

DCO split the sample into two separate bottles bearing the following codes numbers that is **4026075A (A sample)** and **4026075B (B sample)**.

2.2 On the 28th day of August 2017 the aforesaid urine samples were dispatched to the WADA accredited laboratory, INRS-Institut Armand Frappier in Laval, Quebec, Canada. The A sample bearing code number 4026075A revealed the presence of Ibutamoren and metabolite. Ibutamoren falls under the category of Clasee S2-Peptide Hormones, Growth Factors, Related Substances, and Mimetic in the World Anti-Doping Agency's 2017 Prohibited List.

2.3 On the 11th day of October 2017 JADCO notified the athlete in writing ('JADCO letter') that the urine samples taken from him in competition testing on the 27th day of August 2017 at the Jamaica Amateur Body Building and Fitness Association Championship revealed the presence of prohibited substances under the WADA Anti-Doping Agency's prohibited list 2017 namely Ibutamoren and metabolite.

2.4 The complainant thus alleges that the athlete, Mr. Dwayne Walker, breached Article 2.1 of the JADCO rules.

2.5 The athlete was also notified in the aforementioned letter as to his rights under the Anti-Doping In Sport Act and JADCO Rules and that he was provisionally suspended with immediate effect pursuant to Article 7.11.1 of the said rules. The athlete acknowledged receipt of the JADCO letter in writing that included: (1) notification of adverse analytical finding dated 11th October 2017 in respect of his A sample bearing code number 4026075A which was collected on the 27th day of August 2017 (2) Form of request for B sample Analysis (3) Form of waiver of right to a hearing and (4) Form of request for laboratory Documentation Package.

2.6 The athlete declined in writing to request a B sample analysis. The relevant bodies associated with the athlete's sport as well as WADA Results Management were notified in writing by JADCO as to the returned adverse analytical findings for the athlete.

2.7 The athlete replied in an undated letter to the JADCO letter inter alia that he will not be challenging the proceedings being referred to the Independent Anti-Doping Disciplinary Panel regarding the adverse analytical finding for sample code 4026075A. The athlete had no Therapeutic Exemption Certificate.

2.8 The IADP panel dispatched a letter dated 24th September 2018 to the athlete's home address notifying him of the proposed hearing to take place on Thursday 11th day of October 2018 at 10:00am at the Jamaica Conference Centre and that although he had written to the Executive Director, Mrs. June Spence Jarrett stating his position on the adverse analytical findings he still had the right to legal representation and a hearing. The athlete, we have been informed however, refused to accept service of the said letter which was left on a motor vehicle at the athlete's home address.

3. The substantive issue to be decided

3.1 Whether the athlete is in breach of article 2.1 of the JADCO Anti-Doping Rules.

4. Legal Analysis

4.1 Article 2.1 of the JADCO rule reads "Presence of a prohibited substance or its metabolites or markers in an athlete's sample. 2.1.1 It is each Athlete's personal duty to ensure that no prohibited substance enters his or her 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 be establish an Anti-Doping Rule Violation under Article 2.1".

4.2 The athlete has waived his right to a hearing pursuant to JADCO rule 7.14.5 and WADA code 8.3 and moreover has not challenged the adverse analytical finding for sample code 4026075A.

5. Orders-

The Independent Anti-Doping Panel finds as follows:-

- 5.1. The athlete had in his body prohibited substances in violation of the World Anti-Doping Agency's 2017 Prohibited List.
- 5.2. In the circumstances of this case the athlete is ineligible for **4 years**, as per JADCO rule 10.2.1.2, and the period of provisional suspension comprising 1 year from the time of the official

notification by JADCO¹ to the athlete of the adverse analytical findings for time already served would be deducted from the 4 years period of ineligibility.

Dated this 11th day of October 2018



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Kent P. Gammon – Chairman IADP



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Dixeth Palmer – Member of the IADP



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Dr. Marjorie Vassell – Member of the IADP

¹ 11th day of October 2017