

2. USADA alleged that Respondent violated Articles 2.1 (presence) and 2.2 (use) of the IWF ADP and the World Anti-Doping Code (the "Code"), which has been incorporated into the Protocol. USADA also asserts that the appropriate sanction is a four-year ban from competition.

3. Respondent stipulated to facts sufficient to establish a violation of Article 2.1 and Article 2.2 of the IWF ADP and the Code, but alleged that she did not intentionally commit an anti-doping rule violation and should not be subject to a four-year sanction.

4. Respondent waived her right to a hearing in this matter.

5. For the reasons described more fully below, based on the record presented and the stipulations, arguments and submissions of the Parties, I conclude that (1) USADA has met its burden of proof and established to my comfortable satisfaction that Respondent committed a violation of Article 2.1 and Article 2.2 of the IWF ADP and the Code; and (2) Respondent has not met her burden to prove based on the balance of the probabilities that this violation was not intentional or that elimination of or a reduction in the applicable sanction is appropriate.

6. For the reasons described more fully below, the required sanction is a period of ineligibility of 4 years beginning on January 6, 2017, with credit provided against the total period of ineligibility for the Provisional Suspension imposed on December 29, 2015, as well as the disqualification of the Respondent's results at the USA Weightlifting American Open on December 4, 2015.

7. The Parties shall bear their own attorney's fees and costs associated with this Arbitration.

8. The administrative fees and expenses of the American Arbitration Association and the compensation and expenses of the Arbitrator shall be borne entirely by USADA and the United States Olympic Committee.

9. This Award is in full settlement of all of the claims and counterclaims submitted to this Arbitration. All claims not expressly granted are hereby denied.

FACTS

10. Claimant, USADA, is the independent anti-doping agency for Olympic Sports in the United States and is responsible for conducting drug testing and adjudicating any positive test results or other anti-doping violations pursuant to the Protocol.

11. Respondent, Ms. Chan, is a 29-year old member of USA Weightlifting. She participated in CrossFit competitions beginning in late 2012. She began competitive weightlifting in the fall of 2014 and quickly progressed to and excelled at the national level at the 58 kg weight class. She took third place in the 58 kg weight class at the USA Weightlifting American Open, December 12-15, 2014, in Washington, DC; fourth place in the 58 kg weight class at the USA Weightlifting National Championships, August 13-16, 2015, in Dallas, Texas; and first place in the 58 kg weight class, National University Championships, September 26, 2015, in Ogden, Utah.

12. Ms. Chan submitted urine samples to a USADA Doping Control Officer at the USA Weightlifting American Open and USA Weightlifting National Championship competitions and each was reported as testing negative for the presence of prohibited substances.

13. Based on Respondent's performance in training sessions with her coach and her achievements in competition, Respondent believed she was capable of lifting 86 kg in the

snatch, which would break the U.S. women's record if she were competing in the 53 kg weight class. On September 19, 2015, Ms. Chan contacted her nutrition consultant to begin a strict diet plan for dropping down from the 58 kg (approximately 128 lbs.) weight class to the 53 kg (approximately 117 lbs.) weight class.

14. Ms. Chan competed in a Philadelphia competition on October 3, 2015, in the 53 kg weight class. The Philadelphia competition was open to anyone holding a valid USA Weightlifting license, but top athletes like Ms. Chan were personally invited and encouraged to attempt record breaking lifts. She weighed in at 54.39 kg for this competition, but was able to compete in the 53 kg class because this competition had a 3% allowance for meeting weight limits. She lifted 85 kg (approximately 187 lbs.) in the snatch lift, half a kilogram under the U.S. record for the 53 kg weight class.

15. After the Philadelphia event, Ms. Chan continued training but stopped the strict diet she had been following to lose weight.

16. On November 13, 2015, Ms. Chan contacted her nutrition consultant and decided to resume a weight loss program so she could compete in the 53 kg weight class at the American Open, taking place three weeks later on December 4, 2015. She weighed 57.2 kg (126 lbs.) on that date and again had to follow a strict diet to drop down to 53 kg (116.84 lbs.) because the American Open did not have a 3% allowance for meeting weight limits.

17. In connection with her weight loss program, Respondent states that she ate ground beef several times in the week leading up to the December 2015 American Open. She states that she remembers buying a package of extra lean ground beef, approximately 1 lb., at the Target store near her home in Albany, California (near Berkeley). Her normal practice is to

do grocery shopping on the weekend to obtain food for the week. Accordingly, she would have purchased food on Saturday or Sunday, November 28 or 29, 2015, to eat in the week leading up to the 2015 American Open. She states that her practice is to weigh and prepare 2 oz. portions of the protein (e.g., ground beef, chicken breast) for her meals throughout the week.

18. Ms. Chan traveled to Reno, Nevada for the American Open on Thursday, December 3, 2015. She states that she packed a cooler of food from home, which included the ground beef and the chicken breast she had purchased from Target on either November 28 or November 29, 2015. Ms. Chan does not recall the exact days or exact meals during which she ate the ground beef she had purchased in the week leading up to the American Open. But she is certain she ate all of it, in addition to chicken breast, throughout the week. She asserts that the ground beef provided the protein she needed for eight of approximately twenty meals that week.

19. On the morning of Friday, December 4, Ms. Chan weighed 53.77 kg (118.54 lbs.). She undertook various efforts throughout the day to bring her weight down in time for her event that evening. She weighed 52.84 kg (116.49 lbs.) at her official weigh-in that evening and competed in the 53 kg weight class.

20. While competing in USA Weightlifting's American Open in Reno, Nevada on December 4, 2015, Respondent won first place in the 53kg weight class and lifted 86 kg (189.6 lbs.) in the snatch, a half kilogram above the U.S. women's record in the 53 kg weight class.

21. After setting the record and placing first, Respondent was selected for doping control.

22. USADA collected the urine sample designated as USADA urine specimen number 1580866 at the USA Weightlifting American Open on December 4, 2015.

23. USADA sent USADA urine specimen number 1580866 to the Laboratory.

24. The Laboratory determined the A and B bottles of USADA urine specimen number 1580866 contained epitrenbolone, which is a metabolite of trenbolone, a Prohibited Substance in the class of Anabolic Agents on the WADA Prohibited List, adopted by both the Code and the IWF ADP.

25. Ms. Chan is not asserting that a departure from the World Anti-Doping Agency International Standard for Laboratories or International Standard for Testing and Investigations could reasonably have caused the Adverse Analytical Finding referenced in the preceding paragraph.

26. Ms. Chan understood that in accordance with Section 13 of the Protocol, she has the right to a review by a panel of the Independent Anti-Doping Review Board (the "Review Board") of her urine specimen number 1580866. Ms. Chan chose not to submit anything to the Review Board. The Review Board concluded there was sufficient evidence of a doping violation to proceed with the adjudication process.

27. On March 2, 2016, USADA charged Respondent with violating Articles 2.1 (presence) and 2.2 (use) of the IWF ADP and the Code.

28. Ms. Chan did not challenge the Provisional Suspension imposed on December 29, 2015, barring her from competing in any competitions under the jurisdiction of IWF, USA Weightlifting and the USOC, or any clubs, member associations or affiliates of these

entities, until her case is deemed not to be a doping offense, she accepts a sanction, she fails to contest this matter, or a decision reached in this matter.

29. Respondent has been included in USADA's National Testing Pool program. An out-of-competition test conducted by USADA on January 26, 2016 pursuant to this program was negative for the presence of Prohibited Substances.

30. On March 14, 2016, Respondent requested a hearing to "contest the sanction proposed," and on that same date, USADA opened this matter with the American Arbitration Association ("AAA") in accordance with the Protocol.

31. On March 24, 2016, Respondent requested an extension of time to designate an arbitrator, and she was granted until April 12, 2016 to respond. After failing to respond, April 26, 2016, the AAA appointed the undersigned as the single arbitrator in this matter.

32. Respondent appointed Joshua Solorio (her agent, hereinafter "Mr. Solorio") as her representative in this matter on April 28, 2016.

33. On May 27, 2016, a preliminary telephonic hearing was held in this matter, at which Ms. Chan was represented by Mr. Solorio.

34. A Scheduling Order was issued on June 1, 2016, which, among other things, set a hearing in this matter for August 17, 2016; gave Respondent until July 13, 2016, to forward to USADA and file with the AAA her pre-trial brief, witness disclosures, list of exhibits and copies of all exhibits; and specified that all deadlines would be strictly enforced.

35. Respondent failed to file her pre-trial brief and related items on July 13, 2016, resulting in the issuance of a Show Cause Order on July 19, 2016, and a hearing scheduled for

July 26, 2017. The Show Cause Order urged Respondent to consider retaining new representation as she was facing a possible sanction of up to 4 years of ineligibility.

36. At the hearing on July 26, 2016, Respondent did not offer any excuse or explanation for her failure to comply with the June 1, 2016, Scheduling Order and was urged by the undersigned Arbitrator to obtain competent representation.

37. On July 26, 2016, an Order was entered vacating the June 1, 2016 Scheduling Order and scheduling a new telephonic scheduling hearing for August 17, 2016 to set a briefing schedule and hearing date.

38. On August 22, 2016, Respondent notified the AAA that Antonio Gallegos (“Mr. Gallegos”) would represent her in this matter.

39. By letter dated September 7, 2016, Mr. Gallegos, on behalf of Respondent, requested that the undersigned Arbitrator allow this case to be heard by a panel of three arbitrators because Ms. Chan was not represented by counsel at the time of the arbitrator selection process and was not advised of her right to select a three-person panel as provided in the Supplementary Procedures. USADA opposed that request asserting that it was not timely and that Ms. Chan had been provided with copies of the Supplemental Procedures setting out the arbitrator selection process on March 2, 2016, and again on March 14, 2016.

40. The undersigned Arbitrator notified the parties on September 13, 2016 that it was the responsibility of the AAA to review and make a decision on Respondent’s request for a three-person panel because the arbitrator’s authority to interpret and apply the Supplementary Procedures is limited to the arbitrator’s “powers and duties . . . [but that] all other rules shall be interpreted and applied by the AAA.” See Supplementary Procedure R-51. On September 13,

2016, pursuant to rule R-11a of the Supplementary Procedures, the AAA determined that this matter would proceed with one arbitrator.

41. Another preliminary hearing was held by telephone on September 14, 2016, at which Ms. Chan was represented by Mr. Gallegos.

42. On September 16, 2016, a Scheduling Order was entered setting forth a briefing schedule and setting a hearing for November 30, 2016. A Notice of Hearing was sent to the parties on September 16, 2016.

43. On October 7, 2016, the parties filed a Stipulation of Uncontested Facts and Issues Between the United States Anti-Doping Agency and Charis Chan, in which Ms. Chan admits that, based on the collection and testing of her urine specimen number 1580866, she committed her first anti-doping violation.

44. The parties filed their respective pre-hearing briefs and related documents on November 2, 2016 and November 17, 2016.

45. On November 23, 2016, the parties notified the AAA that they had agreed that this case can be resolved based on the written submissions and without a hearing and that Mr. Gallegos further agreed that USADA's written submission may be supplemented with an affidavit from Phil Andrews, USA Weightlifting CEO, who was designated on USADA's witness disclosure.

46. On December 2, 2016, USADA submitted and filed the Affidavit of Phil Andrews, which has been included in the record of this matter.

47. Pursuant to a notice sent to the parties on December 5, 2016, a final telephonic conference was held on December 9, 2016. During that hearing, the parties agreed that (a) the

record should reflect a specific assertion by Respondent that she did not ingest trenbolone intentionally, and (b) no inference should be drawn pursuant to IWF ADP 3.2.5 as a result of the parties' agreement to resolve this matter without a hearing.

ISSUES, APPLICABLE RULES AND ANALYSIS

48. The sole issue in this case is the period of ineligibility that should be imposed (if any) as a result of Respondent's anti-doping rule violation.

49. USADA asserts that the appropriate period of ineligibility is four years.

50. Respondent asserts that no period of ineligibility should be imposed because her anti-doping violations were the result of eating contaminated meat and were not intentional or the result of any fault of negligence on her part. Respondent also asserts that, in the alternative, the sanction should be, at a minimum, a reprimand and, at the maximum, a two-year period of ineligibility because the violation resulted from a contaminated product and was not the result of any significant fault of negligence on her part.

51. The parties agree that the appropriate period of ineligibility (if any) in this case is determined by reference to Article 10.2 of the IWF ADP, which in relevant part provides:

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

The period of *Ineligibility* for a violation of Articles 2.1 [Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample], 2.2 [Use of Attempted Use by an Athlete of a Prohibited Substance or Prohibited Method] or 2.6 [not applicable here] shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4 [Elimination of the Period of Ineligibility where there is No Fault or Negligence], 10.5 [Reduction of Period of Ineligibility based on No Significant Fault or Negligence] or 10.6 [not applicable here]:

10.2.1 The period of *Ineligibility* shall be four years where:

10.2.1.1 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.

* * *

10.2.3 As used in Articles 10.2 and 10.3 [not relevant here], the term “intentional” is meant to identify those *Athletes* who cheat. The term, therefore, requires that the *Athlete* or other *Person* engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.

* * *

52. Respondent’s sample was determined positive for epitrenbolone, a metabolite of trenbolone, an anabolic steroid which is classified as an Anabolic Agent under S.1 of the Code’s 2015 Prohibited List and which is not a Specified Substance under the IWF ADP:

4.2.2 *Specified Substances*

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.

53. Consequently, under Article 10.2.1.1 of the IWF ADP, the sanction in this case must be a four-year period of ineligibility unless the Respondent can establish that the anti-doping rule violation was not intentional. If Respondent can meet her burden of establishing

that her anti-doping rule violation was not intentional, then Article 10.2 will not apply and the maximum sanction will be two years.

54. If Respondent can establish that she bears “No Fault of Negligence” the period of ineligibility will be eliminated pursuant to Article 10.4 of the IWF ADP, which provides:

10.4 Elimination of the Period of *Ineligibility* where there is *No Fault or Negligence*

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Fault or Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.

The commentary to this Article indicates that this exception will apply only in “exceptional circumstances.” For this purpose, “*No Fault of Negligence*” is defined by the IWF ADP in Appendix 1 as follows:

No Fault or Negligence: The *Athlete* or other *Person’s* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

55. If Respondent can establish that she bears “No Significant Fault of Negligence” and the source of the Prohibited Substance was a “Contaminated Product,” the period of ineligibility will be reduced pursuant to Article 10.5.1.2 of the IWF ADP, which provides:

10.5.1.2 Contaminated Products

In cases where the *Athlete* or other *Person* can establish *No Significant Fault or Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of

Ineligibility, and at a maximum, two years *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

For this purpose, “*No Significant Fault of Negligence*” is defined by the IWF ADP in Appendix 1 as follows:

No Significant Fault or Negligence: The *Athlete* or other *Person's* establishing that his or her *Fault* or negligence, when viewed in the totality of the circumstances, and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping violation. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

And “*Contaminated Product*” is defined by the IWF ADP in Appendix 1 as follows:

Contaminated Product: A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search.

56. In order to prove that her anti-doping rule violation was not intentional or the result of “No Fault of Negligence” or “No Significant Fault of Negligence,” Respondent must satisfy the “balance of probability” standard:

3.1 Burdens and Standards of Proof

[IWF] shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether *[IWF]* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which 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. Where the *Code* place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

[Comment to Article 3.1: This standard of proof required to be met by [IWF] is comparable to the standard which is applied in most countries to cases involving professional misconduct.]

57. Respondent alleges that the prohibited substance in her sample was more probably than not the result of eating meat she did not know and had no reason to know was contaminated with trenbolone. While Respondent proffered no direct evidence of such contamination of any meat she actually consumed or contamination of meat generally available for sale in the United States, she asserts that (a) trenbolone is approved by the U.S. Food and Drug Administration (FDA) for use in beef cattle; (b) based on limited data, some estimates indicate that 60% - 90% of all beef cattle in the United States may be treated with trenbolone; (c) although the FDA once had regulatory tolerances in place, it later repealed them and established a daily limit on the amount of trenbolone that humans could consume without adverse health impacts; and (d) USADA has advised athletes of potential risks in consuming beef from foreign countries such as Mexico and China due to the use of clenbuterol (also a prohibited substance) in beef cattle.

58. Respondent asserts that intentional use of trenbolone is not a plausible explanation for the presence of its metabolite in her sample because she alleges that trenbolone is used for weight gain and that her loss of approximately 10 lbs. in the three weeks leading up to the 2015 American Open is in direct conflict with trenbolone's effect. Respondent also points to the fact that she had three other tests (two before the 2015 American Open and one after) that were not reported as positive for the use of any prohibited substance.

59. Respondent's assertions regarding meat contamination as the source of her positive sample are factually and scientifically implausible for several reasons.

60. In the last five years, USADA has conducted over 34,800 urine samples, all of which were tested for anabolic steroids such as trenbolone, and only one athlete other than Respondent

tested positive for trenbolone or its metabolite. That other athlete did not allege that meat contamination was the source of the trenbolone and received the maximum sanction permitted absent aggravating circumstances under the 2009 WADA Code.

61. Although meat contamination has often been alleged, it has rarely been accepted as a plausible explanation for a positive drug test. *See, e.g., UCI v. Contador & RFEC* and *WADA v. Contador & RFEC*, CAS 2011/A/2384 and 2386 (cyclist unable to establish that positive test for clenbuterol likely arose from meat contamination); *Wen Tong v. International Judo Federation*, CAS 2010/A/2161 (Chinese athlete unable to establish that positive test for clenbuterol likely arose from meat contamination); *Serocynski v. IOC*, CAS 2009/A/1755 (athlete unable to establish that positive test for clenbuterol during Beijing Olympic Games was attributable to meat contamination); *Meca-Medina v. FINA*, CAS 99/A/234 & CAS 99/A/235 ¶ 10.17 (theory of nandrolone contamination in meat not established); *Rugby Football Union and Broster*, Disciplinary Panel of the Rugby Football Union (23 February 2016) (“Mr. Broster’s anecdotal theories about his consumption of the biltong being the cause of his positive test [for clenbuterol] do not reach the level of inquiry or evidence required”); *Cycling Ireland and IS-3456 and Irish Sports Council*, Irish Sport Anti-Doping Disciplinary Panel (27 July 2015) (athlete failed to establish that positive test for clenbuterol was likely caused by meat contamination); *Case 2013-001*, Decision of the Japan Anti-Doping Disciplinary Panel (1 September 2013) (athlete’s claim that positive test for clenbuterol was result of meat contamination found not to be established); *UKAD and Priestly*, UK National Anti-Doping Panel, (16 July 2010) (rejecting claim that positive test for clenbuterol was result of meat contamination found not to be established). The only case cited by the parties in which meat contamination was established as the probable cause of a positive test was a clenbuterol case arising from meat sourced in China. *See*

Ovtcharov and German Table Tennis Association (15 January 2011) (probable that positive test for clenbuterol arose from meat consumed while athlete was competing in China).

62. Respondent argues that the fact that the Federal Drug Administration's ("FDA") regulations provide that a tolerance threshold for trenbolone residue in uncooked edible tissue of cattle "is not needed" suggest that the FDA "expects trenbolone residue to be present in consumer beef products." 21 CFR § 556.739. However, 21 CFR § 556.1 provides that a substance such as trenbolone will not have a prescribed tolerance threshold only if "there is no reasonable expectation that [finite residue] may be present" or "[t]he drug is such that it may be metabolized and/or assimilated in such form that any possible residue would be indistinguishable from normal tissue constituents." *Id.* § 556.1(a)(4)-(5). Consequently, it appears that the absence of any regulatory threshold for trenbolone is due to the absence – rather than the presence -- of any reasonable expectation by the FDA of residue in meat products.

63. USADA submitted an expert report of Dr. Bradley Johnson ("Dr. Johnson"), a professor in the Department of Animal and Food Sciences at Texas Tech University, who has done extensive research in the area of steroidal implants in beef cattle, studying specifically the administration of trenbolone in cattle in the U.S. and other countries and its effects, including the amount of trenbolone residue in muscle tissue. This report states that, based on a number of factors, including the typical timing and method of administration of trenbolone, the relatively short half-life of trenbolone once it is hydrolyzed in the bloodstream of cattle, and normal excretion by the animal, the residue levels for trenbolone in edible animal tissue (other than liver) is minimal. Research trials cited in Dr. Johnson's report indicate that expected residual levels would be between 0.05 to 0.6 ppb. Based on this data and his calculations, which assumed residual levels up to 33

times higher than those indicated by research trials, Dr. Johnson's report indicates that it would not be remotely possible for Respondent's positive test to have resulted from ingestion of the ground beef she points to as the source of her positive sample. Dr. Johnson's report also states that the concentration of trenbolone metabolite in Respondent's urine sample is consistent with her subcutaneous administration of approximately 20 to 40 mg of trenbolone in the 30-day period prior to December 4, 2015.

64. USASDA also submitted a report from Dr. Larry Bowers ("Dr. Bowers"), USADA's Chief Science Officer. Dr. Bowers' report also concluded that Respondent's consumption of contaminated meat could not possibly have resulted in her positive test based on the concentrations of trenbolone metabolites in Respondent's sample, the amount of meat Respondent says she ate, absorption rates in the human gastrointestinal track, and Respondent's weight.

65. Further, Dr. Bowers' report states:

Anabolic steroids are now understood to function by increasing muscle growth and inhibiting muscle breakdown. [Ye F, McCoy SC, Ross HH, et. al. Transcriptional regulation of myotrophic actions by testosterone and trenbolone on androgen-responsive muscle. *Steroids*. 2014; 87: 59-66.] The combination of these factors make the use of anabolic steroids very effective in improving recovery, as opposed to increasing muscle mass. Trenbolone has been shown to bind to the glucocorticoid receptor, which is thought to explain the decreasing in muscle breakdown. Conserving muscle mass, particularly during periods of caloric restriction, would be a desirable outcome in a situation such as Ms. Chan's weight loss program.

Bowers' Report ¶ 5. Dr. Bowers' report also indicated that trenbolone is also associated with a reduction in body fat and, unlike some anabolic steroids, does not promote water retention that could lead to weight gain. He concludes that, for these reasons, trenbolone "would be a perfect choice for use to preserve muscle mass during Ms. Chan's weight reduction program immediately

prior to competition.” Bower’s Report ¶ 5.

66. USADA also submitted an Affidavit of Phil Andrews (“Mr. Andrews”), who is the current Chief Executive Officer of USA Weightlifting. Mr. Andrews’ Affidavit states that based on his experience in the sport of weightlifting, competitions are organized by weight class and, as a result, it typical that competitors need to cut weight to compete. However, in Mr. Andrew’s experience:

The need amongst weightlifters to cut weight has not stemmed the use of anabolic steroid usage (sic) within the sport. Positive tests for steroids within the sport are as common as ever, remaining a serious issue – if not the number one issue – within the sport. For example, at the IWF World Championship last year, there were 18 positive tests, 16 of them for steroids.

Andrews’ Affidavit, ¶13.

67. For the foregoing reasons, and based on the record in this case submitted by the parties, the only reasonable conclusion that I can reach is that Respondent has not met her burden of proof in this case in any respect and that a four-year suspension must be imposed pursuant to Article 10.2.1 of the IWF ADP.

68. Pursuant to Article 10.11 of the IWF ADP, which provides that the period of ineligibility shall commence on the date of the final hearing decision, but that an Athlete “shall receive credit for such period of a *Provisional Suspension* against any period of *Ineligibility* which may be ultimately imposed” where the Athlete respects the Provisional Suspension, Respondent must receive credit for the Provisional Suspension which was imposed on December 29, 2015, against the total period of ineligibility.

69. Pursuant to Article 9 of the IWF ADP, Respondent’s results from the 2015 USA Weightlifting American Open are disqualified and Respondent must forfeit any medals, points and prizes obtained from the 2015 USA Weightlifting American Open.



Mark Muedeking
Arbitrator

Date: January 6, 2017