

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS REBECCA JEPCHIRCHIR KORIR

INTRODUCTION

1. World Athletics has 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 (“the “**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. Ms Rebecca Jepchirchir Korir (“the **Athlete**”) is a 31-year-old road runner from Kenya¹.
3. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

“8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*
- (c) send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision).”*

THE ATHLETE’S COMMISSION OF ANTI-DOPING RULE VIOLATIONS

4. Rule 2 ADR sets out that the following shall constitute an Anti-Doping Rule Violation:

“2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample”

5. On 27 August 2023, the Athlete provided a urine Sample In-Competition at the Harbin Marathon (a World Athletics Label Road Race) in Harbin, China, which was given code 6525920 (the “**Sample**”).
6. On 22 September 2023, the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Beijing, China (the “**Laboratory**”) reported an Adverse Analytical Finding in the Sample for the presence of Methylprednisolone (the “**Adverse Analytical Finding**”).

¹ <https://worldathletics.org/athletes/kenya/rebecca-korir-jepchirchir-14587553>

7. Methylprednisolone is a Prohibited Substance under the WADA 2023 Prohibited List under the category S9 Glucocorticoids. It is a Specified Substance prohibited In-Competition when administered by any injectable, oral² or rectal route.
8. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“ISRM”) and determined that:
 - 8.1. the Athlete did not have a Therapeutic Use Exemption (“TUE”) that had been granted for the Methylprednisolone found in the Sample;
 - 8.2. 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 Adverse Analytical Finding; and
 - 8.3. there was no indication that Methylprednisolone had been administered by a permitted route.
9. Therefore, on 29 September 2023, the AIU notified the Athlete of the Adverse Analytical Finding in accordance with Article 5.1.2.1 of the ISRM, including that the Adverse Analytical Finding may result in Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR.
10. The Athlete was informed of her rights, *inter alia*, to request the B Sample analysis and to request copies of the Laboratory Documentation Package supporting the Adverse Analytical Finding (“LDP”). The AIU also requested that the Athlete provide an explanation for the Adverse Analytical Finding.
11. On 7 October 2023, the Athlete provided an explanation for the Adverse Analytical Finding, which, in summary, set out that she had only used pain killers before the race due to a tendon injury, including specifically products identified as “*diclofenax*” and “*revital*”.
12. On 11 October 2023, the AIU wrote to the Athlete noting that the explanation did not explain the Adverse Analytical Finding. The AIU provided the Athlete with another opportunity to submit an explanation for the Adverse Analytical Finding (including in relation to any medical treatment of her asserted tendon injury).
13. On 19 October 2023, the Athlete submitted further information to the AIU explaining that she had used diclofenac tablets for her tendon injury and was not aware that this “*would cause problems*”.
14. The AIU reviewed the Athlete’s explanation and remained satisfied that the Athlete had committed an Anti-Doping Rule Violation as set out in the Rules.
15. Therefore, on 2 November 2023, the AIU issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM, and informed her, *inter alia*, that the AIU remained satisfied that she had committed an Anti-Doping Rule Violation under Rule 2.1 ADR, that this Anti-Doping Rule Violation warranted a period of Ineligibility of two (2) years pursuant to Rule 10.2.2 ADR, and invited the Athlete to respond confirming how she wished to

² Including oromucosal (e.g., buccal, gingival, sublingual).

proceed with the Charge by no later than 16 November 2023 (“the **Charge**”). The AIU also notified the Athlete of the imposition of an immediate Provisional Suspension.

16. The Athlete failed to respond to the Charge by 16 November 2023.
17. On 17 November 2023, the AIU therefore wrote to the Athlete giving her a further and final opportunity to respond to the Charge by no later than 22 November 2023, and informed her that if she failed to respond, the AIU would (i) deem that she had waived her right to a hearing, admitted the Anti-Doping Rule Violation and accepted the Consequences set out in the Charge, (ii) issue a final decision recording the imposition of the Consequences specified in the Charge and (iii) Publicly Report that decision in accordance with Rule 14.3.2 ADR, unless the AIU, in its sole discretion, referred the matter to the Tribunal.
18. The Athlete failed to respond by 22 November 2023.

CONSEQUENCES

19. This is the Athlete’s first Anti-Doping Rule Violation.
20. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 ADR shall be as follows:

“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.*
- (b) The anti-doping rule violation involves a Specified Substance or a Specified Method and the Integrity Unit can establish that the anti-doping rule violation was 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.”

21. Methylprednisolone is a Prohibited Substance under the WADA 2023 Prohibited List under the category S9 Glucocorticoids. It is a Specified Substance prohibited In-Competition when administered by any injectable, oral³ or rectal route.
22. The AIU has no evidence that the Anti-Doping Rule Violation was intentional and the period of Ineligibility to be imposed is therefore a period of two (2) years.
23. On the basis that the Athlete is deemed to have admitted the Anti-Doping Rule Violation under Rule 2.1 ADR, in accordance with Rule 10.2.2 ADR and the application of Rule 8.5.6 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
 - 23.1. a period of Ineligibility of two (2) years commencing on 2 November 2023 (the date of Provisional Suspension); and

³ See footnote 2.

- 23.2. disqualification of the Athlete’s results on and since 27 August 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and appearance money.

PUBLICATION

24. In accordance with Rule 8.5.6(b) ADR, the AIU shall publicly report this decision on the AIU's website.

RIGHTS OF APPEAL

25. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
26. Further to Rule 13.2.3 ADR, 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 Rule 13.6.1 ADR.
27. If an appeal is filed against this decision by WADA or ADAK, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 13 December 2023