

# Issued Decision

## UK Anti-Doping and Jade Jones

### Disciplinary Proceedings under the Anti-Doping Rules of GB Taekwondo

This is an Issued Decision made by UK Anti-Doping ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of GB Taekwondo ('GBT'). It concerns an Anti-Doping Rule Violation ('ADRV') committed by Ms Jade Jones and records that the applicable period of Ineligibility has been eliminated on the basis that Ms Jones bore No Fault or Negligence for the ADRV.

Capitalised terms used in this Decision have the meaning given to them in the ADR unless otherwise indicated.

### Background and Facts

---

1. GBT is the body responsible for the preparation, management and performance of British Athletes enrolled in the World Class Performance Programme for Taekwondo and those at the Olympic Games, Paralympic Games and at World and European Championships. UKAD is the National Anti-Doping Organisation for sport in the United Kingdom. GBT has adopted, as its own ADR, the UK Anti-Doping Rules<sup>1</sup>, which are issued by UKAD and are subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code.
2. Ms Jones is a 31-year-old double Olympic champion and International-Level Taekwondo Athlete. At all relevant times, Ms Jones was subject to the jurisdiction of GBT and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has results management responsibility for all Athletes that are subject to the jurisdiction of GBT.
3. On 1 December 2023 at 6:50am, a UKAD Doping Control Officer ('DCO') attended Ms Jones' hotel room at the Leonardo Hotel, Manchester, to collect an Out-of-Competition urine Sample.
4. Upon arrival, the DCO identified herself to Ms Jones and showed Ms Jones her UKAD identification. The DCO then notified and informed Ms Jones that she was required to provide a urine Sample under supervision.
5. In response to the request to provide a Sample, Ms Jones informed the DCO that she was just about to leave the hotel to go home for a dehydration bath, as she was dehydrating in preparation for a weigh-in later that day at around 10:00am. Ms Jones stated that the dehydration bath was an important part of her performance preparations in advance of a competition the following day. Ms Jones also told the DCO that, since she had not eaten or drunk since 29 November 2023

---

<sup>1</sup> Version 1.0, in effect as from 1 January 2021.

(i.e., two days previously), she would not be able to pass urine until much later in the day. Ms Jones asked if the DCO could accompany her to her home, so that she could provide a Sample when she was next able to pass urine.

6. The DCO contacted UKAD by phone, to seek clarification on whether she would be able to travel to Ms Jones' home address to complete the Sample collection there. A UKAD representative informed the DCO that they would call her back to confirm the position as soon as possible. While waiting on a response from UKAD, Ms Jones repeated her concern to the DCO that she would not be able to pass urine all day and then asked what would happen if she did not provide a Sample. The DCO warned Ms Jones that not providing a Sample could amount to an ADRV and that she could face a ban from sport.
7. After receiving a call from UKAD at 7:27am, the DCO confirmed to Ms Jones that she was happy to travel to her home and stay with her for the day until she could provide a Sample. The DCO reminded Ms Jones that not providing a Sample could result in an ADRV and a ban from sport. The DCO gave Ms Jones this warning approximately five times during the course of their conversations.
8. Ms Jones then telephoned her performance director, Mr Gary Hall. Ms Jones informed Mr Hall that UKAD had arrived at her hotel to collect a Sample and she was not able to provide a Sample because she was dehydrated and needed to get home as soon as possible for her performance preparations before her weigh-in later that morning. Mr Hall advised Ms Jones to provide a Sample.
9. Notwithstanding Mr Hall's advice or the DCO's willingness to travel to Ms Jones' home address, Ms Jones told the DCO that the process was taking too long and compromising her dehydration conditions. Ms Jones confirmed that she needed to leave to get home and continue her dehydration and competition preparations. The DCO completed the Doping Control Form, checking the box to confirm that Ms Jones refused or failed to submit to Sample collection, noting the reason as '*unable to provide, on a dehydration day*'. Ms Jones signed the paperwork at 7:43am and the Mission concluded without Ms Jones providing a Sample.
10. Later that evening, at around 7:20pm, under an entirely separate Mission Order, a UKAD DCO collected an Out-of-Competition urine Sample from Ms Jones. Subsequent laboratory analysis of this urine Sample did not result in the detection of any Prohibited Substances or Prohibited Methods.
11. UKAD subsequently commenced an investigation to ascertain whether Ms Jones' refusal and/or failure to submit to Sample collection during the first Mission on 1 December 2023 constituted a breach by her of ADR Article 2.3.
12. As part of that investigation, UKAD wrote to Ms Jones on 14 December 2023 and invited her to participate in an interview. That interview took place on 7 February 2024. Ms Jones was accompanied by her then instructed legal representative. During the interview, Ms Jones accepted that she did not provide a Sample (during the first Mission) on 1 December 2023 and acknowledged that she signed various

documents confirming the same. Ms Jones' explanation for not providing a Sample was that she was focussed on competition day and stressed and panicked due to being behind in preparations for her weigh-in later that morning. Ms Jones stated that she did not fully understand the consequences of not providing a Sample, indicating that she thought this would be considered one 'strike' out of a possible three (conflating her conduct with a whereabouts Missed Test).

13. Having concluded its investigation and completed all procedural steps required by the ADR, International Standard for Results Management, and the National Anti-Doping Policy, on 20 March 2024, UKAD sent Ms Jones a letter (the 'Notice Letter'). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Ms Jones, in accordance with ADR Article 7.8, that she may have committed an ADRV pursuant to ADR Article 2.3 in that, on 1 December 2023, she refused to submit to Sample collection as authorised under the ADR.
14. On 25 March 2024, UKAD afforded Ms Jones until 28 March 2024 to respond to the Notice Letter as she had recently instructed new legal representation.
15. Ms Jones responded to the Notice Letter on 28 March 2024, via her new legal representative. In her response Ms Jones explained that no refusal occurred, but rather she was physically unable to provide a Sample due to the dehydration process she was undertaking to 'make weight' ahead of her fight. Ms Jones further asserted that, if it could be said that she refused, which she denied, she had a compelling justification for doing so, being that she [REDACTED] and, in the build up to competition, she became irrational, suffering a complete loss of her cognitive senses.
16. On 15 April 2024, via her legal representative, Ms Jones provided UKAD with a report from Dr Roger Howells, an independent consultant psychiatrist instructed by Ms Jones to examine her in-person on 12 April 2024. In his report, Dr Howells concluded that Ms Jones has [REDACTED]. Dr Howells stated that this '*would be well able to cause a complete loss of cognitive capacity and as such cognitive impairment*', such that '*it fully explains the situation in question*'.
17. On 30 April 2024, UKAD was provided with a report from Dr Philip Hopley, an independent consultant psychiatrist instructed separately by UKAD to examine Ms Jones on 25 April 2024. In his report, Dr Hopley diagnosed Ms Jones as experiencing [REDACTED]. [REDACTED], he agreed with Dr Howells on the impact

of Ms Jones' mental state on her cognitive function. Specifically, Dr Hopley stated that Ms Jones' [REDACTED] 'would be expected to cause transient cognitive impairment ... the level of impairment would be increased to a very significant level', and that at the time of the DCO's visit on 1 December 2023, 'Ms Jones's ability to focus on the key information, to hold that in mind and to consider the consequences of any decision were significantly impaired. As a result, her decision to refuse or failure to provide a sample occurred as a direct result of her cognitive impairment'.

## Charge

---

18. ADR Article 2.3 provides that the following is an ADRV:

*2.3 Evading Sample collection; or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorised Person.*

19. It is clear that Ms Jones refused or failed to submit to Sample collection during the first Mission on 1 December 2023. Whilst UKAD accepts that Ms Jones may have been physically unable to provide a Sample at the precise time that the DCO attended her hotel room, Ms Jones nevertheless did not allow the DCO to accompany Ms Jones to her home and conduct the Sample collection later in the day once she had completed her weigh-in (as the DCO had offered to do).

20. Whether Ms Jones' refusal or failure to submit to Sample collection breached ADR Article 2.3 turns on whether she had a 'compelling justification' for that refusal or failure.

21. The jurisprudence relating to the 'compelling justification' defence shows that the test is: (1) objective; and (2) narrowly construed,<sup>2</sup> such that an Athlete must generally prove that it was not '*physically, hygienically [or] morally possible*' for the Sample to be provided.<sup>3</sup>

22. In UKAD's view, neither of the bases Ms Jones asserted in her response to the Notice Letter (see paragraph 15 above) gave her 'compelling justification' for her refusal or failure to submit to Sample collection:

22.1. As noted above, whilst Ms Jones asserted that she was physically unable to provide a Sample at the precise time the DCO attended her hotel room, the DCO confirmed that she could accompany Ms Jones to her home address to collect the Sample once Ms Jones had rehydrated after her

---

<sup>2</sup> See e.g., at *Troicki v ITE*, CAS 2013/A/3279, para 9.15, and *WADA v CONI, FIGC, Mannini & Possanzini*, CAS 2008/A/1557, para 80.

<sup>3</sup> See, e.g., *Brothers v FINA*, CAS 2016/A/4631, at para 79, quoting *Azvedo v FINA*, CAS 2005/A/925 ('[I]f it remains "physically, hygienically and morally possible", for the sample to be provided, despite objections by the athlete, the refusal to submit to the test cannot be deemed to have been compellingly justified.')

weigh-in. Ms Jones should therefore have accepted this proposal and provided a Sample at a later time during the Mission.

- 22.2. Whilst UKAD accepts the independent medical evidence of Drs Howell and Hopley that: (1) Ms Jones has [REDACTED]'; (2) she very likely [REDACTED] when the DCO attended her hotel room on 1 December 2023; and (3) this would have significantly or completely impaired her ability to understand or appreciate that her refusal could be an ADRV and/or the consequences of such refusal, the relevant jurisprudence indicates that this would not amount to 'compelling justification' (though would be relevant to the question of Ms Jones' Fault, as addressed below).
23. Having concluded that Ms Jones had no compelling justification for refusing or failing to provide a Sample on 1 December 2023, UKAD therefore proceeded on 2 May 2024 to issue Ms Jones with a Charge Letter in accordance with ADR Article 7.11.2.
24. The Charge Letter confirmed that UKAD was charging Ms Jones with the commission of '*[a]n ADRV pursuant to Article 2.3 in that, on 1 December 2023, [she] refused or failed to submit to Sample collection without compelling justification after notification by a UKAD Doping Control Officer*'.

## Fault

---

25. However, as noted above, UKAD accepts the independent medical evidence of Drs Howells and Hopley that Ms Jones' [REDACTED] on 1 December 2023 would have significantly or completely impaired her ability to understand or appreciate: 1) the significance of the request for her to provide a Sample; and 2) the serious consequences she would face if she did not comply with that request. On the basis of those very exceptional circumstances, fully supported by compelling, independent medical evidence, UKAD considers that Ms Jones bears No Fault or Negligence for her refusal or failure<sup>4</sup> to submit to Sample collection on 1 December 2023.
26. The ADR define No Fault or Negligence as follows:
- The Athlete or other Person establishing that they did not know or suspect, and could not reasonably have known or suspected, even with the exercise of utmost caution, that they had Used or been administered the Prohibited Substance or Prohibited Substance or otherwise violated an anti-doping rule [...]*
27. In concluding that Ms Jones bears No Fault or Negligence for her ADRV, UKAD has noted the decision of the independent National Anti-Doping Panel in UKAD v Bailey.<sup>5</sup> In that case, the independent National Anti-Doping Panel held that, in light

---

<sup>4</sup> In UKAD's view, Ms Jones' conduct constituted a refusal to submit to Sample collection.

<sup>5</sup> UKAD v Bailey, SR/NADP/885/2017.

of Mr Bailey's inability to process the information given to him by the DCO it would not *'be right to conclude that he was at fault or negligent. It would be unfair to Mr Bailey and inconsistent with the approach of the ADR in its definition of fault to judge his actions artificially [...].'*<sup>6</sup> Whilst the Panel stressed that its conclusions should not *'be taken as any sort of precedent for other cases'*, this was on the basis that its decision had been reached on the basis of *'very special facts and psychological evidence'*.<sup>7</sup> UKAD has concluded that Ms Jones' case is also unique and the outcome has been reached on the basis of very special facts and independent psychiatric evidence from Drs Howell and Hopley, along with other available medical records.

28. UKAD has also noted the decision in *UKAD v Boardman*.<sup>8</sup> In that case, Mr Boardman alleged that the presence of metabolites of oxandrolone in his Sample was the result of his having accidentally ingested steroid tablets belonging to a third party. Mr Boardman asserted that, while cognitively impaired, he had mistaken the third party's tablets for paracetamol, which he had intended to take to combat [REDACTED] that was said to also be causing the cognitive impairment. The Sole Arbitrator was not persuaded that Mr Boardman bore No Fault or Negligence for his ADRV on the basis that there was *'no evidence that Mr Boardman was so overcome with the effects of [his] [REDACTED] that he could not think sufficiently to perform basic tasks that require higher level reasoning and activity'*.<sup>9</sup> Whilst Mr Boardman's case concerned a different ADRV to that of Ms Jones (i.e., a breach of ADR Article 2.1/2.2 as opposed to Article 2.3), the Sole Arbitrator's decision is nonetheless helpful in providing guidance as to the degree of cognitive impairment required for an Athlete to establish that they bear No Fault or Negligence in respect of an ADRV. Mr Boardman did not meet that standard. However, as noted above, in Ms Jones' case Drs Howells and Hopley agree that Ms Jones' ability to understand or appreciate: 1) the significance of the request for her to provide a Sample; and 2) the serious consequences she would face if she did not comply with that request, would have been very significantly or completely impaired when the DCO attended her hotel room. Ms Jones' case can therefore be distinguished from that of Mr Boardman.
29. In view of the above, the Charge Letter informed Ms Jones that, having considered all of the circumstances of her case and all of the available evidence, including careful review of the independent medical expert reports and available medical records, UKAD considered that Ms Jones had demonstrated that she bore No Fault or Negligence for her ADRV. On that basis, the Charge Letter therefore also confirmed that Ms Jones' Provisional Suspension was to be lifted with immediate effect.

---

<sup>6</sup> Ibid, para 51.

<sup>7</sup> Ibid, para 54.

<sup>8</sup> *UKAD v Wayne Boardman*, CAS 2022/A/8727.

<sup>9</sup> Ibid, at para 69. The Sole Arbitrator went on to find that Mr Boardman bore No Significant Fault or Negligence for his actions (paras 72-79).

## Admission and Consequences

---

30. Following receipt of the Charge Letter, Ms Jones admitted to committing an ADRV in violation of ADR Article 2.3, via letter from her legal representatives dated 8 May 2024.
31. ADR Article 10.3.1 provides that:
- For an Anti-Doping Rule Violation under Article 2.3 or Article 2.5 that is the Athlete's or other Person's first doping offence, the period of Ineligibility shall be four (4) years except:*
- (a) *in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the Anti-Doping Rule Violation was not intentional, the period of Ineligibility shall be two (2) years;*
- (b) *in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from two (2) years to four (4) years, depending on the Athlete's or other Person's degree of Fault;*
- [...]
32. ADR Article 10.5 states that:
- If an Athlete or other Person establishes in an individual case that they bear No Fault or Negligence for the Anti-Doping Rule Violation, the otherwise applicable period of Ineligibility shall be eliminated.*
33. In light of UKAD's conclusion that Ms Jones bears No Fault or Negligence for her ADRV, the otherwise applicable period of Ineligibility is therefore eliminated.
34. ADR Article 10.10 states (in relevant part) that:
- Unless fairness requires otherwise, [...] any [...] results obtained by the Athlete in Competitions taking place in the period starting on the date the [...] Anti-Doping Rule Violation occurred and ending on the commencement of any Provisional Suspension or Ineligibility period, shall be Disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, points and prizes.*
35. In the circumstances, and in particular in light of the fact that: (1) UKAD has concluded that Ms Jones bears No Fault or Negligence in respect of her ADRV; and (2) no Prohibited Substances or Prohibited Methods were detected in the Sample provided by Ms Jones during the second Mission in the evening of 1 December 2023, UKAD considers that fairness requires that Ms Jones' results from within the relevant period stand, i.e. are not Disqualified.

## Summary

---

36. For the reasons given above, UKAD has issued this Decision in accordance with ADR 7.12.2, and records that:
  - 36.1. Ms Jones has committed an ADRV pursuant to ADR Article 2.3;
  - 36.2. Ms Jones bears No Fault or Negligence for that ADRV; and
  - 36.3. the period of Ineligibility that would otherwise have been applicable to Ms Jones as a consequence of her ADRV is therefore eliminated.
37. Ms Jones, GBT, and the World Anti-Doping Agency have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.
38. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.

**17 May 2024**