

**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES  
OF THE INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS**

*Before:*

*Michael J Beloff QC (Chair)*

**BETWEEN:**

**International Association of Athletics Federations (IAAF)**

*Anti-Doping Organisation*

**-and-**

**Adrian Griffith**

*Respondent*

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**DECISION OF THE DISCIPLINARY TRIBUNAL**

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## **A. INTRODUCTION**

1. The Claimant, the International Association of Athletics Federations (“IAAF”), is the international federation governing the sport of Athletics worldwide. The IAAF acts in these proceedings by the Athletics Integrity Unit (“AIU”) which has delegated authority for results management and hearings on behalf of the IAAF pursuant to Art 1.2 of the IAAF Anti-Doping Rules (“ADR”), effective 6 March April 2018.

2. The Respondent, Mr Adrian Griffith (“Mr Griffith”), is a 33-year-old Bahamian male sprinter who has competed internationally for a number of years. He has been charged by the AIU with committing an anti-doping rule violation (“ADRV”).

## **B. FACTUAL BACKGROUND**

3. On 22 April 2017, Mr Griffith underwent an In-Competition doping control test at the IAAF World Relays in Nassau, Bahamas (“the Competition”) in which he participated as a member of both the Bahamian men’s 4 x 100m and 4 x 200m relay team on 22 April 2017 and 23 April 2017 respectively. Mr Griffith provided a sample with reference number 4096506 (the “Sample”).

4. The Sample was analysed by the WADA-accredited laboratory in Montreal, Canada and the analytical result, reported on 16 May 2017, revealed the presence of metabolites of stanozolol (the “Adverse Analytical Finding”).

5. Stanozolol is an Exogenous Anabolic Androgenic Steroid prohibited under S1.1.a of the 2017 World Anti-Doping Agency (“WADA”) Prohibited List.

6. On 12 July 2017, the AIU (on behalf of the IAAF) notified Mr Griffith of the presence of metabolites of stanozolol in the Sample. He was informed of his right to request the Laboratory Documentation Package (“LDP”) in relation to the A Sample analysis and/or analysis of the B Sample at his own cost and to provide an explanation for the Adverse Analytical Finding by no later than 20 July 2017.

7. By e-mail to the AIU on 14 July 2017, Mr Griffith responded requesting a copy of the LDP in relation to the A Sample analysis, which was provided to him on 17 July 2017. He

was also reminded that he had until 18 July 2017 to request analysis of the B Sample, and that absent such request, he would be considered to have waived his right to have the B Sample analysed.

8. On 18 July 2017, Mr Griffith requested that the B Sample be analysed.

9. On 19 July 2017, the AIU advised Mr Griffith that the B Sample analysis was scheduled to take place at the Laboratory on 25 July 2017, but that he was still required to provide an explanation for the presence of metabolites of stanozolol in the Sample by no later than 20 July 2017.

10. By e-mail dated 20 July 2017, Mr Griffith stated that he was unable to explain the presence of metabolites of stanozolol as follows:

“In response to the notification of the positive Adverse Analytical Findings of Stanozolol Metabolite in my urine sample obtained April 22nd 2017 at the IAAF World Relays. I am unable to explain to you how this substance entered by body. I am still in a state of shock and disbelief over these findings and I cannot accept this fact until the result of my B sample have been analysed.” (sic)

He also stated that he was undertaking a detailed investigation into how metabolites of stanozolol came to be present in the Sample.

11. By letter dated 31 July 2017, the AIU advised Mr Griffith that the B Sample analysis had confirmed the presence of metabolites of stanozolol in the A Sample and that he had the right to request the LDP in relation to the B Sample analysis (at his own cost) by no later than 14 August 2017, however no further correspondence was received from him by that date.

12. On 22 December 2017, Mr Griffith was issued with a Notice of Charge pursuant to Art 8.4.1 ADR for committing the ADRV's of presence of a prohibited substance or its metabolites or markers in an athlete's sample, pursuant to Art 2.1 ADR, and use of a prohibited substance pursuant to Art 2.2 ADR. He was invited to respond by no later than 8 January 2018.

13. On 8 January 2018, Mr Griffith provided his response to the Notice of Charge as follows;

In response to the notification of the positive Adverse Analytical Findings of Stanozolol Metabolite in my urine sample obtained April 22nd 2017 at the IAAF World Relays. I am still in a state of utter shock and disbelief and I cannot in good conscience completely concede to accept a 4 year ban for something I have no knowledge of how it entered my system . I am, therefore, writing an appeal concerning my case. I do understand the gravity and all the possible outcomes of this situation and although I think that there is some fallibility of testing in regards to my sample 4096056 , however, there is no reasonable way I can dispute the findings so I must accept the scientific outcome.

I feel that the consequence is severe especially considering I have been a professional athlete for 11 years and tested numerous times with no adverse outcomes.

A possible explanation for the outcome can be that on the night of being selected for testing, my bottle filled with "Beverly International protein and Beverly International creatine mix" was left unattended when I went to compete and on my return I grabbed the container and drank the contents .The tester shouted to me that I was not suppose to not drink anything at that time except what for what she provided which was both water and powerade.

I am by no means a conspiracy theorist or wish to throw wild accusations of sabotage but I sincerely had no intentional encounter with these prohibited substances and as a first time transgressor I ask for mercy and leniency in my sentencing. I truthfully have no knowledge of how these substances may have entered my person but I have come to the only logical explanation is that my supplements may have been contaminated or I may have accidentally consumed fluid from another athlete container. The substance I tested positive for was consumed after my competition and therefor had no impact on my performance. It is beyond reason that I would intentionally consume such a substance after competition. (sic)

14. On 12 January 2018, the AIU confirmed its understanding that Mr Griffith accepted the presence of metabolites of stanozolol in the Sample, but that he did not accept the consequences set out in the Notice of Charge. The AIU specified that, in those circumstances, the matter should be determined by the Disciplinary Tribunal (the "Tribunal") pursuant to Art 8.4.3(b) ADR and that the matter would be referred to the Tribunal unless the Athlete confirmed otherwise by 17 January 2018. The AIU received no response to this correspondence.

15. On 5 February 2018, the AIU contacted Mr Griffith by e-mail and confirmed that the matter was being referred to the Tribunal for determination.

16. On 30 April 2018, a Preliminary Meeting (which had been postponed from its earlier scheduled date of 20 February at Mr Griffith's request to enable him to take legal advice regarding this matter) took place by telephone conference call between the parties, chaired by the Chair of the Tribunal, Mr Michael Beloff QC. Mr Griffith was directed, inter alia, to provide a full written explanation for the presence of stanozolol in the Sample, and any documents or evidence relied upon in support of that explanation, or confirmation that he remained unable to explain the Adverse Analytical Finding, by no later than 7 May 2018. He was also directed to confirm the nature of his case.

17. On 7 May 2018, Mr Griffith responded as follows (the "May response"):

"Given the circumstances surrounding this case, I, Adrian Griffith admit to unknowingly, unwillingly and unintentionally ingesting the banned substance Stanozolol. On the night of world relays my protein bottle was left unattended. On my arrival with the drug chaperone, I drank from the unattended bottle however i was stopped by the chaperone during this process and was provided with water and powerade.

In my 11 years of being a professional athlete I have shown good standing while competing having being tested numerous times through the years with no adverse. In taking these factors into consideration I beg for leniency and compassion towards me in regards to the consequences.

Upholding the integrity of the sport and being an Ambassador for the Bahamas is one of my proudest feats that I wish not to tarnish. I devoted my all towards keeping my character pure and incorruptible. I am willing to comply and work along side the IAAF in anyway possible to prevent this from happening to any other athlete.

I will gladly be apart of any program that brings awareness about the importance of fair play and i guarantee to be an exemplary symbol of honesty in this journey to clear my name and dispel the darkness of doping now surrounding it and in turn also helping eradicate the myths of rampant use of P.E.Ds in the sport I love." (sic)

18. On 6 June 2018 at a further Preliminary Meeting it was agreed by both parties that I could determine the matter as a sole arbitrator<sup>1</sup> and on the papers without the need for an oral hearing. The AIU was prepared to proceed on the basis that the May response was truthful and Mr Griffith accepted that neither he (nor the drug chaperone whom he had in fact been unable to locate) could add in any material way to that response.

## **C. JURISDICTION AND APPLICABLE RULES**

### I. Jurisdiction

18. Art 1.2 ADR states as follows:

“1.2 In accordance with Article 16.1 of the IAAF Constitution, the IAAF has established an Athletics Integrity Unit (“Integrity Unit”) with effect from 3 April 2017 whose role is to protect the Integrity of Athletics, including fulfilling the IAAF’s obligations as a Signatory to the Code. The IAAF has delegated implementation of these Anti-Doping Rules to the Integrity Unit, including, but not limited to the following activities in respect of International-Level Athletes and Athlete Support Personnel: Education, Testing, Investigations, Results Management, Hearings, Sanction and Appeals. The references in these Anti-Doping Rules to the IAAF shall, where applicable, be references to the Integrity Unit (or to the relevant person, body or functional area within the Unit).”

19. The application of the ADR to athletes, athlete support personnel and other persons is set out in Art 1.7 ADR, including:

“1.7 These Anti-Doping Rules also apply to the following Athletes, Athlete Support Personnel and other Persons, each of whom is deemed, by condition of his membership, accreditation and/or participation in the sport, to have agreed to be bound by these Anti-Doping Rules, and to have submitted to the authority of the Integrity Unit to enforce these Anti-Doping Rules:

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<sup>1</sup> references to the Tribunal hereafter should be read as references to me sitting as a Sole Arbitrator

a) all Athletes Athlete Support Personnel and other Persons who are members of a National Federation or of any affiliate organisation of a National Federation (including any clubs, teams associations or leagues);

b) all Athletes, Athlete Support Personnel and other Persons participating in such capacity in Competitions and other activities organized, convened, authorized or recognized by (i) the IAAF (ii) any National Federation or any member or affiliate organization of any National Federation (including any clubs, teams, associations or leagues) or (iii) any Area Association, wherever held;

c) all Athlete Support Personnel and other Persons working with, treating or assisting an Athlete participating in his sporting capacity; and

d) any other Athlete, Athlete Support Person or other Person who, by virtue of an accreditation, licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of the IAAF, of any National Federation (or any member or affiliate organization of any National Federation, including any clubs, teams, associations or leagues) or of any Area Association, for purposes of anti-doping.”

20. The applicable rules are the ADR, which apply to all athletes who are members of a National Federation and to all athletes participating in competitions organised, convened, authorised or recognised by the IAAF and apply to Mr Griffith as:

(i) a member of the Bahamas Association of Athletics Associations, which is an IAAF member federation; and

(ii) a competitor in the Competition organised, convened, authorised and recognised by the IAAF.

21. Art 7.2 ADR confers jurisdiction for results management on the AIU in certain circumstances, including:

“7.2 The Integrity Unit shall have results management responsibility under these Anti-Doping Rules in the following circumstances:

7.2.1 For potential violations arising in connection with any Testing conducted under these Anti-Doping Rules by the Integrity Unit, including investigations conducted by the Integrity Unit against Athlete Support Personnel or other Persons potentially involved in such violations.”

22. The Sample was collected pursuant to Testing undertaken by the AIU on behalf of the IAAF. The AIU therefore has jurisdiction for results management in this matter.

23. The IAAF has established the Tribunal in accordance with Art 1.5 ADR, which provides that the Tribunal shall determine anti-doping rule violations committed under the ADR.

24. Art 8.2(a) ADR sets out that the Tribunal shall have jurisdiction over all matters in which:

“(a) An Anti-Doping Rule Violation is asserted by the Integrity Unit against an International-Level Athlete or Athlete Support Person in accordance with these Anti-Doping Rules”

25. Art 1.9 ADR specifies those athletes that are classified as international-level athletes for the purpose of the ADR as follows:

“1.9 Within the overall pool of Athletes set out above who are bound by and required to comply with these Anti-Doping Rules, each of the following Athletes shall be considered to be an International-Level Athlete (“International-Level Athlete”) for the purposes of these Anti-Doping Rules and therefore the specific provisions in these Anti-Doping Rules applicable to International-Level Athletes shall apply to such Athletes:

(b) An Athlete who is entered for or is competing in any of the following International Competitions:

(i) World Athletics Series Competitions”

26. The Competition is a World Athletics Series competition. It follows, therefore, that Mr Griffith is an international-level athlete pursuant to Art 1.9(b)(i) ADR.

27. Therefore the Tribunal has the requisite jurisdiction to hear and determine anti-doping rule violations alleged against Mr Griffith as an international-level athlete pursuant to Art 8.2(a) ADR.

## II. Applicable Rules

28. Art 2 ADR specifies the circumstances and conduct that constitute anti-doping rule violations. This includes Art 2.1 ADR, which specifies:

"2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample

2.1.1 It is each Athlete's duty to ensure that no Prohibited Substance enters his body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence, or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation under Article 2.1."

29. Art 2.2 ADR also states that use of a prohibited substance or prohibited method constitutes an anti-doping rule violation:

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

2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his body and that no Prohibited Substance is Used. Accordingly, it is not necessary that intent, Fault, negligence, or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation under Article 2.1."

30. Art 2.1.1 ADR and Art 2.2.1 ADR provide that it is each athlete's personal duty to ensure that no prohibited substance enters his body and that no prohibited substance or prohibited method is used. Athletes are strictly responsible for any prohibited substance or its metabolites or markers found in their samples and both foregoing provisions provide:

"Accordingly, it is not necessary that intent, Fault, negligence, or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation [...]"

31. With regard to the presence of a prohibited substance or its metabolites or markers in an athlete's sample, Art 2.1.2 ADR provides:

"2.1.2 Sufficient proof of an Anti-Doping Rule Violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; or, where the Athlete's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle."

32. With regard to an athlete's use of a prohibited substance or prohibited method, Art 2.2.2 ADR provides:

"2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an Anti-Doping Rule Violation to be committed."

33. The presence of a prohibited substance or its metabolites or markers in an athlete's sample is therefore sufficient to establish that an athlete has committed an anti-doping rule violation pursuant to Art 2.1 ADR. Additionally, the use of a prohibited substance or a prohibited method is sufficient for an ADRV to be committed under Art 2.2 ADR.

34. Art 3.1 ADR provides that the IAAF shall have the burden of establishing that an ADRV has occurred to the comfortable satisfaction of the Tribunal:

"3.1 The IAAF or other Anti-Doping Organisation shall have the burden of establishing that an Anti-Doping Rule Violation has been committed. The standard of proof shall be whether the IAAF has established the commission of the alleged Anti-Doping Rule Violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt."

35. Art 3.2 ADR states that facts relating to ADRV's may be established by any reliable means.

36. In that context, Art 3.2 ADR also provides:

"3.2.2 Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly.

3.2.3 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in compliance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred that could reasonably have caused the Adverse Analytical Finding. In such an event, the IAAF shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

3.2.4 Departures from any other International Standard, or other anti-doping rule or policy set out in the Code or these Anti-Doping Rules that did not cause the facts alleged or evidence cited in support of a charge (e.g., an Adverse Analytical Finding) shall not invalidate such facts or evidence. If the Athlete or other Person establishes the occurrence of a departure from an International Standard or other anti-doping rule or policy set out in the Code or these Anti-Doping Rules that could reasonably have caused the Adverse Analytical Finding or other facts alleged to constitute an Anti-Doping Rule Violation, then the IAAF or other Anti-Doping Organisation shall have the burden to establish that such departure did not cause such Adverse Analytical Finding or the factual basis for the Anti-Doping Rule Violation."

## **D. MERITS**

### I. Anti-Doping Rule Violation

37. The analysis of the Sample showed the presence of metabolites of stanozolol, which is prohibited under S1.1.a of the WADA 2017 Prohibited List. The presence of metabolites of stanozolol in the Sample was confirmed by the B Sample analysis. The Laboratory is presumed to have conducted all analysis procedures in compliance with the International Standard for Laboratories ("ISL") pursuant to Art 3.2.3 ADR. Mr Griffith has not challenged the analytical results and The AIU review of the Adverse Analytical Finding has itself identified no departures from the International Standard for Testing and Investigations ("ISTI")

38. Mr Griffith has admitted ingestion of the prohibited substance (and hence necessarily its use) but says that he did so "unwillingly and unintentionally". However it is each athlete's personal duty to ensure that no prohibited substance enters his/her body and that no prohibited substance is used. Accordingly, it is not necessary for the IAAF to demonstrate intent, fault, negligence or knowing use by Mr Griffith in order to establish that an ADRV has occurred. An athlete is strictly liable for the presence and use of any prohibited substances. Lack of will or intention is no defense.

39. It therefore follows that Mr Griffith has committed an ADRV, under Art 2.1 and Art 2.2 ADR.

## II. Consequences for the Anti-Doping Rule Violation

40. Art 10.2 ADR provides the sanction to be imposed for ADRV's under Art 2.1 ADR (presence) and Art 2.2 ADR (use) as follows:

"10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method

The period of Ineligibility to be imposed for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Athlete or other Person's first anti-doping rule violation shall be as follows, subject to potential reduction or suspension pursuant to Article 10.4, 10.5 or 10.6:

10.2.1 The period of Ineligibility shall be four years where:

(a) The Anti-Doping Rule Violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the Anti-Doping Rule Violation was not intentional."

41. Stanozolol and its metabolites are not specified substances. The period of Ineligibility shall therefore be four years pursuant to Art 10.2.1(a) ADR, unless Mr Griffith can establish that the ADRV was not intentional.

42. CAS cases have established that:

(i) Save in the most exceptional of circumstances (of which the present case is manifestly not one) it is a condition precedent to the athlete is required to establish how the substance entered his/her body. *CAS 2016/A/4534 Villanueva v. FINA CAS 2016/A/4919 WADA v. WSF & Iqbal*;

(ii) Actual evidence as distinct from mere speculation is required to discharge the athletes's burden *CAS 2014/A/3820 WADA v Damar Robinson & JADCO*; and

(iii) That evidence is required to prove that a scenario is probable, not merely that it is possible *CAS OG 16/25 WADA v. Yadav & NADA*.

43. The reason for these triple requirements was articulated in *CAS 2010/A/2230 International Wheelchair Basketball Federation v UK Anti-Doping and Simon Gibbs* by the Sole Arbitrator.

“To permit an athlete to establish how a substance came to be present in his body by little more than a denial that he took it would undermine the objectives of the Code and Rules. Spiking and contamination – two prevalent explanations volunteered by athletes for such presence – do and can occur; but it is too easy to assert either; more must sensibly be required by way of proof, given the nature of the athlete’s basic personal duty to ensure that no prohibited substances enter his body.”

44. In his e-mail of 8 January 2018, Mr Griffith put forward two possible explanations for the Adverse Analytical Finding; (i) that his supplements (Beverly International protein and Beverly International creatine) consumed from his bottle after competition on 22 April 2017 were contaminated [with stanozolol], or (ii), that he accidentally consumed liquid from another athlete’s bottle (which must have contained stanozolol).

45. In his e-mail dated 7 May 2018, Mr Griffith no longer suggested consumption from another athlete’s bottle but rather that he drunk from his own unattended protein bottle. This left open as theories either contamination or spiking; Mr Griffith’s e-mail of 8 January 2018 appeared to opt for the former, i.e. that his supplements which he consumed from his bottle after competition were contaminated (with stanozolol).

46. In its brief the AIU submits:

“The Athlete’s explanation lacks any corroborative evidence. It is surprising (and almost unbelievable) that the Athlete did not disclose his ingestion of these supplements on the Doping Control Form (“DCF”), especially where the Athlete admits to having drunk from his water bottle (that contained those supplements) after competition, only minutes before the DCF was completed. It is even more surprising that those supplements were not disclosed in circumstances where the Athlete had been specifically advised not to continue drinking from his water bottle (which contained the supplements) by a Doping Control official.

Additionally, and without limitation, the Athlete has presented no evidence pertaining to his purchase of the supplements and no witness evidence pertaining to his use of supplements generally or on 22 April 2017 specifically. The Athlete has also failed to provide any evidence that the supplements that he claims to have ingested on 22 April 2017 were contaminated.”

47. It is sufficient from me to note that, whether the absence of reference to these supplements by Mr Griffith in his DCF was “almost unbelievable” or not (and the agreed

procedure did not allow for any probing of this point) the contamination theory amounts to no more than speculation and any spiking theory would suffer from the same fundamental evidential deficiency.

48. I therefore conclude that Mr Griffith has failed to establish the origin of the metabolites of stanozolol detected in the Sample and must therefore be deemed, pursuant to the ADR, to have committed an intentional ADRV.

### III. Sanction

49. Given the finding of an ADRV the consequences are effectively preordained and neither Mr Griffith's previous clean record, his plea of lack of intention, nor his eloquent offer to assist in anti-doping activities can affect them.

50. Article 10.2.1(a) provides:

The period of Ineligibility shall be four years where... The Anti-Doping Rule Violation does not involve a Specified Substance, unless the Athlete or other Person establishes that the Anti-Doping Rule Violation was not intentional.

Pursuant to that provision Mr Griffith must be subject to a period of Ineligibility of four years (less any period already served pursuant to his provisional suspension) from the date of this award.

51. Article 9.1 ADR provides:

An Anti-Doping Rule Violation in connection with an In-Competition test automatically leads to Disqualification of the Athlete's individual results obtained in that Event, with all resulting consequences, including forfeiture of any medals, titles, awards, points and prize and appearance money. In addition, further results obtained by the Athlete in other Events may be Disqualified, in accordance with Article 10.1 (same Competition) and/or Article 10.8 (subsequent Competitions).

Pursuant to that provision, Mr Griffith's results obtained in the 4 x 100m Event at the IAAF World Relays on 22 April 2017 in Nassau, Bahamas shall be disqualified, with all resulting consequences, including the forfeiture of any medals, titles, awards, points, prize and appearance money.

52. Art 10.1.1 ADR provides:

Subject to Article 10.1.2, an Anti-Doping Rule Violation occurring during or in connection with a Competition shall lead to Disqualification of all the Athlete's individual results obtained in that Competition, with all resulting consequences for the Athlete, including forfeiture of any medals, titles, awards, points and prize and appearance money.

Pursuant to that provision, Mr Griffith's results obtained in the 4 x 200m Event at the IAAF World Relays on 23 April 2017 in Nassau, Bahamas shall also be disqualified, with all resulting consequences, including the forfeiture of any medals, titles, awards, points and prize and appearance money.

53. Article 10.8 ADR provides:

In addition to the automatic Disqualification, pursuant to Article 9, of the results in the Competition that produced the Adverse Analytical Finding (if any), all other competitive results of the Athlete obtained from the date the Sample in question was collected (whether In-Competition or Out-of-Competition) or other Anti-Doping Rule Violation occurred through to the start of any Provisional Suspension or Ineligibility period shall be Disqualified (with all of the resulting consequences, including forfeiture of any medals, titles, ranking points and prize and appearance money), unless the Disciplinary Tribunal determines that fairness requires otherwise.

Pursuant to that provision, all other competitive results obtained by Mr Griffith from the date of Sample collection viz. 22 April 2017 until the date of his provisional suspension on 12 July 2017 shall be disqualified, with all resulting consequences, including the forfeiture of any medals, titles, ranking points and prize and appearance money.

54. Art 11.1 ADR provides:

Where the Athlete who has committed an Anti-Doping Rule Violation competed as a member of a relay team, the relay team shall be automatically Disqualified from the Event in question, with all resulting consequences for the relay team, including the forfeiture of all titles, awards, medals, points and prize and appearance money. If the Athlete who has committed an Anti-Doping Rule Violation competes for a relay team in a subsequent Event in the Competition, the relay team shall be Disqualified from the subsequent Event, with all the same resulting consequences for the relay team, including the forfeiture of all titles, awards, medals, points and prize money unless the Athlete

establishes that he bears No Fault or Negligence for the violation and that his participation in the relay was not likely to have been affected by the AntiDoping Rule Violation.

Pursuant to that provision the Bahamas 4 x 100m relay team<sup>2</sup> and the Bahamas 4 x 200m relay team shall be disqualified from the respective Events, with all resulting consequences for the relay team, including the forfeiture of all titles, awards, medals, points and prize and appearance money.

55. As to costs (which are a matter for my discretion pursuant to ADR 8.6.1.(j)) on the one hand the AIU has proven the charge. On the other hand the Order I make (see below), subject to the exercise of his right to appeal to CAS, will deprive Mr Griffith of his previous source of income as a professional athlete and this is his first offence as such of breach of any ADR over a lengthy career. Moreover, Mr Griffith assented to a less expensive form of proceedings. I consider that in all the circumstances Mr Griffith should pay \$500 USD by way of contribution to the AIU's legal costs.

#### **E. ORDER**

56. For the foregoing reasons I order that:

(i) A period of Ineligibility of four years is imposed upon Mr Griffith, commencing on the date of this Award. The period of provisional suspension imposed on Mr Griffith from 12 July 2017 until the date of the Tribunal Award shall be credited against the total period of Ineligibility,

(ii) Mr Griffith's individual results from 22 April 2017 and 23 April 2017 shall be disqualified with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money.

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<sup>2</sup> I am satisfied that there is nothing in the ADR nor in any precedent that requires the Teams to be enabled to make representations as to this sanction should not be imposed. It is for the Athlete who had committed the ADRV to establish the stipulated conditions for relief from this sanction. Without prejudice to that in point of law, in point of fact a representative of the Bahamian Federation did participate in the first directions hearing.

(iii) All other competitive results obtained by Mr Griffith from 22 April 2017 until 12 July 2017 shall be disqualified with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money.

(iv) The Bahamas men's 4 x 100m relay team and men's 4 x 200m relay teams shall be automatically disqualified from the respective Events at the IAAF Relays in Nassau Bahamas on 22 April 2017 and 23 April 2017, with all resulting consequences for the relay team, including the forfeiture of all titles, awards, medals, points and prize money.

(v) Mr Griffith pay \$500USD to the AIU as a contribution to its legal costs.

*Michael J Beloff QC*

Michael J Beloff QC (Chair)

London, UK

**21 June 2018**



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