

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS KUMARI RACHNA

### 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. 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

3. 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*

*[...]*

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

4. Ms Kumari Rachna ("the **Athlete**") is a 30-year-old hammer thrower from India<sup>1</sup>.

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<sup>1</sup> <https://worldathletics.org/athletes/india/km-rachna-14624721>

A. SAMPLE 7151281 AND SAMPLE 7151272 (24 SEPTEMBER 2023)

5. On 24 September 2023, the Athlete provided two (2) urine Samples Out-of-Competition in Patiala, India, which were given codes 7151281 and 7151272 respectively.<sup>2</sup>
6. On 1 November 2023, the Athlete provided a Sample In-Competition at the 2023 37<sup>th</sup> National Games Goa pursuant to Testing conducted by NADA India, which was given code 6552851.
7. On 7 November 2023, the WADA accredited Laboratory in Lausanne, Switzerland, (“the Lausanne Laboratory”) reported that the analysis of Sample 7151281 had returned Adverse Analytical Findings for the presence of (i) Stanozolol Metabolites 3'-hydroxystanozolol-O-glucuronide, 16β-hydroxystanozolol-O-glucuronide, stanozolol-O-glucuronide and stanozolol-N-glucuronide, (ii) Metandienone Metabolites 6β-hydroxymethandienone and 17β-methyl-5β-androst-1-ene-3α,17α-diol (epimetiendiol) and (iii) dehydrochloromethyl-testosterone (“DHCMT”) Metabolite 4-chloro-18-nor-17β-hydroxymethyl,17α-methyl-5α-androst-13-en-3α-ol. An Atypical Finding (“ATF”) was also reported for Clenbuterol<sup>3</sup> in accordance with the WADA Technical Letter TL23 - Minimum Reporting Level for Certain Substances Known to be Potential Meat Contaminants (“TL23”).<sup>4</sup>
8. On the same date, the Lausanne Laboratory also reported that the analysis of Sample 7151272 returned Adverse Analytical Findings for the presence of (i) Stanozolol Metabolites 17-epistanozolol-N-glucuronide, 16β-hydroxystanozolol-O-glucuronide, stanozolol-O-glucuronide and stanozolol-N-glucuronide, (ii) Metandienone Metabolites 6β-hydroxymethandienone and 17β-methyl-5β-androst-1-ene-3α,17α-diol (epimetiendiol) and (iii) dehydrochloromethyl-testosterone (“DHCMT”) Metabolite 4-chloro-18-nor-17β-hydroxymethyl,17α-methyl-5α-androst-13-en-3α-ol. An ATF was also reported for Clenbuterol<sup>5</sup> in accordance with TL23.
9. Stanozolol, Metandienone DHCMT and Clenbuterol (and their Metabolites) are Prohibited Substances under the WADA 2023 Prohibited List under the category S1.1 Anabolic Androgenic Steroids. They are Non-Specified Substances prohibited at all times.
10. The AIU reviewed the Adverse Analytical Findings in accordance with Article 5 of the International Standard for Results Management (“ISRM”) and determined that:
  - 10.1. the Athlete did not have a Therapeutic Use Exemption (“TUE”) that had been granted (or that would be granted) for the Metabolites of Stanozolol, Metandienone or DHCMT found in Sample 7151281 and Sample 7151272; and

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<sup>2</sup> Two (2) Samples were collected because the first urine sample, Sample 7151281 did not have a Suitable Specific Gravity for Analysis as defined in the 2023 WADA International Standard for Testing and Investigations (Specific Gravity 1.002). A further urine Sample was therefore collected (Sample 7151272), which had a Suitable Specific Gravity for Analysis of 1.003.

<sup>3</sup> At an estimated concentration of 0.135ng/mL.

<sup>4</sup> [https://www.wada-ama.org/sites/default/files/resources/files/tl23\\_growth\\_promoters\\_eng\\_2021\\_0.pdf](https://www.wada-ama.org/sites/default/files/resources/files/tl23_growth_promoters_eng_2021_0.pdf)

<sup>5</sup> At an estimated concentration of 0.23ng/mL.

- 10.2. 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 Findings.
11. Therefore, on 24 November 2023, in accordance with Article 5.1.2.1 ISRM, based on the Adverse Analytical Findings, the AIU issued the Athlete with a Notice of Allegation of Anti-Doping Rule Violations, imposing a Provisional Suspension (effective immediately) and, *inter alia*, invited the Athlete to provide a detailed written explanation for the Adverse Analytical Findings by no later than 4 December 2023.
12. On 3 December 2023, the Athlete responded explaining that Samples that had been collected from her on 19 June 2023, 8 September 2023, 11 September 2023 and 1 November 2023 were negative and requested analysis of the B Sample.<sup>6</sup>
13. By letter dated 8 December 2023, NADA India advised the Athlete that Sample 6552851 collected from the Athlete on 1 November 2023 had also returned an ATF for Clenbuterol<sup>7</sup> and that it was investigating the matter. NADA India asked the Athlete to provide an explanation for the ATF in the 1 November 2023 Sample by no later than 23 December 2023.
14. On 11 December 2023, following a request from the AIU, NADA India agreed to transfer its responsibility for investigating the ATF for Clenbuterol in Sample 6552851 to the AIU.
15. On 15 December 2023, the AIU issued the Athlete with a Notice of Investigation into Atypical Findings confirming that, in addition to pursuing the Adverse Analytical Findings as set out in the Notice dated 24 November 2023, it was also investigating the ATFs for Clenbuterol in Sample 7151281 and Sample 7151272 collected on 24 September 2023 and Sample 6552851 collected on 1 November 2023, in accordance with the WADA Stakeholder Notice regarding potential meat contamination cases dated 1 June 2021 (“the **Stakeholder Notice**”).<sup>8</sup>
16. The AIU invited the Athlete to provide the following information in the context of its investigation into the ATFs, in accordance with the Stakeholder Notice, by no later than 22 December 2023:
- 16.1. any use of Clenbuterol or medication(s) containing Clenbuterol prior to the Samples collected on 24 September 2023 and 1 November 2023;
- 16.2. details of the country(ies) in which the Athlete was located (living, training and/or competing etc.) in the days leading up to the collection of Samples on 24 September 2023 and 1 November 2023 and the full details of any travel to/from and within that country/those countries (where applicable);

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<sup>6</sup> On 18 December 2023, the Athlete clarified that she requested only the B Sample for Sample 7151281 to be analysed. The analysis was arranged to take place at the Lausanne Laboratory on 9 January 2024.

<sup>7</sup> At an estimated concentration of 0.25ng/mL.

<sup>8</sup> <https://www.wada-ama.org/en/resources/general-anti-doping-information/stakeholder-notice-regarding-potential-meat-contamination>

- 16.3. a description of the Athlete's diet and, particularly, any consumption of meat in the 72 hours prior to the collection of Samples on 24 September 2023 and 1 November 2023, and, if any meat was consumed<sup>9</sup>:
- (a) where and when; and
  - (b) what type(s) and cut(s) of meats were eaten and the specific quantity or quantities.
17. The Athlete failed to respond or to provide any information to the AIU in relation to the investigation of the ATFs by 22 December 2023 (or at all).
18. According to the Stakeholder Notice, the ATFs for Clenbuterol shall therefore be pursued as (additional) Adverse Analytical Findings in accordance with Article 5.1 ISRM.
19. On 9 January 2024, the B Sample analysis of Sample 7151281 took place at the Lausanne Laboratory, per the Athlete's request.
20. On 10 January 2024, the AIU wrote to the Athlete confirming that the B Sample analysis of Sample 7151281 had confirmed the results of the A Sample analysis (see para.7 above).
21. On 22 January 2024, the AIU issued a Notice of Charge ("the **Charge**") to the Athlete in accordance with Rule 8.5.1 and Article 7.1 ISRM. The Athlete was informed, *inter alia*, that the AIU remained satisfied that she had committed Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR, that the Anti-Doping Rule Violations warranted a period of Ineligibility of twelve (12) years (see Consequences below) and invited the Athlete to respond confirming how she wished to proceed with the Charge by no later than 5 February 2024.
22. The Athlete failed to respond to the Charge by 5 February 2024.
23. Therefore, on 6 February 2024, the AIU wrote to the Athlete and confirmed that, by virtue of her failure to respond to the Charge by 5 February 2024, she was deemed to have waived her right to a hearing, and to have admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge in accordance with Rule 8.5.2(f) ADR.
24. However, the Athlete was reminded that she could still benefit from the one (1) year reduction in the period of Ineligibility by formally admitting that she had committed Anti-Doping Rule Violations and accepting the asserted period of Ineligibility (and other Consequences) by signing and returning an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form to the AIU by no later than 11 February 2024.
25. The Athlete failed to respond to the Notice of Charge by 11 February 2024 (or at all).

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<sup>9</sup> Together with any supporting evidence for any meat consumption (such as food diaries, food menus, restaurant or grocery store purchase receipts, credit card statements, dining partners, social media, etc).

## CONSEQUENCES

26. This is the Athlete's second Anti-Doping Rule Violation.
27. The Athlete has previously served a period of Ineligibility of four (4) years from 18 March 2015 to 17 March 2019 for committing an Anti-Doping Rule Violation pursuant to Article 32.2(a) of the IAAF Anti-Doping Rules (equivalent to Rule 2.1 of the Rules) in relation to the presence of Metenolone in a Sample collected on 10 February 2015.
28. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 or Rule 2.2 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.”*
29. Stanozolol, Metandienone DHCMT and Clenbuterol (and their Metabolites) are Prohibited Substances under the WADA 2023 Prohibited List under the category S1.1 Anabolic Androgenic Steroids. They are Non-Specified Substances prohibited at all times.
30. Pursuant to Rule 10.9.3(a), the Adverse Analytical Findings (including the ATFs brought forward as Adverse Analytical Findings) in the Samples collected on 24 September 2023 and 1 November 2023 will be considered together as a single (second) violation.
31. In addition, Rule 10.9.3(a) confirms that the sanction imposed will be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances<sup>10</sup>.
32. The AIU considers that the presence of multiple Prohibited Substances provides clear evidence that the Athlete Used multiple Prohibited Substances and/or Used a Prohibited Substance on multiple occasions which falls squarely within the definition of Aggravating Circumstances.

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<sup>10</sup> **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.*

33. The four (4) year period of Ineligibility otherwise applicable under Rule 10.2.1(a) ADR shall therefore be increased in accordance with Rule 10.4 ADR.
34. As set out above, this constitutes the Athlete's second Anti-Doping Rule Violation. In accordance with Rule 10.9.1(a), the period of Ineligibility to be imposed is therefore **a period of Ineligibility of twelve (12) years**<sup>11</sup>.
35. Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) years or more may benefit from a one (1)-year reduction in the period of Ineligibility based on an early admission and acceptance of sanction:
- “10.8.1 One year reduction for certain anti-doping rule violations based on early admission and acceptance of sanction.*
- Where the Integrity Unit notifies an Athlete or other Person of an anti-doping rule violation charge that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Rule 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than 20 days after receiving the Notice of Charge, the Athlete or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by the Integrity Unit. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Rule 10.8.1, no further reduction in the asserted period of Ineligibility will be allowed under any other Rule.”*
36. The Athlete was issued with a Notice of Charge on 22 January 2024. However, the Athlete failed to admit the Anti-Doping Rule Violations and accept the Consequences specified in the Notice of Charge within a period of 20 days (i.e., by 11 February 2024).
37. The Athlete shall not therefore receive any reduction in the period of Ineligibility in accordance with Rule 10.8.1 ADR.
38. On the basis that the Athlete is deemed to have waived her right to a hearing and admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR specified in the Notice of Charge, the AIU confirms by this decision the following Consequences for the Athlete's second Anti-Doping Rule Violation:

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<sup>11</sup> The period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1/Rule 2.2 involving a Non-Specified substance is a period of four (4) years in accordance with Rule 10.2.1(a). Rule 10.4 provides for that period of Ineligibility to be increased by up to two (2) years based on the application of Aggravating Circumstances (i.e., up to six (6) years). In accordance with Rule 10.9.1(a), the sanction for a second Anti-Doping Rule Violation is calculated as a period of Ineligibility in a range between (i) the sum of the period of Ineligibility imposed for the first violation plus the period of Ineligibility otherwise applicable to the second violation treated as if it were a first violation and twice the period of Ineligibility otherwise applicable to the second violation as if it were treated as a first violation. In this case, that means a period of Ineligibility in the range between (i) the sum of the period of Ineligibility imposed for the first Anti-Doping Rule Violation (4 years) plus the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation (6 years), i.e., a total of ten (10) years, and (ii) twice the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation (i.e., 2 x 6 years = 12 years). The Athlete has failed to provide any explanation or information in relation to the circumstances or her level of Fault to allow a period of Ineligibility within this range to be determined.

- 38.1. a period of Ineligibility of twelve (12) years commencing on 24 November 2023 until 23 November 2035; and
  - 38.2. disqualification of the Athlete's results on and since 24 September 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.
39. The Athlete is deemed to have accepted the above Consequences and to have waived her right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

## **PUBLICATION**

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

## **RIGHTS OF APPEAL**

41. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
42. Further to Rule 13.2.3 ADR, the Athlete, WADA and NADA India 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.
43. If an appeal is filed against this decision by WADA or NADA India, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 13 February 2024