Athletics Integrity Unit

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Decision of the Athletics Integrity Unit in the Case of Ms Nataliya Lehonkova

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 Nataliya Lehonkova ("the **Athlete**") is a 41-year-old marathon runner from Ukraine.[1]

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*
>
> *[...]*

[1] https://worldathletics.org/athletes/ukraine/nataliya-lehonkova-14333929

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

5. On 21 April 2024, the Athlete provided a urine Sample In-Competition at the '*Enschede Marathon*' in Enschede, Netherlands, which was given code 10300800407 (the "**Sample**").

6. On 20 August 2024, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Cologne, Germany (the "**Laboratory**") reported an Adverse Analytical Finding in the Sample for the presence of recombinant erythropoietin ("**EPO**") (the "**Adverse Analytical Finding**").

7. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management ("**ISRM**") and determined that:

   7.1. the Athlete did not have a Therapeutic Use Exemption ("**TUE**") that had been granted (or that would be granted) for the EPO found in the Sample; and

   7.2. 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.

8. On 21 August 2024, 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 and of the imposition of an immediate Provisional Suspension.

9. The Athlete was also informed of her rights, *inter alia*, to request the B Sample analysis, to request copies of the laboratory documentation supporting the Adverse Analytical Finding and to admit the Anti-Doping Rule Violations and potentially benefit from a one-year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR. The AIU also requested that the Athlete provide an explanation for the Adverse Analytical Finding by no later than 28 August 2024.

10. On 27 August 2024, the Athlete wrote to the AIU and asked why she had been "*suspended from the competition*" and stated that she did not "*understand where are you find EPO eritropoetin*" [sic].

11. On 28 August 2024, the AIU responded to the Athlete explaining the Adverse Analytical Finding in the Sample and the mandatory Provisional Suspension that had been consequently imposed upon her. The AIU reminded the Athlete that she had until the end of the day (on 28 August 2024) to request the B Sample analysis and/or the Laboratory Documentation Package for the A Sample and to provide a full and detailed written explanation for the Adverse Analytical Finding. The AIU also reminded the Athlete that she had the option of signing and returning the Admission of the Anti-Doping Rule Violations and Acceptance of Consequences Form, which would allow her to benefit from a one (1) year reduction in the mandatory period of Ineligibility.

12. On 28 August 2024, the Athlete returned an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed to confirm that she admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the Notice of Allegation.

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Consequences

13. This is the Athlete's first Anti-Doping Rule Violation.

14. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 ADR or Rule 2.2 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."*

15. EPO is a Prohibited Substance under the WADA 2024 Prohibited List under the category S2 Peptide Hormones, Growth Factors, Related Substances and Mimetics. It is a Non-Specified Substance prohibited at all times.

16. The period of Ineligibility to be imposed is therefore a period of Ineligibility of four (4) years, unless the Athlete demonstrates that the Anti-Doping Rule Violations were not intentional.

17. The Athlete has not demonstrated that the Anti-Doping Rule Violations were not intentional. Therefore, the mandatory period of Ineligibility is a period of Ineligibility of four (4) years.

18. However, 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."*

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19. A Notice of Allegation was issued to the Athlete on 21 August 2024. On 28 August 2024, the AIU received an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed by the Athlete confirming that she admitted the Anti-Doping Rule Violations and accepted the asserted period of Ineligibility of four (4) years.[2]

20. The Athlete shall therefore receive a one (1) year reduction in the asserted period of Ineligibility pursuant to Rule 10.8.1 ADR based on an early admission and acceptance of sanction.

21. On the basis that the Athlete has admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR, in accordance with Rule 10.2.1 ADR and the application of Rule 10.8.1 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:

    21.1. a period of Ineligibility of three (3) years commencing on 21 August 2024 (the date of Provisional Suspension); and

    21.2. disqualification of the Athlete's results on and since 21 April 2024, with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, prizes, prize money and appearance money.

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 Rule 8.5.6(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 Rule 8.5.6 ADR.

25. Further to Rule 13.2.3 ADR, WADA and National Anti-Doping Centre of Ukraine ("**NADC**") 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.

26. If an appeal is filed against this decision by WADA or NADC, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 11 September 2024

[2] The Notice of Allegation of Anti-Doping Rule Violations was issued to the Athlete by the AIU in accordance with Article 5.1.2 of the ISRM, prior to a Notice of Charge issued in accordance with Article 7 of the ISRM. Considering the Athlete's signed admission and acceptance of Consequences on 28 August 2024, no Notice of Charge was ever issued.