

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR SAMSON MUNGAI KAGIA

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### Introduction

1. In April 2017, the IAAF established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling the IAAF's obligations as a Signatory to the World Anti-Doping Code. The IAAF has delegated implementation of the IAAF 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. Samson Mungai Kagia is a 35-year old Kenyan long-distance runner who is an International-Level Athlete for the purposes of the ADR (the "**Athlete**").
3. This decision is issued pursuant to Article 8.4.7 ADR which provides that "*[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, 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 (including, if applicable, a justification for why the maximum potential sanction was not imposed)*".

### The Athlete's commission of an Anti-Doping Rule Violation

4. On 14 October 2018, the Athlete underwent an in-competition doping control at the 'Bucharest International Marathon' held in Bucharest, Romania (the "**Competition**"). The Athlete provided a urine sample numbered 6352134 (the "**Sample**").
5. On 8 November 2018, the WADA accredited laboratory in Seibersdorf reported an Adverse Analytical Finding (the "**AAF**") for the presence of Methylprednisolone in the Sample.
6. Methylprednisolone is a Prohibited Substance under category S9 (Glucocorticosteroids) of the 2018 WADA Prohibited List. Glucocorticosteroids are classified as Specified Substances. They are only prohibited in-competition and only in circumstances where they have been administered orally, rectally, or by intravenous or intramuscular methods.
7. The Athlete did not have a TUE permitting the use of Methylprednisolone.
8. On 12 November 2018, as part of the preliminary review of the case, the AIU notified the Athlete of the AAF and requested an explanation for the presence of Methylprednisolone in the Sample to determine if the AAF resulted from an authorised or a prohibited route of administration and if the Athlete had a case to answer.
9. The Athlete accepted the finding in his Sample but failed to establish that the AAF had resulted from an authorised route of administration.
10. On 14 January 2019, the AIU informed the Athlete of the outcome of the preliminary review and suspended him provisionally pending resolution of his case. The Athlete was also afforded the opportunity to request the analysis of the B Sample and to provide an additional explanation.

11. The Athlete did not request the analysis of the B Sample and did not provide any further explanation.
12. On 24 January 2019, the AIU sent the Athlete a Notice of Charge for Anti-Doping Rule Violations pursuant to Article 2.1 ADR (Presence of a Prohibited Substance) and Article 2.2 ADR (Use of a Prohibited Substance) (the “**Charge**”). The Athlete was offered the opportunity to admit the Anti-Doping Rule Violations and accept a two-year sanction, or to request a hearing before the Disciplinary Tribunal by no later than 3 February 2019.
13. The Athlete did not reply to the Charge within the given deadline.
14. On 5 February 2019, the AIU resent the Charge to the Athlete and to the Athlete's Representative and requested that the Athlete respond as a matter of urgency.
15. On 6 February 2019, the Athlete informed the AIU that he accepted the Charge and on 11 February 2019, he signed and returned the Admission of Anti-Doping Rule Violation and Acceptance of Sanction Form.

### **Consequences**

16. This constitutes the Athlete's first Anti-Doping Rule Violation under the ADR.
17. On the basis that the Athlete has admitted to committing Anti-Doping Rule Violations under Article 2.1 ADR and Article 2.2 ADR, the AIU confirms by this decision the following consequences for a first Anti-Doping Rule Violation:
  - 17.1. a period of Ineligibility of two (2) years commencing on 14 October 2018, pursuant to Article 10.2.2 and 10.10.2(b) ADR; and
  - 17.2. disqualification of all the Athlete's results obtained since the Competition on 14 October 2018 with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money, pursuant to Article 9 and 10.1 ADR.
18. 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**

19. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.

### **Rights of Appeal**

20. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.
21. 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.
22. 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, 27 February 2019**