
DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS BAO YING LIM

Introduction

1. In April 2017, the IAAF established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling the IAAF's obligations as a Signatory to the World Anti-Doping Code. The IAAF has delegated implementation of the IAAF Anti-Doping Rules ("**ADR**") to the AIU, including but not limited to the following activities in relation to International-Level Athletes: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. Ms Bao Ying LIM is a 37-year old Singaporean marathon runner who is an International-Level Athlete for the purposes of the ADR (the "**Athlete**").
3. The AIU has charged the Athlete with commission of anti-doping rule violations under the ADR and has proposed certain consequences based on its analysis of the severity of those anti-doping rule violations and the degree of fault borne by the Athlete. The Athlete has admitted the anti-doping rule violations with which she was charged and has accepted the consequences proposed.
4. This decision is accordingly issued pursuant to Article 8.4.7 ADR which provides that:

8.4.7 "[i]n the event that [...] the Athlete or Athlete Support Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the Integrity Unit, a hearing before the Disciplinary Tribunal shall not be required. In such a case, the Integrity Unit...shall promptly issue a decision confirming...the commission of the Anti-Doping Rule Violation(s) and the imposition of the Specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed)".

The Athlete's commission of Anti-Doping Rule Violations

5. On 9 December 2018, the Athlete underwent an in-competition doping control in Singapore at the conclusion of her participation in the Standard Chartered Singapore Marathon (the "**Event**"). The Athlete provided a urine sample numbered 4328694 (the "**Sample**").
6. On 1 February 2019, the WADA accredited laboratory in New Delhi reported an Adverse Analytical Finding (the "**AAF**") for the presence of modafinil and its metabolite modafinil acid in the Sample.
7. Modafinil is a Prohibited Substance under the WADA 2018 Prohibited List under the category S6.a Non-Specified Stimulants. It is a non-specified substance and is prohibited in-competition.
8. The Athlete did not have a TUE permitting the use of modafinil.
9. On 8 February 2019, the AIU notified the Athlete of the AAF and offered her the opportunity to explain the circumstances that resulted in the presence of modafinil and its metabolite modafinil acid in the Sample.

10. On 9 February 2019, the Athlete provided her explanation for the AAF to the AIU, which provided that she had ingested a quarter of one tablet of modafinil 200mg on the morning of the Event. The Athlete confirmed that she had disclosed the use of one quarter of a tablet of modafinil on her Doping Control Form at the time that she provided the Sample. The Athlete stated that after the Event, she realised that she had used a prohibited substance by checking the status of modafinil on the WADA website and provided evidence that she had contacted the Singapore Athletic Association in order to relinquish her first-place finish.
11. The Athlete confirmed that she did not require the B Sample analysis, admitted the anti-doping rule violations and confirmed that she did not require a hearing for the matter (including the applicable consequences) to be determined. The AIU therefore considered the applicable consequences on the basis of the explanation provided by the Athlete as set out below.
12. Article 10.2.1 ADR provides that the period of ineligibility for an Anti-Doping Rule Violation that does not involve a Specified Substance shall be four years, unless the Athlete is able to demonstrate that the Anti-Doping Rule Violation was not intentional.
13. The AIU does not consider that the Athlete has been able to establish that the Anti-Doping Rule Violation was not intentional, for the following reasons:
 - 13.1. based on the detail of the Athlete's explanation related to her ingestion of modafinil on the morning of the Event, the substance was taken "in-competition" according to the definition in the ADR.¹ The Athlete is therefore unable to demonstrate that the substance was used out-of-competition in a context unrelated to sport performance; and
 - 13.2. the Athlete asserts that she had no intention to cheat because she ingested modafinil before the Event in order that she could stay awake after the Event. The AIU does not consider this explanation for the Athlete's ingestion of modafinil sufficient or credible to explain why the Athlete ingested one quarter of a tablet of modafinil prior to participating in the Event.
14. The Athlete requested that the AIU exercise its discretion (together with the World Anti-Doping Agency ("WADA")) to reduce the mandatory period of ineligibility pursuant to Article 10.6.3 ADR on the basis of a prompt admission and considering the seriousness of the Anti-Doping Rule Violations and her level of Fault.
15. Upon consultation, the AIU and WADA have agreed that the Athlete may receive a reduction in the mandatory period of ineligibility for her prompt admission of the anti-doping rule violations, pursuant to Article 10.6.3 ADR.
16. Having regard to the seriousness of the violation and the Athlete's level of Fault, the AIU and WADA has considered *inter alia* the following factors:
 - 16.1. the Athlete used a non-specified stimulant, in-competition, shortly before participating in the Event; and
 - 16.2. the Athlete is an experienced athlete and a physician specialised in sport who has served several times as a physician in Major Sport Events (including the Youth Olympic Games) over the past decade. The Athlete failed to exercise even the most elementary caution; in short, she has no excuse.

¹ **In Competition:** In-Competition means the period commencing twelve hours before an Event in which the Athlete is scheduled to participate through to the end of such Event and the Sample collection process related to such Event.

17. In light of the foregoing, the AIU proposed to the Athlete a period of Ineligibility in this case of 3 years and 9 months, beginning on the date of the Athlete's provisional suspension, i.e., 8 February 2019.
18. The Athlete accepted that proposal and signed and returned to the AIU an Admission of Anti-Doping Rule Violations and Acceptance of Sanction Form.

Consequences

19. This constitutes the Athlete's first Anti-Doping Rule Violation under the ADR.
20. On the basis that the Athlete has admitted to committing Anti-Doping Rule Violations under Article 2.1 ADR and Article 2.2 ADR, the AIU confirms by this decision the following consequences for a first Anti-Doping Rule Violation:
 - 20.1. a period of Ineligibility of 3 years and 9 months pursuant to Article 10.2.1(a) ADR and Article 10.6.3 ADR commencing on 8 February 2019;
 - 20.2. disqualification of the Athlete's result obtained in the Event with all resulting consequences, including forfeiture of any medals, titles, awards, points and prize and appearance money in accordance with Article 9.1 ADR.
21. The Athlete's status during the period of ineligibility is set out in Article 10.11 ADR as follows:

"10.11.1 Prohibition Against Participation During Ineligibility

- (a) No Athlete or other Person who has been declared ineligible may, during the period of ineligibility, compete or otherwise participate in any capacity in (or if the Athlete is an Athlete Support Person, assist any Athlete competing or otherwise participating in any capacity in):
 - (i) any International Competition;
 - (ii) any other Competition or Event or activity (other than authorised anti-doping education or rehabilitation programmes) authorised, organised, or sanctioned by the IAAF, any National Association or member of a National Association, or any Area Association, or any Signatory, Signatory's member organisation, or club or member organisation of that Signatory's member organisation;
 - (iii) any Event or Competition authorised or organised by any professional league or any international or national-level Event or Competition organisation; or
 - (iv) any elite or national-level sporting activity funded by a governmental agency".
22. The Athlete has accepted the above consequences for her Anti-Doping Rule Violations and has expressly waived her right to have those consequences determined by the Disciplinary Tribunal at a hearing.

Publication

23. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.

Rights of Appeal

24. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.
25. Further to Article 13.2.4 ADR, WADA and Anti-Doping Singapore have a right of appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at Article 13.7.2 ADR.
26. If an appeal is filed against this decision by WADA or Anti-Doping Singapore, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Article 13.9.3 ADR.

Monaco, 15 May 2019