
DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR ALEX KORIO OLOITIPTIP

Introduction

1. In April 2017, World Athletics (formerly the IAAF) established the Athletics Integrity Unit ("AIU") whose role is to protect the integrity of the sport of Athletics, including fulfilling World Athletics' obligations as a Signatory to the World Anti-Doping Code. World Athletics has delegated implementation of the World Athletics 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. Mr Alex Korio Oloitiptip is a 30-year old Kenyan long-distance runner and is an International-Level Athlete for the purposes of the ADR (the "Athlete").
3. This decision is issued by the AIU pursuant to Article 8.4.7 ADR, which provides as follows.

"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 (or is deemed to have done so), 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 [...]."

Whereabouts Failures

4. Article 2.4 of the ADR provides that the following shall constitute an Anti-Doping Rule Violation:

"2.4 Whereabouts Failures

Any combination of three Missed Tests and/or Filing Failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by an Athlete in a Registered Testing Pool."

5. A Missed Test and a Filing Failure are defined in the World Athletics Anti-Doping Regulations (the "Regulations") respectively as follows:

"Missed Test: A failure by the Athlete to be available for Testing at the location and time specified in the 60-minute time slot identified in his Whereabouts Filing for the day in question, in accordance with these Anti-Doping Regulations.

"Filing Failure: A failure by an Athlete (or by a third party to whom the Athlete has delegated such a task in accordance with paragraph 3.7 of Appendix A) to make an accurate and complete Whereabouts Filing that enables the Athlete to be located for Testing at the times and locations set out in the Whereabouts Filing or to update that Whereabouts Filing where necessary to ensure that it

remains accurate and complete, all in accordance with these Anti-Doping Regulations”

6. In short, an athlete violates Article 2.4 of the ADR where he or she has any combination of three Missed Tests and/or Filing Failures within any twelve-month period, that period beginning on the day of the first relevant Missed Test/Filing Failure.

The Athlete's Commission of an Anti-Doping Rule Violation

7. In this instance, the Athlete has had three Missed Tests in the twelve-month period beginning on 20 January 2019, specifically:
 - i. A Missed Test on 20 January 2019;
 - ii. A Missed Test on 11 April 2019; and
 - iii. A Missed Test on 19 July 2019.

I. First Whereabouts Failure – Missed Test on 20 January 2019

8. On 25 January 2019, the AIU wrote to the Athlete requesting his explanation for an apparent Missed Test which occurred on 20 January 2019.
9. The Athlete was asked to provide his explanation for failing to be available for Testing during his nominated 60-minute time slot (09:00-10:00) at the location specified in his Whereabouts information on 20 January 2019 by no later than 8 February 2019, in the absence of which, the apparent Missed Test on 20 January 2019 would be confirmed against him.
10. The Athlete failed to respond and to provide any explanation concerning the apparent Missed Test on 20 January 2019.
11. On 21 March 2019, the AIU wrote to the Athlete and confirmed the apparent Missed Test on 20 January 2019. The Athlete was afforded the right to request an Administrative Review of that decision by no later than 4 April 2019 and advised that, if he failed to do so, then the Missed Test would be considered as a Whereabouts Failure for the purposes of Article 2.4 ADR.
12. The Athlete did not request an Administrative Review.
13. Therefore, the AIU recorded a Missed Test against the Athlete as his first Whereabouts Failure in the twelve-month period beginning on 20 January 2019.

II. Second Whereabouts Failure – Missed Test on 11 April 2019

14. On 29 April 2019, the AIU wrote to the Athlete by e-mail requesting his explanation for an apparent Missed Test which occurred on 11 April 2019 as a result of the Athlete's failure to be available for Testing during his nominated 60-minute time slot (09:00-10:00) at the location specified in his Whereabouts information.
15. The Doping Control Officer (“**DCO**”) was unable to locate the Athlete during his time slot on 11 April 2019
16. The Athlete was asked to provide his explanation for failing to be available for Testing on 11 April 2019 by no later than 13 May 2019, in the absence of which, the apparent Missed Test on 11 April 2019 would be confirmed against him.

17. The Athlete failed to respond and to provide any explanation concerning the apparent Missed Test on 11 April 2019.
18. On 16 July 2019, the AIU confirmed the apparent Missed Test on 11 April 2019. The Athlete was afforded the right to request an Administrative Review of that decision by no later than 30 July 2019 and advised that, if he failed to do so, then the Missed Test would be considered as a Whereabouts Failure for the purposes of Article 2.4 ADR.
19. The Athlete did not request an Administrative Review.
20. Therefore, the AIU recorded a Missed Test against the Athlete (effective from 11 April 2019) as his second Whereabouts Failure in the twelve-month period beginning on 20 January 2019.

III. Third Whereabouts Failure – Missed Test dated 19 July 2019

21. On 2 August 2019, the AIU wrote to the Athlete by e-mail requesting his explanation for an apparent Missed Test which occurred on 19 July 2019 as a result of the Athlete's failure to be available for Testing during his nominated 60-minute time slot (10:00-11:00) at the location specified in his Whereabouts information.. The Athlete was asked to provide his explanation by no later than 16 August 2019 and advised that, if he failed to do so, the apparent Missed Test on 19 July 2019 would be confirmed against him.
22. He was also advised that this Missed Test (if confirmed) would constitute his third Whereabouts Failure in the twelve-month period beginning 20 January 2019.
23. The Athlete failed to respond and to provide any explanation concerning the apparent Missed Test on 19 July 2019.
24. On 7 October 2019, the AIU wrote to the Athlete and confirmed the apparent Missed Test on 19 July 2019. He was afforded the right to request an Administrative Review of that decision by no later than 21 October 2019 and advised that, if he failed to do so, then the Missed Test on 19 July 2019 would be considered as a Whereabouts Failure for the purposes of Article 2.4 ADR.
25. The Athlete did not request an Administrative Review.
26. The Athlete was informed that the Missed Test on 19 July 2019 constituted his third Whereabouts Failure in the twelve-month period beginning on 20 January 2019 and that he could expect to receive further correspondence from the AIU in due course.

Disciplinary Proceedings

27. On 17 March 2020, the AIU issued a Notice of Charge to the Athlete for a violation of Article 2.4 ADR (including the imposition of a Provisional Suspension) and invited him to respond by no later than 27 March 2020.
28. On 30 March 2020, the Athlete was granted an extension to provide his response to the Notice of Charge by no later than 9 April 2020.
29. On 9 April 2020, the Athlete's Authorised Athlete Representative responded on the Athlete's behalf and confirmed that the Athlete did not request a hearing and that he admitted the Anti-Doping Rule Violation. On 10 June 2020, the Athlete accepted the proposed Consequences by signing and returning an Admission of Anti-Doping Rule Violation and Acceptance of Consequences Form.

Consequences

30. This constitutes the Athlete's first Anti-Doping Rule Violation under the ADR.
31. On the basis that the Athlete has admitted the Anti-Doping Rule Violation under Article 2.4 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
 - 31.1. a period of Ineligibility of two (2) years commencing on the date of the third Whereabouts Failure, pursuant to Article 10.10.2(b) ADR, from **19 July 2019 to 18 July 2021**; and
 - 31.2. disqualification of all competitive results obtained by the Athlete between **19 July 2019** and **17 March 2020** with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.

Publication

32. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.
33. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.

Rights of Appeal

34. Further to Article 13.2.4 ADR, the World Anti-Doping Agency ('**WADA**') and the Anti-Doping Agency of Kenya ('**ADAK**') 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.
35. If an appeal is filed against this decision by WADA or ADAK, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Article 13.9.3 ADR.

Monaco, 23 June 2020