

## Issued Decision

# UK Anti-Doping and Kaiden Carnell

### Disciplinary Proceedings under the Anti-Doping Rules of the Welsh Rugby Union

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of the Welsh Rugby Union ('WRU') It concerns an Anti-Doping Rule Violation ('ADRV') committed by Mr Carnell contrary to the ADR 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 WRU is the national governing body for rugby union in Wales. UKAD is the National Anti-Doping Organisation ('NADO') for sport in the United Kingdom. The WRU has adopted, as its own ADR, the UK Anti-Doping Rules<sup>1</sup>, which are issued by UKAD and are subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code.
2. Mr Carnell is a 20-year-old rugby union player, with his last registered club being Ystrad Rhondda. At all material times in this matter, Mr Carnell was subject to the jurisdiction of the WRU and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has Results Management responsibility in respect of all Athletes that are subject to the jurisdiction of the WRU.
3. On 9 March 2023, UKAD Doping Control Personnel collected a urine Sample from Mr Carnell Out-of-Competition at a Ystrad Rhondda squad training session at Gelligaled ark Ystrad, Pentre, CF41 7RQ.
4. Assisted by a UKAD Doping Control Officer in attendance, Mr Carnell split the urine Sample into two separate bottles which were given reference numbers A1187228 (the 'A Sample') and B1187228 (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 (the

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<sup>1</sup> Version 1.0, in effect as from 1 January 2021

'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories.

6. Analysis of Mr Carnell's A Sample returned Adverse Analytical Findings ('AAFs') for oxandrolone and its Metabolites 17 $\alpha$ -hydroxy-17 $\beta$ -methyl-2-oxa-5 $\alpha$ -androstan-3-one, 17 $\beta$ -hydroxymethyl-17 $\alpha$ -methyl-18-nor-2-oxa-5 $\alpha$ androst-13-en-3-one and 17 $\alpha$ -hydroxymethyl-17 $\beta$ -methyl-18-nor-2-oxa-5 $\alpha$ androst-13-en-3-one at estimated concentrations of approximately 1562 ng/mL, 93 ng/mL, 47 ng/mL and 23 ng/mL respectively.
7. Oxandrolone is listed under S.1. of the 2023 WADA Prohibited List as an Anabolic Androgenic Steroid ('AAS'). It is a non-Specified Substance which is prohibited at all times (both In- and Out-of-Competition).
8. Mr Carnell did not have a Therapeutic Use Exemption ('TUE') for oxandrolone.
9. On 14 April 2023, UKAD sent Mr Carnell a notification letter (the 'Notice'). The Notice confirmed the imposition of a Provisional Suspension and formally notified Mr Carnell, in accordance with ADR Article 7.8, that he may have committed an ADRV pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and/or ADR Article 2.2 (Use by an Athlete of a Prohibited Substance or a Prohibited Method).
10. On 24 April 2023, Mr Carnell acknowledged receipt of the Notice and admitted that he had used oxandrolone in May 2022, stating he was not aware it was a Prohibited Substance.
11. On 2 June 2023, UKAD proceeded to issue Mr Carnell with a Charge Letter in accordance with ADR Article 7.11.2. The Charge Letter asserted the commission of ADRVs pursuant to Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and Article 2.2 (Use by an Athlete of a Prohibited Substance or Prohibited Method) (the 'Charges').

## **Admission and Consequences**

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12. On 16 June 2023, Mr Carnell responded to the Charge Letter. He admitted both ADRVs and confirmed that he had used oxandrolone.
13. 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.***

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

***2.2 Use or Attempted Use 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.***

15. 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 suspensions 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 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.*

16. 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 Carnell can establish on the balance of probabilities, that the ADRVs were not intentional (within the meaning of ADR Article 10.2.3).
17. Within his responses to UKAD, Mr Carnell has accepted responsibility for the Prohibited Substance detected in his Sample and admits the ADRVs with which he has been charged. At no stage has Mr Carnell sought to establish that his ADRVs were not intentional (within the meaning of ADR Article 10.2.3). On the contrary, Mr Carnell has admitted to having deliberately ingested oxandrolone. Accordingly, Mr Carnell is not entitled to a two (2) 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.
18. 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...*

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

#### **Application of ADR Article 10.8.1**

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20. 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.*

21. Mr Carnell admitted the ADRVs and accepted the asserted period of Ineligibility of four (4) years on 16 June 2023 (having been sent the Charge Letter on 2 June 2023). Accordingly, ADR Article 10.8.1 applies and Mr Carnell shall receive a one (1) year reduction to the period of Ineligibility of four (4) years. The period of Ineligibility to be imposed is therefore three (3) years.

#### **Commencement of period of Ineligibility**

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22. 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.

23. 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.

24. Mr Carnell has been subject to a Provisional Suspension since the date of the Notice, i.e., since 14 April 2023 and, as far as UKAD is aware, he has respected the terms of that Provisional Suspension. Therefore, affording Mr Carnell credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed to have commenced on 14 April 2023 and will end at midnight on 13 April 2026.

### **Status during period of Ineligibility**

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25. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Carnell 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 WRU;
- 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.

26. Mr Carnell may return to train with a team or to use the facilities of a WRU club or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e., from midnight on 13 February 2026) pursuant to ADR Article 10.14.4(b).

### **Summary**

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27. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2 and records that:

- a) Mr Carnell has committed an ADRV 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 Carnell's first ADRV and in accordance with ADR Article 10.8.1, Mr Carnell is entitled to a one (1) year reduction to the asserted period of Ineligibility of four (4) years. A period of Ineligibility of three (3) years is therefore imposed;
- d) Acknowledging Mr Carnell's Provisional Suspension, the period of Ineligibility is deemed to have commenced on 14 April 2023 and will expire at midnight on 13 April 2026; and

e) Mr Carnell's status during the period of Ineligibility shall be as detailed in ADR Article 10.14.

28. Mr Carnell, the WRU, World Rugby, and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.

29. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

**8 September 2023**