

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR MORRIS MUNENE GACHAGA

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. Mr Morris Munene Gachaga is a 26-year-old Kenyan long-distance runner and is an International-Level Athlete for the purposes of the ADR (the "**Athlete**").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)."*

WHEREABOUTS FAILURES

4. Rule 2.4 ADR sets out that the following shall constitute an Anti-Doping Rule Violation:

"2.4 Whereabouts Failures by an Athlete in a Registered Testing Pool

Any combination of three missed tests and/or filing failures, as defined in the International Standard for Results Management, within a 12-month period by an Athlete in a Registered Testing Pool."

5. A Missed Test and a Filing Failure are defined in the International Standard for Results Management ("**ISRM**") respectively as follows:

¹ <https://www.worldathletics.org/athletes/kenya/morris-munene-gachaga-14591369>

*“**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 their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.*

*“**Filing Failure:** A failure by the Athlete (or by a third party to whom the Athlete has delegated the task) 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 Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.”*

6. In short, an athlete violates Rule 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 Whereabouts Failures in the twelve-month period beginning on 19 December 2020, specifically:
 - (i) a Missed Test on 19 December 2020;
 - (ii) a Missed Test, alternatively a Filing Failure, on 6 October 2021; and
 - (iii) a Missed Test, alternatively a Filing Failure, on 13 December 2021.

1. First Whereabouts Failure - Missed Test on 19 December 2020

8. In summary, a Doping Control Officer (“**DCO**”) and Blood Collection Assistant (“**BCA**”) attended the address indicated in the Athlete’s Whereabouts information for 19 December 2020 during the Athlete’s specified 60-minute time slot between 19:00 and 20:00 and met the Athlete’s wife, who informed the DCO that the Athlete was not present, but he was at the shopping centre. The DCO called the Athlete at 19:56 asking him to return to his specified address and the Athlete declared that he was in Embu, Kenya, and he was unsure that he would be able to return to his address in time. The DCO remained at the Athlete’s address until after the end of the 60-minute time slot but the Athlete was not available for Testing.
9. Therefore, on 8 January 2021, the AIU wrote to the e-mail address provided in ADAMS as the Athlete’s e-mail address notifying the Athlete of an apparent Missed Test which occurred on 19 December 2020 and requesting his explanation by no later than 22 January 2021.
10. The AIU received no response or any explanation for the apparent Missed Test that occurred on 19 December 2020.
11. On 5 February 2021, the AIU therefore wrote to the same e-mail addresses as used on 8 January 2021 and confirmed the Missed Test on 19 December 2020 against the Athlete, who was afforded the right to request an administrative review of that decision by no later than

19 February 2021 and advised that, if he failed to do so, the Missed Test would be considered as a Whereabouts Failure for the purposes of Rule 2.4 ADR.

12. No request for an administrative review was received by 19 February 2021.
13. Therefore, the AIU recorded a Whereabouts Failure (a Missed Test) against the Athlete effective 19 December 2020.

II. Second Whereabouts Failure - Missed Test/Filing Failure on 6 October 2021

14. In summary, a DCO and BCA attended the address indicated in the Athlete's Whereabouts information for 6 October 2021 during the Athlete's specified 60-minute time slot between 19:00 and 20:00. The DCO arrived at the Athlete's address and met an assistant coach (a Mr James), who informed the DCO that the Athlete was not present because he had travelled to Nairobi the previous day, 5 October 2021, for his VISA application. The DCO remained at the Athlete's specified location until 20:00 but the Athlete was not available for Testing.
15. Therefore, on 15 October 2021, the AIU notified the Athlete of an apparent Whereabouts Failure which occurred on 6 October 2021 and requested the Athlete's explanation for by no later than 29 October 2021.
16. On 30 October 2021, the AIU received an explanation filed on the Athlete's behalf from a Ms Rossella Grazziotto ("the **Representative**"). The Representative confirmed that they had effectively forgotten to update the Athlete's Whereabouts information for 6 October 2021.
17. On 15 November 2021, the AIU therefore confirmed the Whereabouts Failure on 6 October 2021 against the Athlete, who was afforded the right to request an administrative review of that decision by no later than 29 November 2021 and advised that, if he failed to do so, the Whereabouts Failure would be confirmed against him for the purposes of Rule 2.4 ADR.
18. Neither the Athlete nor the Representative requested an administrative review by 29 November 2021.
19. Therefore, the AIU recorded a Whereabouts Failure (Missed Test/Filing Failure) against the Athlete effective 6 October 2021.

III. Third Whereabouts Failure - Missed Test/Filing Failure on 13 December 2021

20. In summary, a DCO and BCA attended the address specified by the Athlete in his Whereabouts information for 13 December 2021 during the Athlete's specified 60-minute time slot between 19:00 and 20:00 but were unable to locate him for Testing. The DCO was informed by a third party that the Athlete had left the location in mid-November 2021 and that he was currently in Embu, Kenya. That information was also confirmed by other third parties at the same location. The DCO remained at the Athlete's specified location until 20:00 but the Athlete was not available for Testing.
21. Therefore, on 23 December 2021, the AIU notified the Athlete of an apparent Whereabouts Failure which occurred on 13 December 2021 and requested the Athlete's explanation by no later than 6 January 2022.

22. On 7 January 2022, the AIU received an explanation filed on the Athlete's behalf by the Representative, who confirmed that the Athlete had forgotten to inform them that he had decided to remain in Embu, Kenya, instead of returning to the location specified in his Whereabouts information and thus the Athlete's Whereabouts information had not been updated.
23. On 7 January 2022, the AIU confirmed the Whereabouts Failure on 13 December 2021 against the Athlete, who was afforded the right to request an administrative review of that decision by no later than 21 January 2022 and advised that, if he failed to do so, the Whereabouts Failure would be confirmed against him for the purposes of Rule 2.4 ADR.
24. Neither the Athlete nor the Representative requested an administrative review by 21 January 2022.
25. Therefore, the AIU recorded a Whereabouts Failure (Missed Test/Filing Failure) against the Athlete effective 13 December 2021.

DISCIPLINARY PROCEEDINGS

26. On 4 March 2022, the AIU issued a Notice of Allegation to the Athlete for a violation of Rule 2.4 ADR (including the imposition of a Provisional Suspension) and invited him to respond by no later than 11 March 2022.
27. On 22 March 2022, the Athlete was granted an extension to provide his response to the Notice of Allegation until no later than 23 March 2022.
28. On 23 March 2022, the Athlete's Representative responded on the Athlete's behalf and confirmed that the Athlete accepted the proposed Consequences by signing and returning an Admission of Anti-Doping Rule Violation and Acceptance of Consequences Form.

CONSEQUENCES

29. This is the Athlete's first Anti-Doping Rule Violation.
30. On the basis that the Athlete has admitted the Anti-Doping Rule Violation under Rule 2.4 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
 - 30.1. a period of ineligibility of two (2) years commencing on the date of this decision, but with credit for the period of Provisional Suspension since 4 March 2022 (i.e., until 3 March 2024);
 - 30.2. disqualification of the Athlete's results since 13 December 2021, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.
31. The Athlete has accepted the above Consequences for his Anti-Doping Rule Violation and has expressly waived his right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

PUBLICATION

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

RIGHTS OF APPEAL

33. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
34. Further to Rule 13.2.3 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 Rule 13.6.1 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 Rule 13.2.4 ADR.

Monaco, 30 March 2022