

Issued Decision

UK Anti-Doping and Andrew Lea

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 Mr Andrew Lea 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 RFL is the national governing body for the sport of rugby league in England. UKAD is the National Anti-Doping Organisation for the United Kingdom.
2. Mr Lea is a 27-year-old rugby league player who was registered to play for Rochdale Hornets. At all material times in this matter, Mr Lea 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 9 January 2020, UKAD collected an Out-of-Competition urine Sample from Mr Lea at a Rochdale Hornets squad test at Hopwood Hall College, Rochdale Road, Middleton, Manchester. The Sample was separated into two bottles which were given the reference numbers A1163430 ('the A Sample') and B1163430 ('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 A Sample was analysed in accordance with the procedures set out in WADA's International Standard for Laboratories. The analysis of Mr Lea's A Sample returned Adverse Analytical Findings ('AAFs') for drostanolone and its metabolite 2 α -methyl-5 α -androstan-3 α -ol-17-one and 17 α -epitrenbolone, a metabolite of trenbolone.
5. Both drostanolone and trenbolone are listed under section S1.1 of the WADA 2020 Prohibited List as Anabolic Androgenic Steroids. These are non-Specified Substances that are prohibited at all times.

6. Mr Lea did not have a Therapeutic Use Exemption in respect of either drostanolone or trenbolone.
7. On 2 April 2020, UKAD issued Mr Lea with a Notice of Charge ('the Charge') and a Provisional Suspension. The Charge alleged the commission of two Anti-Doping Rule Violations ('ADRVs') 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 16 April 2020, by way of written response, Mr Lea admitted the ADRV's outlined in the Charge.

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) *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.

11. 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...

12. ADR Article 10.2.1(a) therefore provides that, in relation to the ADRVs in this matter, (being ADRVs that concern non-Specified Substances) the period of Ineligibility to be imposed shall be four years, unless Mr Lea can establish, on the balance of probability, that his violations of ADR Article 2.1 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 to the required standard¹.
13. On 20 May 2020 Mr Lea provided a formal explanation for his ADRVs wherein he acknowledges knowingly ingesting a product called TTM, on his account, for the purpose of improving his physical appearance only. Mr Lea also asserts that he understood TTM to contain trenbolone and drostanolone, but that he did not know what those steroids were. In the circumstances, Mr Lea therefore accepts that he is not able to demonstrate that he did not commit the ADRVs intentionally, as defined in ADR Article 10.2.3.
14. For the purposes of imposing sanctions under ADR Article 10.7, in accordance with ADR Article 10.7.4(a), the two ADRVs will be considered together as a single first violation. 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.*

15. Mr Lea received notice of the ADRVs at the same time, namely when the Charge was issued on 2 April 2020. As a result, the ADRVs are considered together as

¹ 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.*”

a single first violation 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

16. UKAD has considered whether, pursuant to ADR Article 10.6.3, a reduction to the period of Ineligibility should be applied following Mr Lea’s admissions.

17. 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 Article 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.

18. However, in the circumstances of this case and having considered what reduction may be applied under ADR Article 10.6.3, UKAD and Mr Lea agree that ADR Article 10.11.2 should apply instead² so that the period of Ineligibility may start as early as the date of Sample collection.

Commencement of period of Ineligibility

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. However, ADR Article 10.11.2 allows for the period of Ineligibility to start as early as the date of Sample collection (in Mr Lea’s case, 9 January 2020) where there is a timely admission of the ADRVs.

21. Mr Lea was charged on 2 April 2020 and first accepted the ADRVs in his initial response to UKAD dated 16 April 2020. UKAD considers this a timely admission and therefore ADR Article 10.11.2 applies. As such, the period of Ineligibility is therefore deemed to have commenced on 9 January 2020 and will expire at midnight on 8 January 2024.

Status during Ineligibility

22. During the period of Ineligibility, in accordance with ADR Article 10.12.1 Mr Lea

² ADR Article 10.11.2 states “...This Article shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3.”

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.
23. Mr Lea 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 8 November 2023) pursuant to ADR Article 10.12.4(b).

Summary

24. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.7.4 and records that:
- a. Mr Lea 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 Lea's first ADRV and, as such, a period of Ineligibility of four years is imposed pursuant to ADR Article 10.2.1(a);
 - d. Acknowledging his timely admission pursuant to ADR Article 10.11.2, Mr Lea's period of Ineligibility is deemed to have commenced on 9 January 2020 and will expire at midnight on 8 January 2024; and
 - e. Mr Lea's status during the period of Ineligibility shall be as detailed in ADR Article 10.12.
25. Mr Lea, the RFL, International Rugby League 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.

22 September 2020