

Issued Decision

UK Anti-Doping and Daniel Matthews

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 Welsh Rugby Union ('WRU') Anti-Doping Rules (the 'ADR'). It concerns a violation of the ADR committed by Mr Daniel Matthews 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 governing body for the sport of rugby union in Wales. UKAD is the National Anti-Doping Organisation for the United Kingdom. The WRU has adopted the UK Anti-Doping Rules as its own Anti-Doping Rules (the 'ADR').
2. Mr Matthews is a 30-year-old rugby union player (29-years-old as at the date of his Anti-Doping Rule Violation) for Bargoed Rugby Football Club. At all material times in this matter Mr Matthews was subject to the jurisdiction of the WRU and bound to comply with the ADR. Pursuant to the ADR, UKAD has results management responsibility in respect of all players subject to the jurisdiction of the WRU.
3. On 24 March 2018, UKAD collected a urine Sample from Mr Matthews in accordance with WADA's International Standard for Testing and Investigations ('ISTI') In-Competition after the WRU Principality Premiership match between Cross Keys RFC and Bargoed RFC at Pandy Park, Crosskeys, Newport, NP11 7BS. Mr Matthews was an unused substitute.
4. Assisted by the Doping Control Officer, Mr Matthews split the urine Sample into two separate bottles (an 'A Sample' and a 'B Sample').
5. The Samples were transported to the Drug Control Centre, King's College London, a World Anti-Doping Agency ('WADA') accredited laboratory ('the Laboratory'). The A Sample was analysed in accordance with WADA's International Standard for Laboratories ('ISL') and the ISTI.
6. Benzoylecgonine, a metabolite of cocaine, was detected in Mr Matthews' A Sample and this was duly reported as an Adverse Analytical Finding ('AAF').

7. Cocaine is classified as a Non-Specified Stimulant under section S6a of the WADA 2018 Prohibited List. It is a non-Specified Substance. The presence of cocaine and / or its metabolites is prohibited In-Competition only.
8. Mr Matthews did not have a relevant Therapeutic Use Exemption.
9. On 20 April 2018, UKAD issued Mr Matthews with a Notice of Charge ('the Charge') and provisionally suspended him from participating in any Competitions, Events or other activities organised, convened, authorised or recognised by the WRU. The Charge alleged the commission of an Anti-Doping Rule Violation ('ADRV') pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample).

Admission and Consequences

10. ADR Article 2.1 provides as follows:

The following constitute Anti-Doping Rule Violations:

- 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**

11. 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 ... first anti-doping offence 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 ... can establish that the Anti-Doping Rule Violation was not intentional.*

.....

10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.

12. Pursuant to ADR Article 8.3.2, for the purposes of ADR Article 10.2.1(a) it is for Mr Matthews to establish that his Use of cocaine was not intentional on the balance of probability.

13. The meaning of 'intentional' for these purposes is set out in ADR Article 10.2.3 as follows:

10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Athletes ... who cheat. The term, therefore, requires that the Athlete ... 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. An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not "intentional" if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition. An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered "intentional" if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

[Emphasis Added]

14. Mr Matthews has admitted the ADRV and asserted that his Use of cocaine was Out-of-Competition in a context unrelated to sport performance, and thus not intentional as that term is defined under the ADR. Mr Matthews claims that he ingested cocaine inadvertently by biting his nails, after having come into contact with a cocaine user through the course of his employment as a doorman on the evening of Thursday 22 March 2018 and the morning of Friday 23 March 2018, between the hours of 21.15 and 00.30.
15. Out-of-Competition is defined by the ADR as "any period which is not In-Competition". In-Competition is defined by the ADR as follows:

Unless provided otherwise in the rules of the International Federation for the sport in question or the ruling body of the Event in question, the period commencing 12 hours before a Competition in which the Athlete is scheduled to participate through to the end of such Competition and the Sample collection process related to such Competition.

16. The WRU Principality Premiership match between Cross Keys RFC and Bargoed RFC kicked off at 14:30 on Saturday 24 March 2018. The In-Competition window therefore began at 02:30 on Saturday 24 March 2018.
17. The explanation given by Mr Matthews has been assessed by staff at the Laboratory against the AAF. The AAF was found to be consistent with Mr Matthews' assertion that his Use of cocaine was Out-of-Competition. It could not be determined whether inadvertent Use of cocaine as described by Mr Matthews was more likely than recreational Use of a larger dose of cocaine at an earlier point in time than suggested by him.

18. However, UKAD has not received any other evidence in relation to Mr Matthews' cocaine Use that led to the AAF, and therefore accepts that Mr Matthews' Use of cocaine was Out-of-Competition in a context unrelated to sport performance, and thus was not intentional as that term is defined at ADR Article 10.2.3.
19. In accordance with ADR Article 10.2.2 the period of Ineligibility to be applied in these circumstances is therefore two (2) years.
20. After being provided with the scientific analysis of his account and UKAD's position regarding his explanation for the AAF, Mr Matthews has not sought to further reduce the period of Ineligibility on any other basis.
21. Pursuant to ADR Article 10.2.2, a period of Ineligibility of two (2) years is therefore imposed.
22. UKAD issues this Decision pursuant to ADR Article 7.7.4.
23. ADR Article 7.7.4 provides:

7.7.4 In the event that UKAD withdraws the Notice of Charge, or the Athlete ... admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by UKAD (or is deemed to have done so in accordance with Article 7.7.1), neither B Sample analysis nor a hearing is required. Instead, UKAD shall promptly issue a reasoned decision confirming the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences, shall send notice of the decision to the Athlete ... and to each Interested Party, and shall Publicly Disclose the decision in accordance with Article 8.4.

Commencement of the Period of Ineligibility

24. ADR Article 10.11.2 provides as follows:

10.11.2 Timely Admission:

Where the Athlete ... promptly (which means, in any event, before he/she competes again) admits the Anti-Doping Rule Violation after being confronted with it by UKAD, the period of Ineligibility may start as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. In each case, however, where this Article is applied, the Athlete ... shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete ... accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3.

25. Mr Matthews has made a timely admission for the purposes of ADR Article 10.11.2. Therefore, the period of Ineligibility imposed on Mr Matthews shall be deemed to have started on the date of Sample collection i.e. on 24 March 2018 and will expire at midnight on 23 March 2020. Mr Matthews has been Provisionally Suspended since the Charge was issued on 20 April 2018.
26. During the period of Ineligibility, in accordance with ADR Article 10.12.1, Mr Matthews shall not be permitted to participate in any capacity (or, as an Athlete Support Person, assisting 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:
- the WRU or any body that is a member of, or affiliated to, or licensed by the WRU;
 - any Signatory;
 - any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation;
 - any professional league or any international or national-level Event organisation; or
 - any elite or national-level sporting activity funded by a governmental agency.
27. Mr Matthews may return to train with a team or to use the facilities of a club or other member organisation of the WRU or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from the start of the day on 24 January 2020) pursuant to ADR Article 10.12.4(b).
28. Mr Matthews, the WRU, World Rugby and WADA each have a right of appeal against this Decision or any part of it in accordance with ADR Article 13.4.
29. The disposition of these proceedings on the terms set out above will be publicly announced via UKAD's website in accordance with ADR Articles 8.4.3 and 14.1.2.

Conclusion

30. For the reasons given above, UKAD has issued this decision, which records that:
- Mr Matthews has committed an ADRV pursuant to ADR Article 2.1;
 - a period of Ineligibility of two (2) years is imposed pursuant to ADR Article 10.2.2;
 - the period of Ineligibility is deemed to have commenced from 24 March 2018 and will expire at midnight on 23 March 2020; and

- Mr Matthews' status during the period of Ineligibility shall be as detailed in ADR Article 10.12.

10 October 2018