, the* ABP *blood* Sample *shall be mixed prior to re-analysis using the automated mixing feature of the blood analyzer or by appropriate manual inversion. This reanalysis procedure shall be repeated until the absolute differences between the results of the two (2) most recent analyses are within the criteria specified above.*

The requirements for an Initial Testing *Procedure (ITP), an "A"* Sample *Confirmation Procedure (CP) and a "B"* Sample *CP, as defined in the ISL, shall not be applicable to* ABP *blood* Samples *analyzed for the purposes of the* ABP*."* [footnote omitted]

VI. Professor Alvarez's Evidence

32. Prof. Alvarez is Professor of Pharmacology at the Faculty of Medicine of the University Paris-Saclay. He says he is the Head of the Pharmacology-Toxicology Department at the CHU Garches of the Assistance Publique-Hôpitaux de Paris, France, which he describes as the largest and most important hospital in terms of research in Europe. Since July 2023, he has been Medical Director of the University and the Medical Biology and Genetics Department of the Paris-Saclay Hospital Group, 7 hospitals in the south and west of Paris, grouping together the 25 medical biology departments (bacteriology, virology, haematology, biochemistry, immunology, pharmacology, toxicology). He said he has over 260 scientific publications in pharmacology, toxicology, and biology to his credit, and has contributed to seven (7) books. He has given evidence in a number of cases involving doping in sports, including, most notably, in the case of the tennis player, Simona Halep.

33. The Panel appreciates that it is often challenging for an expert to give evidence before a tribunal, such as the one convened in the present case, and particularly during penetrating cross-examination, such as was undertaken by Mr Taylor for WA. However, we should make clear that we did not consider Prof. Alvarez an expert whose evidence we could rely on.

34. On two separate occasions in the course of his oral evidence, Prof. Alvarez suggested that data had been selected for inclusion for the purpose of strengthening the case against the Athlete. It was not clear whether these were allegations against WA or the relevant laboratory, but these amounted to allegations of bad faith and either way they were entirely without foundation and should not have been made.

35. It was a key element of Prof. Alvarez's written evidence that Sample 14 was inadmissible because the storage and transportation had been undertaken in breach of WADA's Standards and the WA ADR. However, when he was taken through the mandatory standards under the ISTI he was unable to identify any rule which had been broken; on the contrary, it was apparent that Sample 14 had been stored, transported, and tested in accordance with the applicable Rules.

36. Further, in his evidence at the Hearing, Prof. Alvarez referred to a test as to the adverse effects of temperature and transport on samples he had done for the *Halep* case which he claimed had been validated because it had been accepted by the CAS panel in that case. However, Prof. Alvarez did not disclose the underlying details or methodology of that experiment, meaning it was not available for independent scrutiny or review. Consideration of the CAS decision in *Halep* made clear that, in fact, the CAS had not accepted the evidence from Prof. Alvarez's test: see [180] to [185].

37. Prof. Alvarez displayed an unwillingness to concede any point, even when it was obvious that what he had said was in error.

38. References to other aspects of Prof. Alvarez's evidence will be made below. WA described his evidence as irresponsible. With regret, the Panel agrees.

39. The Panel contrasts that with the circumspect evidence given by the JEP, which was found to be reliable and helpful. Where there was any conflict of expert evidence between that of Prof. Alvarez and that of the JEP, the Panel have far more confidence in the evidence presented by the JEP.

40. The Athlete also relied on an Expert Opinion prepared by Professor Stephen J Brandt, Professor Emeritus of Medicine (Haematology-Oncology) at Vanderbilt University Medical Centre, Nashville, Tennessee, USA. Prof. Brandt was not called and no substantive reliance was placed by the Athlete upon the Expert Opinion which was expressly

preliminary in nature and indicated that the underlying analysis had not yet been completed.

VII. Sample 14

41. The APMU validated Sample 14 and included it within the ABP. The Sample, as with all samples analysed, was analysed using the blood cell analyser Sysmex XN, with internal quality control carried out. The Blood Stability Score ("**BSS**") was 64. A BSS of below 85 is within an acceptable range: see ISTI 2023, paragraph I.4.3.

42. Prof. Alvarez said that Sample 14 was unreliable because it was transported for 50 hours and was below 2°C for 16.5 hours. He said, "[t]*he transport conditions for this sample clearly explain the decrease in Ret% as measured in this invalid sample*". He relied on the experiment he said he had done for the *Halep* case, which, he claims, suggested that samples degraded quickly below 2°C. As set out above, he did not provide details of the experiment and he wrongly claimed that his evidence, as to the experiment, was accepted in the *Halep* case. He also claimed that the conditions of transportation were in breach of WADA rules: he said, "[o]*nly a cumulative duration of one hour is permitted below 2° C during transport...".* But that was quite wrong.

43. The JEP relied on the paper *"Stability of Haematological Parameters and Its Relevance on the Athlete's Biological Passport Model"* by Lombardi, G., Lanteri, P., Colombini, A., Lippi, G. and Banfi, G., Sports Medicine, 2011, Vol. 41, pp. 1033–1042, which examined the stability of haematological parameters and their relevance to the ABP model. The JEP pointed out that the BSS, which is intended to ensure the stability of samples, was well within accepted parameters.

44. ISTI 2023, paragraph I.2.6 requires that the sample shall be refrigerated at a "*cool temperature*" and that it should not be allowed to freeze. At no point did the Sample 14

temperature logger go beneath 0°C; it therefore did not freeze. There was no breach of applicable rules merely because the temperature went below 2°C, even for an extended period.

45. Notably, ISTI 2023, paragraph I.4.3 provides that BSS provides a "*guarantee*" of integrity, a point ignored by Prof. Alvarez. This provision was discussed in *USADA v Brinegar*, CAS 2024/A/10291:

> *"115. The term "guaranteed" is important: the BSS metric is designed to guard against the potential degradation or alteration of blood samples due to their improper handling, storage, or transportation. It is therefore a metric of sample integrity, as indeed Annex I of the ISTI states in terms.*
>
> […]
>
> *120. Standing back from these texts, the Panel observes that they are less than pellucid in spelling out whether refrigeration is mandatory, and perhaps should be revisited for clarity. The Panel is of the view that if refrigeration were an invariable or mechanical requirement of process, the texts would say so expressly. In fact, they do not. The Panel is therefore of the view that refrigeration is a potential means to an end, that end being to achieve a BSS below 85, which "guarantees" the integrity of a sample.*
>
> […]
>
> *128. Thirdly, it is common ground that Sample 11 had a BSS of 68. This is comfortably within the limitation of 85, and of itself suggests that the sample was kept in a cool and stable environment.*
>
> *129. The Panel therefore concludes that Sample 11 met the validity requirements set forth in the Code, ISTI, and WADA Guidelines.*

130. The Panel adds that it has been given no basis on which to conclude that the absence of refrigeration can affect (and if so how) HGB values, which for present purposes is the relevant data point in Sample 11."

46. Prof. Alvarez further relies on the activation of the temperature logger alarms in Sample 14. Firstly, he erroneously does so by reference to a table in respect of alarm zones that is not from Sample 14, but from Sample 15. Sample 15 had a different device as a temperature logger, as it had a "*Libero CL*" rather than the "*ITAG 3*" used for Sample 14. Prof. Alvarez thus relies upon the alarm zones from a temperature logger for a different sample.

47. But in any event, the alarm zones are not referred to in the ISTI. The only requirements for the temperature logger are set out at 2023 ISTI, paragraph I.2.7 and do not refer to alarm zones. The temperature loggers themselves are not devices that are limited or specific to anti-doping and have multiple other uses. Thus, the assertion in Prof. Alvarez's Second Expert Opinion that "*'the alarms are in the rules and are being ignored'* is wrong. The same point is made by him in his Second Expert Opinion (set out in bold in his report for emphasis):

> *"**We maintain the position that sample 14 MUST be rejected because it is no longer reliable after spending 16.5 hours at a temperature below 2°C (otherwise, the alarms must be removed from the rules), i.e., this sample exceeded the time limit allowed by the rules by 16.5 times.**"*

48. This statement is entirely wrong on two counts. Firstly, there is no relevant reference to alarm requirements in the applicable rules. Secondly, the Sample did not exceed any time limit required by the same.

49. In the *Halep* case, the CAS panel concluded at [185]:

> *"*[t]*he Panel is satisfied that the temperature during the transport of Sample 48 did not have a material effect on the integrity of the sample and therefore is not a basis to*

declare the sample invalid."

50. In that case, Prof. Alvarez relied on a study he had conducted (which was the same study he sought to rely on in the present case) to show that the reticulocytes would have been disrupted by the transportation temperature. So, in fact, his evidence was not accepted.

51. Prof. Alvarez relied on the fact that the second set of scattergrams did not have a white differential fluorescence ("**WDF**") diagram. However, the WDF component was irrelevant and there was no need for such a diagram. The JEP gave evidence that the scattergrams showed normal cell distribution without flags, and therefore, supported the case that the integrity of Sample 14 was maintained. In any event, the ABP relies on analysis of RBCs, not the white blood cells, represented in the WDF diagram.

52. The Panel therefore rejects the challenges to Sample 14.

VIII. Sample 15

53. The APMU validated the Sample and included it within the ABP. The BSS was 43, well below the limit of 85. There were no storage temperature issues raised in respect of Sample 15.

54. The date of the Doping Control Officer ("**DCO**") taking custody of the Sample is stated as 30 August 2024 on the documentation, but it is apparent from other documentation that this is an error and that the correct date is 29 August 2024.

55. Prof. Alvarez raised an issue with the WADA External Quality Assessment Scheme ("**EQAS**"), and specifically regarding the mean corpuscular volume ("**MCV**") and the platelet count ("**PLT**") values which were regarded as "*not satisfactory*" by the laboratory. However, any deficiency in these results was entirely irrelevant to the key results for RET% and the OFFscore, which were entirely separate, measured in different analytical

channels and with different reagents in the Sysmex, and validated by the laboratory. As the JEP asserted in their First Joint Opinion:

> *"*[m]*inor issues were noted, such as 'not satisfactory' external quality control results for MCV, MCHC and platelets in samples 13 and 15. Still, these analytical unconformities were minimal and certainly did not affect the key ABP markers measured in different analytical channels and with different reagents in the Sysmex."*

56. Prof. Alvarez also relied on an earlier version of the ABP file table where the wrong RET% was used. But that error is not of any significance.

57. On the same date as Sample 15 was collected, the Athlete underwent a blood test of his own accord which provided results which may be said to be inconsistent with those shown in Sample 15.

58. It is obvious that care must be taken in placing reliance on private tests which lack the safeguards required for WADA-approved Testing. Indeed, it was striking that Prof. Alvarez made many criticisms of Sample 14 and Sample 15, notwithstanding that each Test was conducted, transported, and tested strictly in accordance with WADA rules and standards yet sought to rely upon the private test conducted by the Athlete which lacked any of the WADA safeguards.

59. Most importantly, the private test did not measure RET%, which was abnormally low in Sample 15.

60. The private sample is from the CEDAR clinic, which is not a WADA accredited laboratory. Very little information was provided by the Athlete as to the testing processes at the clinic. WA identified that the operating procedure at the CEDAR clinic involves the use of a Diatron Abacus 380 machine. It does not involve any specific sample preparation or analysis steps being taken beyond gently mixing the sample and putting it in the machine. It does not involve any restrictions on what an athlete should or should not do prior to

giving the sample.

61. The extent to which a private sample is useful, or reliable evidence, must be a question of fact in any case. In *Evgeny Ustyugov v IBU*, CAS 2020/A/7509, the CAS panel cast doubt on the reliability and usefulness of private samples for the numerous reasons set out and lacked "*any meaningful probative value*" (see [124]) and could not be blended with ABP samples to recalculate the ABP profile (see [126]).

62. In *Kenderesi v HUNADO*, CAS 2023/A/9731, at paragraph 141, the CAS panel referred to the:

> *"*[…] *line of authority at CAS, with which the Panel agrees, that relying on such private analyses is fraught with difficulties given that there is no assurance that the samples have been analysed with the same rigour and discipline as would be the case in a WADA-accredited laboratory or that what is relied upon by any given athlete is the complete picture."*

63. In *World Athletics v Ikeda*, SR/408/2024, at [70]-[71] the panel referred to the justifiable concerns where private samples do not meet equivalent WADA standards.

64. Prof. Alvarez states at paragraphs 39 and 40 of his Expert Opinion that the results of the private sample should be preferred because it was analysed more quickly after it was collected. He alleges that "*this principle has already been accepted by the CAS, based on a clinical sample taken three days after the one considered suspicious by WADA (Simona Halep case* […])". He also states in his Second Expert Opinion that the private sample must be considered reliable, again relying on the *Halep* case. In fact, the CAS panel found at [191], that:

> *"*[…] *such blood parameters from a private sample may be taken into account – provided that they are reliable – when assessing whether doping is a likely cause for the abnormal values contained in the ABP."*

There were specific factors in the *Halep* case which led the CAS panel to conclude that the private sample could be regarded as reliable: see [213]- [223]. Those factors were not present in this case. Again, Prof. Alvarez has materially misstated the effect of the decision in the *Halep* case.

65. The Panel concludes that Sample 15 is reliable and admissible and rejects the challenges to the Sample.

IX. Conclusion

66. The Panel concludes that a breach of Rule 2.2 2025 ADR has been proven.

67. It was suggested on behalf of the Athlete that a "*No Fault or Negligence*" reduction in sanction might apply. However, as blood doping of necessity is intentional, no such reduction could arise.

68. Pursuant to Rules 10.1, 10.2, 10.10, and 10.11 2025 ADR, the Panel is obliged to Disqualify results and forfeit prize money obtained since 24 August 2024 and impose a four (4) year period of Ineligibility.

69. The charge was brought on 8 December 2025, and thus a four (4) year sanction must be imposed from that date.

70. The Athlete was notified of the APF on 2 July 2025 and invited to provide a detailed written explanation by no later than 16 July 2025. Inevitably, the Athlete needed more time. On 25 July 2025, the Athlete gave a written undertaking confirming that he would refrain from competing in any athletic Competition from the date that the document was signed until and including 29 August 2025, in order to receive an extension to submit his response until 29 August 2025 (provided that the undertaking would not be considered a voluntary Provisional Suspension). Had it been regarded as a Provisional Suspension, WA would

have publicised the ADRV, which the Athlete did not want at this stage.

71. The Athlete has not competed or taken any action which would be contrary to the sanction requirements since then. So, he will in effect have had a sanction of four (4) years and four (4) months. This seems completely unfair. When we raised the point at the Hearing, WA maintained the position that we had no power to backdate the sanction to July 2025 because of (i) the terms of the agreement they reached with the Athlete; (ii) the benefit which the Athlete obtained from the agreement; (iii) the fact that WA brought proceedings within a reasonable period thereafter, given the need for the JEP to review the Athlete's response; and (iv) the lack of any power in the ADR to backdate the sanction. It was notable that WA took over three (3) months, after receiving the response from the Athlete, to commence proceedings, whereas they required the Athlete to respond in 14 days, even though the Athlete was likely to require instruction of an expert to provide said response.

72. In the circumstances, and with regret, we accept the submission that the ADR (see Rule 10.13 2025 ADR) do not entitle the Panel to backdate the sanction. But the Panel notes that this is considered an unfair way to treat the Athlete. It would have been easy for WA to agree with the Athlete that he does not compete until further notice and that should be treated as a Provisional Suspension, whether or not the ADRV was publicised and would expect this to be done in future.

73. The Athlete, in his oral statement, made clear that the sanction had, and would, take away his source of income for himself and his family. In the light of that we make no order as to costs. Each party will bear its own costs.

X. Disposition

74. The Disciplinary Tribunal rules as follows:

    a. The Athlete committed an ADRV, pursuant to Rule 2.2 2025 ADR.

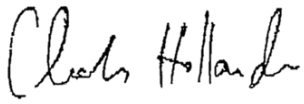
b. The Athlete is sanctioned with a period of Ineligibility for a period of four (4) years, until 7 December 2029, taking into account the Provisional Suspension served to date.

75. All competitive results of the Athlete are Disqualified since 24 August 2024, and includes the forfeiture of any medals, titles, points, prize money and prizes since that date.

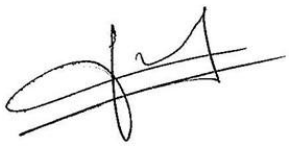
XI. Right of Appeal

76. This decision may be appealed to the CAS, located at Palais de Beaulieu, Av. des Bergières 10, CH-1004 Lausanne, Switzerland (procedures@tas-cas.org), in accordance with Rule 13 ADR 2025.

77. In accordance with Rule 13.6.1(a) ADR 2025, the deadline for filing an appeal with the CAS is 30 days from the date of receipt of this decision.



Charles Hollander KC



Julien Berenger

Dr Thomas Murray

On behalf of the Disciplinary Tribunal
1 May 2026
London, UK