

Issued Decision

UK Anti-Doping and Gabriel Hamlin

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 a violation of the ADR committed by Mr Gabriel Hamlin 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 the United Kingdom. UKAD is the National Anti-Doping Organisation for the United Kingdom.
2. Mr Hamlin is a 23-year old Australian rugby league player. He has competed at the highest level of domestic rugby league for Wigan Warriors. At all material times in this matter Mr Hamlin 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 Athletes subject to the jurisdiction of the RFL.
3. On 8 February 2019, UKAD collected an In-Competition urine Sample from Mr Hamlin following a Super League match between Wigan Warriors and Leeds Rhinos at the DW Stadium in Wigan. The Sample was separated into two bottles which were given the reference numbers A1148881 (the 'A Sample') and B1148881 (the '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 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 ('AAF') for benzoylecgonine (a metabolite of cocaine).
5. Cocaine is listed under section S6a (Stimulants) of the WADA 2019 Prohibited List as a Stimulant. It is a non-Specified Substance that is prohibited In-Competition only.
6. Mr Hamlin did not have a Therapeutic Use Exemption.

7. On 26 March 2019 UKAD issued Mr Hamlin 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).
8. On 11 April 2019, Mr Hamlin requested that the Laboratory also analyse the B Sample pursuant to ADR Article 7.8.1.
9. On 14 May 2019, the Laboratory analysed the B Sample in accordance with the procedures set out in WADA's International Standard for Laboratories. The B Sample analysis confirmed the AAF for benzoylecgonine in respect of the A Sample.

Admission and Consequences

10. 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***

11. On 21 May 2019 Mr Hamlin formally admitted committing an ADRV pursuant to ADR Article 2.1 in his response to the Notice of Charge.

12. 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.

13. 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 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.

14. ADR Article 10.2.1(a) therefore provides that since cocaine is a non-Specified Substance that is prohibited In-Competition only, the period of Ineligibility shall be four years, unless Mr Hamlin can establish on the balance of probability that his violation of ADR Article 2.1 was not intentional. If Mr Hamlin can establish that his ingestion of cocaine took place Out-of-Competition in a context unrelated to sport performance, his ADRV shall not be considered intentional and the period of Ineligibility shall be two years.
15. In admitting the ADRV, Mr Hamlin explained that his ingestion of cocaine was not intentional as contemplated by ADR Article 10.2.1(a).
16. Mr Hamlin asserts that on the evening of 7 February 2019 (the night before Sample collection) he was at his home with a woman he had met through an online dating application. Mr Hamlin indicates that he and the woman kissed during the course of the evening from around 10:30pm. Mr Hamlin maintains he did not consume cocaine or see the woman consuming it; he suggests that she appeared ‘*very chatty and visited the bathroom several times*’ and that he discovered white powder in his bathroom the following morning (though he did not presume this to be cocaine at that time).
17. On the basis of the account provided by Mr Hamlin, UKAD sought an opinion from Professor Kim Wolff, Head of the Drug Control Centre, King’s College London. Professor Wolff, having considered Mr Hamlin’s account, was of the opinion that it ‘*does not stand up to scrutiny*’. Professor Wolff concluded that whilst the low concentration of benzoylecgonine in the Sample excluded the possibility of In-Competition use, it is in fact consistent with Out-of-Competition ingestion ‘*in the days leading up to the competition: an earlier period of time than given in the account by the athlete*’.
18. In light of the opinion provided by Professor Wolff, UKAD does not accept the account given by Mr Hamlin. However, UKAD is satisfied that Mr Hamlin did not act intentionally, as that term is defined in ADR Article 10.2.3 in that his Use of cocaine on the balance of probabilities, took place Out-of-Competition in a context

unrelated to sport performance. The period of Ineligibility to be applied in these circumstances is two years.

19. The period of Ineligibility can be reduced if Mr Hamlin can establish that he acted with No Fault or Negligence in accordance with ADR Article 10.4 or No Significant Fault or Negligence in accordance with ADR Article 10.5.2. No reduction to Mr Hamlin's period of Ineligibility has been applied, as he has not provided an acceptable account upon which UKAD can assess his Fault.
20. Mr Hamlin accepts that the period of Ineligibility to be applied is therefore two years.

Commencement of period of Ineligibility

21. 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.
22. However, ADR Article 10.11.2 allows for the period of Ineligibility to start as early as the date of Sample Collection (in Mr Hamlin's case, 8 February 2019) where there is a timely admission of the ADRV.
23. Mr Hamlin was charged on 26 March 2019 and requested that the B Sample be analysed. Mr Hamlin received the result of the B Sample on 16 May 2019 and admitted the ADRV on 21 May 2019.
24. UKAD considers this to be a timely admission and therefore ADR Article 10.11.2 applies. As such, the period of Ineligibility is therefore deemed to have commenced on 8 February 2019 and will expire at midnight on 7 February 2021.

Status during Ineligibility

25. During the period of Ineligibility, in accordance with ADR Article 10.12.1 Mr Hamlin 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 governmental agency.

26. Mr Hamlin 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 7 December 2020) pursuant to ADR Article 10.12.4(b).

Summary

27. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.7.4 and records that:
- a. Mr Hamlin has committed an ADRV pursuant to ADR Article 2.1;
 - b. A period of Ineligibility of two years is imposed pursuant to ADR Article 10.2.2;
 - c. Acknowledging the timely admission pursuant to ADR Article 10.11.2, the period of Ineligibility is deemed to have commenced on 8 February 2019 and will expire at midnight on 7 February 2021; and
 - d. Mr Hamlin's status during the period of Ineligibility shall be as detailed in ADR Article 10.12.
28. Mr Hamlin, the RFL, the Rugby League International Federation, ASADA and WADA have a right to appeal against this decision or any part of it in accordance with ADR Article 13.4.
29. This Issued Decision will be publicly announced via UKAD's website in accordance with ADR Articles 8.4.3 and 14.1.2.

7 January 2020