

## Issued Decision

# UK Anti-Doping and Alfredie (AJ) Roberts

### Disciplinary Proceedings under the Anti-Doping Rules of Basketball England

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Basketball England ('BBE') Anti-Doping Rules (the 'ADR'). It concerns a violation of the ADR committed by Mr Alfredie (AJ) Roberts 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. BBE is the national governing body for the sport of basketball in England. UKAD is the National Anti-Doping Organisation for the United Kingdom. BBE has adopted the UK Anti-Doping Rules as its own Anti-Doping Rules (the 'ADR').
2. Mr Roberts is a 29-year old Athlete who participates in the sport of basketball. At all material times in this matter Mr Roberts was subject to the jurisdiction of BBE and bound to comply with the ADR. Pursuant to the ADR, UKAD has results management responsibility in respect of all Athletes subject to the jurisdiction of BBE.
3. On 19 May 2019, UKAD collected four In-Competition urine Samples from Mr Roberts at the British Basketball League Play-Off Final between London City Royals and Leicester Riders at The O2, Peninsula Square, North Greenwich, London SE10 0DX. The first three urine Samples collected from Mr Roberts did not meet the suitable volume for analysis (a minimum of 90mL) and were therefore sealed as partial Samples. The fourth urine Sample did meet the suitable volume for analysis and was separated into two bottles which were given the reference numbers A1151356 ('the A Sample') and B1151356 ('the B Sample').
4. All Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory, 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. The analysis returned an Adverse Analytical Finding for carboxy-THC, a metabolite of cannabis, at an average concentration of 519ng/mL ('the AAF').

5. Cannabis (including any metabolites) is classified as a Cannabinoid under section S8 of the WADA 2019 Prohibited List. It is a Specified Substance and is prohibited In-Competition only.
6. Mr Roberts did not have a Therapeutic Use Exemption in respect of cannabis.
7. On 28 June 2019 UKAD issued Mr Roberts with a Notice of Charge and a Provisional Suspension. The Notice of 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**

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8. 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***

9. Mr Roberts formally admitted committing an ADRV pursuant to ADR Article 2.1 in his response to the Notice of Charge dated 19 July 2019.
10. 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) ...
- (b) *The Anti-Doping Rule Violation involves a Specified Substance and UKAD can establish that the Anti-Doping Rule Violation was intentional.*

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

11. ADR Article 10.2.1(b) therefore provides that in relation to this matter (being a matter that concerns cannabis, a Specified Substance) the period of Ineligibility to be imposed shall be four years if UKAD can establish that the ADRV was committed intentionally. If UKAD is not able to establish that the ADRV was

committed intentionally, then pursuant to ADR Article 10.2.2 a period of Ineligibility of two years shall be imposed.

12. 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 a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition...*

13. Mr Roberts provided an explanation for his ADRV by way of a response dated 19 July 2019. In this response Mr Roberts explains that approximately a week before Sample Collection, a friend from America visited him. The friend attended Mr Roberts' address with some chocolate brownies, which he was 'aware...likely contained an illegal substance'. Mr Roberts recalls consuming approximately four chocolate brownies Out-of-Competition between 13 - 17 May 2019. Mr Roberts states that he did not think the brownies would have an impact on his performance and did not expect to 'provide a positive sample'. Mr Roberts also describes the personal pressures he was feeling in his life at the time.
14. On the basis of the account provided by Mr Roberts, UKAD sought an opinion from Professor Kim Wolff, Head of the Drug Control Centre, King's College London. Professor Wolff, having considered Mr Roberts' account, accepted that it was entirely possible that Mr Roberts ingestion of cannabis took place Out-of-Competition.
15. In light of the opinion provided by Professor Wolff, UKAD does not advance a positive case that Mr Roberts committed the ADRV intentionally and the presumption contained within ADR Article 10.2.3 applies. Accordingly, as set out in ADR Article 10.2.2, the period of Ineligibility is two years.
16. The period of Ineligibility can be reduced if Mr Roberts can establish that he acted with No Significant Fault or Negligence. ADR Article 10.5.1(a) states as follows:

**10.5 Reduction of the period of Ineligibility based on No Significant Fault or Negligence**

*10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Anti-Doping Rule Violations under Article 2.1, 2.2 or 2.6:*

(a) *Specified Substances*

*Where the Anti-Doping Rule Violation involves a Specified Substance, and the Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Athlete's or other Person's degree of Fault.*

17. Fault is defined in the ADR as follows:

*Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.*

18. UKAD has considered Mr Roberts' response in full. UKAD's position in respect of ADR Article 10.5.1(a) is that Mr Roberts was significantly at Fault applying the definition contained within the ADR. Mr Roberts accepts that the period of Ineligibility remains two years.

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

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19. 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.
20. ADR Article 10.11.2 allows for the period of Ineligibility to start as early as the date of Sample Collection (in Mr Roberts' case, 19 May 2019) where there is a timely admission of the ADRV. Mr Roberts was charged on 28 June 2019 and accepted the ADRV in his response dated 19 July 2019. UKAD considers this to be a timely admission, therefore ADR Article 10.11.2 applies.

21. The period of Ineligibility is therefore deemed to have commenced on the date of Sample Collection, 19 May 2019 and will expire at midnight on 18 May 2021.

### **Status during Ineligibility**

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22. During the period of Ineligibility, in accordance with ADR Article 10.12.1 Mr Roberts 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. BBE or any body that is a member of, or affiliated to, or licensed by BBE;
  - 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.
23. Mr Roberts may return to train with a team or to use the facilities of a club or other member organisation of BBE or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 18 March 2021) pursuant to ADR Article 10.12.4(b).

### **Summary**

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24. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.7.4 and records that:
- a. Mr Roberts has committed an ADRV pursuant to ADR Article 2.1;
  - b. This constitutes Mr Roberts' first ADRV and, as such, a period of Ineligibility of two years is imposed pursuant to ADR Article 10.2.2;
  - c. Acknowledging Mr Roberts' timely admission, the period of Ineligibility is deemed to have commenced on 19 May 2019 and will expire at midnight on 18 May 2021; and
  - d. Mr Roberts' status during the period of Ineligibility shall be as detailed in ADR Article 10.12.
25. Mr Roberts, BBE, the International Basketball Federation and WADA have a right to appeal against this decision or any part of it in accordance with ADR Article 13.4.

26. This Issued Decision will be publicly announced via UKAD's website in accordance with ADR Articles 8.4.3 and 14.1.2.

**19 December 2019**