

## Issued Decision

# UK Anti-Doping and Morgan Jefferies

### 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 Rugby Football League's Anti-Doping Rules (the 'ADR'). It concerns Mr Morgan Jefferies violating 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 Rugby Football League ('RFL') is the governing body for the sport of rugby league in the United Kingdom. UKAD is the National Anti-Doping Organisation for the United Kingdom.
2. Mr Jefferies is a 22-year-old rugby league player. At all material times Mr Jefferies played for West Wales Raiders, was subject to the jurisdiction of the RFL 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 RFL.
3. On 23 February 2019, UKAD collected an In-Competition urine Sample from Mr Jefferies following a League One match between West Wales Raiders and London Skolars at Stebonheath Park, Llanelli SA15 1EY. The Sample was separated into two bottles which were given the reference numbers A1147088 ('the first A Sample') and B1147088 ('the first B Sample').
4. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory, the Drug Control Centre, King's College London ('the Laboratory'). The first A Sample was analysed in accordance with WADA's International Standard for Laboratories ('the ISL'). The analysis returned Adverse Analytical Findings for two Prohibited Substances, namely drostanolone and its metabolite 2 $\alpha$ -methyl-5 $\alpha$ -androstane-3 $\alpha$ -ol-17-one ('AAF1'); and benzoylecgonine, a metabolite of cocaine ('AAF2').
5. Drostanolone is listed under section S1.1(a) of the WADA 2019 Prohibited List as an Exogenous Anabolic Androgenic Steroid. It is a non-Specified Substance that is prohibited at all times.
6. Cocaine is listed under section S6(a) of the WADA 2019 Prohibited List as a Stimulant. It is a non-Specified Substance that is prohibited In-Competition only.

7. On 7 March 2019, UKAD collected an Out-of-Competition urine Sample from Mr Jefferies at a West Wales Raiders squad test at Cefn Cribwr RFC, Cae Gof, Cefn Road, Cefn Cribwr, Bridgend CF32 0BA. The Sample was separated into two bottles which were given the reference numbers A1149480 ('the second A Sample') and B1149480 ('the second B Sample').
8. Both Samples were transported to the Laboratory. The second A Sample was analysed in accordance with the ISL. The analysis returned an Adverse Analytical Finding for drostanolone and its metabolite 2 $\alpha$ -methyl-5 $\alpha$ -androstan-3 $\alpha$ -ol-17-one ('AAF3').
9. Mr Jefferies did not have a Therapeutic Use Exemption in respect of either drostanolone or cocaine.
10. On 18 April 2019, UKAD issued Mr Jefferies with a Notice of Charge setting out his Adverse Analytical Findings and imposed on him a Provisional Suspension. For the purposes of this decision those findings are referred to as AAF1, AAF2 and AAF3 (the 'AAFs'). The Notice of Charge alleged that Mr Jefferies had violated ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample).

### Admission and Consequences

---

11. ADR Article 2.1 states 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***

12. On 28 April 2019, by way of a response to the Notice of Charge, Mr Jefferies accepted that he contravened ADR Article 2.1.

13. ADR Article 10.2 states 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 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 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, the period of Ineligibility shall be two years.*

14. With regards to the meaning of 'intentional', ADR Article 10.2.3. states as follows:

*10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Athletes or other Persons 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. 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 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.*

15. ADR Article 10.2.1(a) therefore provides that in relation to drostanolone (being a non-Specified Substance that is prohibited at all times) the period of Ineligibility to be imposed shall be four years, unless Mr Jefferies can establish, on the balance of probability, that his violations of ADR Article 2.1 (AAF1 and AAF3) were not intentional. Save in exceptional cases, such a finding will only be made by a tribunal if the Athlete can prove the source of their ingestion of the Prohibited Substance<sup>1</sup> to the required standard.

16. In respect of AAF2, as cocaine is a non-Specified Substance that is prohibited In-Competition only, the violation of ADR Article 2.1 is rebuttably presumed to be not intentional if Mr Jefferies can establish that cocaine was Used Out-of-Competition in a context unrelated to sport performance. The findings in respect of the presence of drostanolone (AAF1 and AAF3) are considered here first.

17. Mr Jefferies provided an explanation for his AAFs in his response to the Notice of Charge on 28 April 2019. Mr Jefferies asserts that whilst he accepts the findings of drostanolone in his system (AAF1 and AAF3), he did not take drostanolone knowingly. Mr Jefferies explains that contaminated supplements could be responsible for drostanolone being in his system. He states he is not able to identify any other method of ingestion and that he purchased whey and protein

---

<sup>1</sup> The National Anti-Doping Panel appeal tribunal in *UKAD v Buttifant SR/NADP/508/2016* stated at paragraph 31 that "The cases decided by the NADP panels under article 10.2.1.1 are unanimous and correct as to the practical effect of article 10.2.3. It is only in a rare case that the athlete will be able to satisfy the burden of proof that the violation of article 2.1 was not intentional without establishing, on the balance of probabilities, the means of ingestion."

supplements prior to being tested from an established supplier in Bridgend. Mr Jefferies adds that these supplements were ingested orally on a regular basis, prior to collection of his Samples. Mr Jefferies does not elaborate or provide any further explanation for the presence of drostanolone and its metabolite in his Samples.

18. UKAD considers that Mr Jefferies has not been able to adequately demonstrate that he has ingested a supplement that was contaminated with drostanolone. His bare assertion that he may have consumed a contaminated supplement is not enough to demonstrate the source of his ingestion of drostanolone.
19. Mr Jefferies therefore accepts that he is not able to establish that any of his violations of ADR Article 2.1 concerning drostanolone were not intentional as defined in ADR Article 10.2.3. As such, Mr Jefferies accepts that the period of Ineligibility to be applied for AAFs 1 and 3 is four years.
20. Mr Jefferies also provided an explanation on 28 April 2019 for AAF2. Mr Jefferies states he took a small amount of cocaine orally on 16 February 2019 when he was out socialising with friends, a week before his In-Competition Sample was collected on 23 February 2019. His ingestion of cocaine is described as spontaneous and an act of '*stupidity*' that was not connected to his rugby commitments or to enhance his sporting performance. Mr Jefferies has not provided UKAD with any further information regarding his use of cocaine that would assist in establishing the credibility of his account. For the record, despite the explanation given for AAF2, Mr Jefferies does not seek to assert this violation was not intentional as defined in ADR Article 10.2.3. and accepts that the period of Ineligibility to be applied is therefore four years.
21. For the purposes of imposing sanctions under ADR Article 10.7, in accordance with ADR Article 10.7.4(a), the AAFs will be considered together as a single first Anti-Doping Rule Violation ('ADRV'). ADR Article 10.7.4(a) states as follows:

*10.7.4 Additional rules for certain potential multiple offences:*

- (a) *For the purposes of imposing sanctions under Article 10.7, an Anti-Doping Rule Violation will only be considered a second Anti-Doping Rule Violation if UKAD can establish that the Athlete or other Person committed the second Anti-Doping Rule Violation after he/she received notice, or after UKAD or its designee made a reasonable attempt to give notice, of the first Anti-Doping Rule Violation. Otherwise, the Anti-Doping Rule Violations 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 more severe sanction.*

22. Mr Jefferies received notice of the AAFs at the same time, namely when the Notice of Charge was issued on 18 April 2019. As a result, the AAFs are considered together as a single first ADRV for the purposes of sanction and the period of Ineligibility to be applied in total is four years.

#### **Consideration of ADR Article 10.6.3 – Prompt Admission**

---

23. UKAD has considered whether pursuant to ADR Article 10.6.3, a reduction to the period of Ineligibility should be applied following Mr Jefferies' admissions.

24. ADR Article 10.6.3 states:

*10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under 10.2.1 or Article 10.3.1:*

*An Athlete or other Person potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection), may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Athlete's or other Person's degree of Fault by promptly admitting the asserted Anti-Doping Rule Violation after being confronted with it, upon the approval and at the discretion of WADA and UKAD.*

25. UKAD considers Mr Jefferies' admissions in his response to the Notice of Charge on 28 April 2019 were prompt.
26. UKAD is not however, able to properly assess Mr Jefferies' overall Fault as he has not established his source of ingestion. In respect of drostanolone Mr Jefferies has explained the findings through the use of what he believes to be contaminated supplements. However, at no stage has Mr Jefferies named the supplements he ingested or detailed how much and how frequently he ingested them. Further, Mr Jefferies has not produced any evidence that would allow for scientific analysis of the supplements or even evidenced how and when he purchased the supplements. UKAD cannot accept that ingestion of contaminated supplements was the cause of AAF1 and AAF3.
27. Furthermore, UKAD considers these findings to be serious. Analysis of Mr Jefferies' Samples have returned findings for drostanolone, a powerful anabolic androgenic steroid, which has the effect of promoting an increase in strength and power whilst maintaining or reducing body fat.
28. In view of UKAD's assessment of Fault and seriousness for the findings of drostanolone, UKAD does not need to consider ADR Article 10.6.3 further in respect of Mr Jefferies' ingestion of cocaine.

29. In all the circumstances, UKAD has not exercised its discretion to reduce the period of Ineligibility pursuant to ADR Article 10.6.3. The period of Ineligibility to be imposed is therefore four years, pursuant to ADR Article 10.2.1(a).

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

---

30. ADR Article 10.11 requires that the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.
31. ADR Article 10.11.2 allows for the period of Ineligibility to start as early as the date of Sample Collection, where there is a timely admission of a violation. In Mr Jefferies' case, the first A and B Samples were collected on 23 February 2019. Mr Jefferies was charged on 18 April 2019 and accepted contravening ADR Article 2.1 on 28 April 2019. UKAD considers this a timely admission and therefore ADR Article 10.11.2 is to be applied.
32. Mr Jefferies' first A and B Samples were collected on 23 February 2019. The period of Ineligibility is therefore deemed to have commenced on 23 February 2019 and will expire at midnight on 22 February 2023.

### **Status during Ineligibility**

---

33. During the period of Ineligibility, in accordance with ADR Article 10.12.1 Mr Jefferies shall not be permitted to participate in any capacity in any Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by:
- a. The RFL or any body that is a member of, or affiliated to, or licensed by 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-level or national-level Event organisation; or
  - e. Any elite or national-level sporting activity funded by a government agency.
34. Mr Jefferies may return to train with a team or to use the facilities of a club or other member organisation of the RFL or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 22 December 2022) pursuant to ADR Article 10.12.4(b).

## Summary

---

35. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.7.4 and records that:
- a. Mr Jefferies has violated ADR Article 2.1;
  - b. For the purposes of sanction, his violations are treated as one ADRV, in accordance with ADR Article 10.7.4(a);
  - c. This constitutes Mr Jefferies' first ADRV and, as such, a period of Ineligibility of four years is imposed pursuant to ADR Article 10.2.1(a);
  - d. Acknowledging the timely admission pursuant to ADR Article 10.11.2, the period of Ineligibility is deemed to have commenced on 23 February 2019 and will expire at midnight on 22 February 2023; and
  - e. Mr Jefferies' status during the period of Ineligibility shall be as detailed in ADR Article 10.12.
36. Mr Jefferies, the RFL, the RLIF and WADA have a right to appeal against this decision or any part of it in accordance with ADR Article 13.4.
37. This Issued Decision will be publicly announced via UKAD's website in accordance with ADR Articles 8.4.3 and 14.1.2.

**4 September 2019**