

Issued Decision

UK Anti-Doping and Jamie Dallimore

Disciplinary Proceedings under the Anti-Doping Rules of the Rugby Football League

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules (the 'ADR') of the Rugby Football League ('RFL'). It concerns Anti-Doping Rule Violations ('ADRVs') committed by Mr Jamie Dallimore and records the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. The RFL is the national governing body for the sport of rugby league in England. UKAD is the National Anti-Doping Organisation ('NADO') for the United Kingdom. The RFL has adopted the UK Anti-Doping Rules as its own ADR.
2. Mr Dallimore is a 33-year-old rugby league player, who, at the material time, was registered as a player for Barrow Raiders RLFC. At all relevant times, Mr Dallimore was subject to and bound to comply with the ADR. Pursuant to the ADR, UKAD has results management responsibility in respect of all players that are subject to the jurisdiction of the RFL.
3. On 18 October 2021, UKAD Doping Control Personnel ('DCP') collected an Out-of-Competition urine Sample from Mr Dallimore at his home address.
4. Assisted by a UKAD Doping Control Officer ('DCO') in attendance, Mr Dallimore split the urine Sample into two separate bottles, which were given reference numbers A1172999 (the 'A Sample') and B1172999 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, King's College London (the 'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories and WADA

Technical Letter – TL23. Analysis of the A Sample returned an Atypical Finding ('ATF') for clenbuterol, with the estimated concentration being approximately 1ng/mL.

6. Clenbuterol is classified under section S1.2 of the 2021 WADA Prohibited List as an Anabolic Agent. It is a non-Specific Substance that is prohibited at all times.
7. As of 1 June 2019, WADA-accredited laboratories are permitted to report a finding of clenbuterol at a concentration below 5 ng/mL as an ATF as opposed to an Adverse Analytical Finding ('AAF'). This is to allow for an investigation when potential meat contamination scenarios arise in circumstances as set out in WADA's Stakeholder Notice regarding meat contamination cases.
8. In view of the above, after conducting a review of the ATF in accordance with Article 5.2 of WADA's International Standard for Results Management, UKAD wrote to Mr Dallimore on 2 December 2021 to enquire about the circumstances of his ATF.
9. On the same date, Mr Dallimore contacted UKAD by email and explained that his ATF was likely the result of him having taken a tablet from a friend to help boost energy and burn fat whilst playing amateur football on 14 October 2021.
10. As UKAD's investigation did not lead it to conclude that Mr Dallimore's ATF was consistent with him having eaten contaminated meat, Mr Dallimore's ATF was brought forward as an AAF, and the usual results management process was pursued.
11. According to UKAD's records, Mr Dallimore did not have a Therapeutic Use Exemption ('TUE') to justify the presence of clenbuterol in the A Sample.
12. On 16 December 2021, UKAD issued Mr Dallimore with a Notice Letter ('the Notice'). The Notice formally notified Mr Dallimore, in accordance with ADR Article 7.8.1, that he may have committed:
 - a. An ADRV pursuant to ADR Article 2.1, in that a Prohibited Substance, namely clenbuterol, was present in a urine Sample provided by him on 18 October 2021; and/or
 - b. An ADRV pursuant to ADR Article 2.2, in that he Used a Prohibited Substance, namely clenbuterol, on or before 18 October 2021.
13. In the Notice, UKAD invited Mr Dallimore to provide an explanation for the alleged ADRVs as notified by UKAD.

14. On the same date, Mr Dallimore acknowledged receipt of the Notice and admitted the asserted ADRVs. He stated that he took full responsibility for the Prohibited Substance detected in his Sample and added that he was “guilty”.
15. On 20 December 2021, Mr Dallimore called UKAD to confirm he did not wish to have his B Sample analysed.
16. On 17 January 2022, UKAD proceeded to issue Mr Dallimore with a Charge Letter (the ‘Charge Letter’). The Charge Letter formally charged Mr Dallimore with the commission of ADRVs pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample) and ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance). The Charge Letter also informed Mr Dallimore that the applicable period of Ineligibility for the ADRVs charged is four (4) years, pursuant to ADR Article 10.2.1(a).

Admission and Consequences

17. On 18 January 2022, Mr Dallimore responded to the Charge Letter. Mr Dallimore accepted the charges and the applicable four (4) year sanction.
18. ADR Article 2.1 provides that the following is an ADRV:

2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.

19. ADR Article 2.2 provides that the following is an ADRV:

2.2 Use or Attempted by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4.

20. ADR Article 10.2 provides as follows:

10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of a Prohibited Substance and/or a Prohibited Method.

The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Athlete’s or other Person’s first anti-doping offence shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:

10.2.1. Save where Article 10.2.4(a) applies, the period of Ineligibility shall be four (4) years where:

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

(b) [...]

10.2.2 If Article 10.2.1 does not apply, then (subject to Article 10.2.4(a)) the period of Ineligibility shall be two (2) years.

21. In accordance with ADR Article 10.2.1(a), since this matter concerns a non-Specified Substance, the period of Ineligibility to be imposed shall be four (4) years, unless Mr Dallimore can establish on the balance of probability, that the ADRVs were not intentional.
22. Within his responses to UKAD, Mr Dallimore has accepted responsibility for the Prohibited Substance detected in his Sample and admits the ADRVs. He attributes his AAF to having taken a tablet from a friend whilst playing amateur football on 14 October 2021. Mr Dallimore describes his conduct in this regard as “*an act of utter stupidity*” on his behalf. At no stage has Mr Dallimore sought to adduce evidence to demonstrate his ADRVs were not intentional (as that term is defined within ADR Article 10.2.3). Accordingly, Mr Dallimore is not entitled to a two-year period of Ineligibility pursuant to ADR Article 10.2.2 or any reduction pursuant to ADR Article 10.5 (No Fault or Negligence) or ADR Article 10.6 (No Significant Fault or Negligence) thereafter.
23. For the purposes of imposing a sanction, the two ADRVs will be considered together as a single first violation, pursuant to ADR Article 10.9.4 which states as follows:

10.9.4 Additional rules for certain potential multiple offences:

(a) For the purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.4(b) and 10.9.4(c) an Anti-Doping Rule Violation will only be considered a second (or third, as applicable) Anti-Doping Rule Violation if UKAD can establish that the Athlete or other Person committed the additional Anti-Doping Rule Violation after they received notice, or after UKAD or its designee made a reasonable attempt to give notice, of the first (or the second, as applicable) Anti-Doping Rule Violation. Otherwise, the first and second Anti-Doping Rule Violations (or the second and third Anti-Doping Rule Violations as applicable) shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the most severe sanction...

24. The applicable period of Ineligibility is therefore four (4) years.

Application of ADR Article 10.8.1

25. ADR Article 10.8.1 provides:

10.8.1 One (1) year reduction for certain Anti-Doping Rule Violations based on early admission and acceptance of sanction:

Where UKAD sends an Athlete or other Person a Charge Letter for an Anti-Doping Rule Violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving the Charge Letter, they shall receive a one (1) year reduction in the period of Ineligibility asserted by UKAD. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.

26. Mr Dallimore admitted the ADRVs and accepted the asserted period of Ineligibility of four (4) years on 18 January 2022; the day after he received the Charge Letter. Accordingly, ADR Article 10.8.1 applies and Mr Dallimore shall receive a one (1) year reduction to the applicable period of Ineligibility of four (4) years. The period of Ineligibility to be imposed is therefore three (3) years.

Commencement of the period of Ineligibility

27. ADR Article 10.13 requires that the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.

28. However, ADR Article 10.13.2 allows for credit to be given against the total period of Ineligibility to be served where an Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.

29. Mr Dallimore was Provisionally Suspended on 16 December 2021 and as far as UKAD is aware, he has respected the terms of that Provisional Suspension.

30. The period of Ineligibility is therefore deemed to have commenced on 16 December 2021 and will expire at midnight on 15 December 2024.

Status during Ineligibility

31. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Dallimore shall not be permitted to participate in any capacity (or assist any Athlete participating in any capacity) in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised, or recognised by:

- (a) The RFL;
 - (b) Any Signatory;
 - (c) Any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation;
 - (d) Any professional league or any international or national-level Event organisation; or
 - (e) Any elite or national-level sporting activity funded by a governmental agency.
32. Mr Dallimore may return to train with a team or to use the facilities of a RFL club or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 15 October 2024) pursuant to ADR Article 10.14.4(b).

Summary

33. For the reasons given above, UKAD has issued this decision in accordance with ADR Article 7.12.2 and records that:
- (a) Mr Dallimore has committed ADRVs pursuant to ADR Articles 2.1 and 2.2;
 - (b) In accordance with ADR Article 10.9.4(a) the ADRVs are considered as one single ADRV for the purposes of imposing a sanction;
 - (c) This constitutes Mr Dallimore's first ADRV and in accordance with ADR Article 10.8.1, Mr Dallimore is entitled to a one (1) year reduction to the applicable period of Ineligibility of four (4) years. A period of Ineligibility of three (3) years is therefore imposed;
 - (d) Acknowledging Mr Dallimore's Provisional Suspension, the period of Ineligibility is deemed to have commenced on 16 December 2021 and will expire at midnight on 15 December 2024; and
 - (e) Mr Dallimore's status during the period of Ineligibility shall be as detailed in ADR Article 10.14.
34. Mr Dallimore, the RFL, International Rugby League and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.
35. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

31 May 2022