

Issued Decision

UK Anti-Doping and Bradley Watson

Disciplinary Proceedings under the Anti-Doping Rules of the British Boxing Board of Control

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules (the 'ADR') of the British Boxing Board of Control ('BBBoC'). It concerns a violation of the ADR committed by Mr Bradley Watson 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 BBBoC is the national governing body for the sport of professional boxing in the United Kingdom. UKAD is the National Anti-Doping Organisation for the United Kingdom.
2. Mr Watson is a 29-year old professional boxer. At all material times Mr Watson was subject to the jurisdiction of the BBBoC and bound to comply with the ADR. Pursuant to the ADR, UKAD has results management responsibility in respect of all boxers subject to the jurisdiction of the BBBoC.
3. On 28 September 2019, UKAD collected an In-Competition urine Sample from Mr Watson following his bout with Khvicha Gigolashvili at York Hall. The Sample was separated into two bottles which were given the reference numbers A1152940 (the 'A Sample') and B1152940 (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 clomifene.
5. Clomifene is listed under section S4 (Hormone and Metabolic Modulators) of the WADA 2019 Prohibited List. It is a Specified Substance that is prohibited at all times.
6. Mr Watson did not have a Therapeutic Use Exemption.

7. On 4 December 2019 UKAD issued Mr Watson 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

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. On 12 December 2019, in his substantive response to the Notice of Charge, Mr Watson formally admitted committing an ADRV pursuant to ADR Article 2.1.

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, since clomifene is a Specified Substance, the period of Ineligibility shall be two years, unless 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...

13. In admitting the ADRV, Mr Watson explained that his ingestion of clomifene was for the purpose of self-medicating an apparent medical condition. UKAD invited Mr Watson to provide further submissions regarding his use of clomifene and in mitigation but, in light of his recent retirement from boxing, Mr Watson declined the opportunity to provide additional information, indicating that he was willing to accept the appropriate sanction.
14. In those circumstances, UKAD cannot establish that the ADRV was committed intentionally, as that term is defined in ADR Article 10.2.3.
15. Therefore, in accordance with ADR Article 10.2.2, the period of Ineligibility to be applied is two years.
16. The period of Ineligibility can be reduced if Mr Watson can establish that he acted with No Significant Fault or Negligence in accordance with ADR Article 10.5.1(a), which 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. No Significant Fault or Negligence is defined in the ADR as follows:

The Athlete or other Person establishing that his or her Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relation to the Anti-Doping Rule Violation. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his/her system.

19. UKAD has considered Mr Watson's responses and representations in full. UKAD's position in respect of ADR Article 10.5.1(a) is that Mr Watson has not established that he bore No Significant Fault or Negligence, pursuant to the definitions in the ADR. Mr Watson accepts that the period of Ineligibility remains two years.

Commencement of period of Ineligibility

20. 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.
21. However, ADR Article 10.11.2 allows for the period of Ineligibility to start as early as the date of Sample Collection (in Mr Watson's case, 28 September 2019) where there is a timely admission of the ADRV.
22. Mr Watson was charged on 4 December 2019 and formally admitted the ADRV on 12 December 2019.
23. 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 28 September 2019 and will expire at midnight on 27 September 2021.

Status during Ineligibility

24. During the period of Ineligibility, in accordance with ADR Article 10.12.1 Mr Watson 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 BBBoC or any body that is a member of, or affiliated to, or licensed by the BBBoC;
 - 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.
25. Mr Watson may return to train using the facilities of a gym or other member organisation of the BBBoC or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 27 July 2021) pursuant to ADR Article 10.12.4(b).

Disqualification

26. Mr Watson's ADRV arose out of an In-Competition test. In accordance with ADR Article 9.1 this automatically leads to Disqualification of the result he obtained in the bout in question, with all resulting Consequences, including forfeiture of any medals, titles, points and prizes.

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 Watson 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 28 September 2019 and will expire at midnight on 27 September 2021;
 - d. Mr Watson's status during the period of Ineligibility shall be as detailed in ADR Article 10.12; and
 - e. The result Mr Watson obtained in the bout on 28 September 2019 is Disqualified in accordance with ADR Article 9.1.
28. Mr Watson, the BBBoC 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.

13 July 2020