

# DECISION OF THE WORLD CURLING FEDERATION CASE PANEL

Dated 14 June, 2013

In respect of the following

**Adverse Analytical Finding:** Case n. 2013/ 1301

**Athlete /NF:** Matt Dumontelle

**Member Association:** Canadian Curling Association – CANADA

**Event:** In – Competition

**Sample Collection Date:** 07 April 2013

**Prohibited Substance:** Methandienone metabolites

## 1. COMPOSITION OF THE WORLD CURLING FEDERATION (WCF) CASE PANEL

**Dr. Peter Jenoure (Chair)**

**Avv. Lorenza Mel**

**Dr. Zakia Bartagi**

## 2. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

2.1 **The Athlete:** Mr. Matt Dumontelle.

2.2 Articles of the Statutes/Regulations which are applicable or have been infringed:

WCF Anti –Doping Rules effective 2009, revised December 2010, art. 2.1  
World Anti-Doping Code (2009) in force as adopted by World Curling Federation.

2.3 **Provisional Suspension:**

According to Article 7.6 of the WCF Anti Doping Rules the Athlete has been provisionally suspended from national and international competitions on the 6<sup>th</sup> of May 2013 until the procedure has been completed or until the B Sample Analysis proves negative.

2.4 **Justification for sanction:**

**Art. 2.1.1** WCF Anti - Doping Rules: *“It is each Athlete’s personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly,*

*it is not necessary that intent, fault, negligence or knowing use on the Athlete's part be demonstrated in order to establish an anti-doping violation under art. 2.1". (Strict liability principle).*

**Art.2.2.2.** WCF Anti - Doping Rules: *"The success or failure of the Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was used or attempted to be used for an anti-doping rule violation to be committed".*

### 3. SUMMARY OF FACTS

#### 3.1 Background

3.1.1 Mr. Matt Dumontelle is a Canadian Curling Athlete competing at International Level. In 2013 the Athlete competed in the World Men's Curling Championship in Victoria (Canada) where the Canadian team won a silver medal.

##### *Adverse Analytical Finding*

3.1.2 On April 7, 2013 Mr. Dumontelle provided a urine sample code number 2695752 collected in-competition and in accordance with the WCF Anti Doping Rules during the World Men's Curling Championship 2013 in Victoria ( Canada ). In the Doping Control Form the Athlete declared to use the following substances: 1) **Allmax Tribulus**; 2) **Humira**;

Allmax Tribulus is one of the most popular natural testosterone boosters on the market; it is not a registered drug.

Humira is a modern drug used against rheumatoid diseases.

The Certificate of the analysis confirming the adverse analytical finding was received on 27 April 2013 by the WCF from the INRS – Montreal WADA accredited Laboratory; The analysis revealed the presence of **Methandienone Metabolites ( Certificate of Analysis n. 13-1325AA )**.

3.1.3 Methandienone is a Prohibited Substance listed in category **S1A Exogenous Anabolic Androgenic Steroids (AAS)** of the WADA Prohibited List of 2013. It is not a Specific Substance. This Prohibited List came into effect on January 2013. Methandienone is prohibited both in competition and out of competition. The presence of Methandienone Metabolites in the Athlete's sample therefore constitutes an Anti- Doping Rule Violation.

Mr. Dumontelle was officially notified of this Adverse Analytical Finding by the WCF Anti-Doping Administrator on 6 May 2013.

#### 3.2 Results Management

3.2.1 With the WCF notification letter of 6 May 2013, the Athlete received notice that he was entitled to the performance of the B-Sample confirmatory analysis of his sample. The Athlete was also informed of his right to be present at the B-Sample opening and analysis within the time period prescribed in the International Standard for Laboratories. The Athlete did not reply within the deadline of 14 May 2013 so the WCF considered the Athlete's silence as waiver of his right to have the B- Sample confirmatory analysis. In addition the Athlete did not request a provisional hearing before the WCF Case Panel.

3.2.2 WCF has proceeded with the initial review of the results under Article 7.1.2. of the WCF Anti – Doping Rules: No applicable Therapeutic Use Exemption (TUE) has been or will be granted to the Athlete and there was no apparent departure from the International Standard for Testing or Laboratory that could undetermined the validity of the AAF.

3.2.3 The Case Panel was appointed on 7 May 2013;

### **3.3 Jurisdiction**

3.3.1 The WCF Case Panel has jurisdiction over this matter pursuant to the WCF Anti-Doping rules.

### **3.4 Evidence Provided by Athlete**

3.4.1 On 28 May 2013 - deadline date to submit his written explanation - the Athlete submitted his written explanation by email. He explained to deal with a condition called “*Psoriatic Arthritis*” since he was 22 years old. He is currently taking Humira by injection that he takes once every 2 weeks. The treatment has worked well for his pain but unfortunately has some side effects such as fatigue and weight loss which he has battled with. The Athlete started to take some supplements to deal with the weight loss and fatigue without taking energy drinks or coffee to give him energy. Since hearing from the AAF, he has stopped taking the product and has tried other ways to fix the issue with the help of his doctor, to make sure such an “*accident*” will never happen again. He apologizes for his mistake and takes full responsibility in not getting the information on products he has taken/ he takes. No mention on the “Allmax Tribulus” assumption and any medical certificates or evidences have been provided by the Athlete about the Psoriatic Arthritis he suffers from..

### **3.5 . Further Evidence Requested by the Case Panel**

3.5.1. None.

### **3.6. The Hearing**

The Athlete waives his right to have a fair hearing.

## **4. The Decision**

4.1 The WCF Case Panel was satisfied that the laboratory reports related to the A-Sample and the sample collection documentation confirmed that the analytical tests were performed in a proper manner and that the findings of the LAD are accurate. The WCF Case Hearing Panel was satisfied that the A- Sample test results show the presence of the Prohibited Substance, Methandienone metabolites in contravention of Article 2.1.1 of the WCF Anti-Doping Rules.

4.2 The Athlete did not request the B-Sample Analysis to be performed, and did not contest the accuracy of the testing methods or the test results and the positive findings. The Athlete accepted the results. The WCF Case Panel has thus sufficiently proven the

objective elements of a doping offence pursuant to WCF Anti-Doping Rules Article 2.1.1.

- 4.3 Pursuant to WCF Anti-Doping Rules Article 10.2, the mandatory period for a first breach of the WCF Anti-Doping Rules concerning a Prohibited Substance is a period of two years' ineligibility.
- 4.4 The Panel agreed that WCF Anti-Doping Rules, Article 10.4 and 10.5 would not be applicable to this case since Methandienone is classified as a Prohibited Substance and the Athlete did not establish that he had no Fault or no Negligence or not significant Fault or Negligence in connection with the violation.
- 4.5 The WCF Case Panel is of the opinion that an Athlete competing in his sport at international level has a minimal duty to be informed about the anti-doping regulations. He should have been aware of the risk of exposure to a prohibited substance taking supplements. The Panel found that Mr. Dumontelle was negligent and did not exercise any caution in his exposure to a prohibited substance.
- 4.6 Under these circumstances, the WCF Case Panel concludes that in the present case it is appropriate to impose the sanction of two years suspension.

## 5. Disqualification

- 5.1 The art.11.1 WCF Anti – Doping Rules – *Consequences to Teams* - states that: “.....if more than one member of a team in a Team Sport is found to have committed an Anti-Doping Rules violation during an Event period, the ruling body of the Event shall impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other sanction) in addition to any consequences imposed upon the individual Athlete(s) committing the Anti-Doping Rule violation.”
- 5.2 In this case only one member of the team in a Team Sport was found to have committed an Anti-Doping Rules violation during an Event period so the consequence imposed shall be only upon the individual Athlete.
- 5.3 **Automatic disqualification of individual results ex art. 9 WCF Anti Doping Rules:** “A violation of these Anti Doping Rules in connection with an In – Competition test automatically leads to Disqualification of the results obtained in that Competition with all resulting consequences, including forfeiture of any medals, points and prizes”.
- 5.4 Only the Athlete shall have his silver medal in the above – mentioned event withdrawn.

## 6. Sanction

- 6.1 As a consequence of the foregoing, the WCF Case Hearing Panel has decided to impose the following sanction on the Athlete, in accordance with WCF Anti -Doping Rule Article 10.2 : the Athlete shall be suspended for a period of **2 (two) years** to be effective immediately and without further notice from the date of the provisional suspension imposed.

## 7. Right of Appeal

7.1 **Right to Appeal:** as per Art. 13.4 of WCF Anti Doping Hearing Procedure and Art. 13 of WCF Anti-Doping Rules this decision (involving an International Level Athlete) may be appealed exclusively to CAS in accordance with the provisions applicable before such court and in the time established by the WCF Anti-Doping rules;

## 8 DECISION TO BE FORWARDED TO:

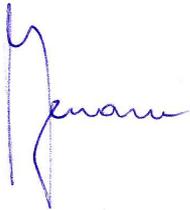
8.1 The person sanctioned: Yes

8.2 The President of the NF of the person sanctioned: Yes

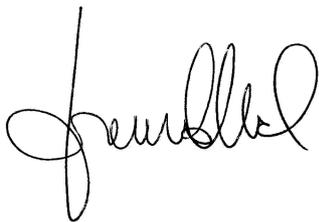
8.3 Any other: WADA

## The WCF Case Panel

Dr. Peter Jenoure (Chair)



Avv. Lorenza Mel



Dr. Zakia Bartagi



