

AWARD DELIVERED BY THE FISA DOPING HEARING PANEL

sitting in the following composition

Members:

**Tricia Smith
Michael Williams
Anita DeFrantz**

**In the case of Nataliya Ryzhkova
Testing Mission 802-44 in Kherson, Ukraine**

Hearing held in Amsterdam, Netherlands on 23 June 2007

The Facts

On 7 April 2007, on behalf of FISA, the World Anti-Doping Agency (“WADA”) conducted out of competition anti-doping tests in Kherson, Ukraine, in accordance with the Regulations of the World Anti-Doping Code and the FISA Anti-Doping Bye-Laws.

The samples taken in the testing were analyzed at the WADA accredited laboratory in Kreischa, Germany.

One of the urine samples collected was sample A-96485. The analysis of the sample A-96485 showed the presence of 3'-OH-stanozolol, the main metabolite of stanozolol. Stanozolol is on the 2007 Prohibited substances/methods list of the World Anti-Doping Code. Stanozolol is a class S1.1a substance (exogenous anabolic androgenic steroid).

The Doping Control Form signed by the athlete Nataliya Ryzhkova (the “Athlete”) identifies her sample as A-96485.

Article 7 of the Bye-Laws to Rule 93 of the FISA Rules of Racing (the “Rules”) describes the procedure when an “A” sample is found to be positive.

According to Article 7, the Athlete was informed by FISA through the Ukrainian National Rowing Federation (the “Federation”) on 30 April 2007 that a violation of the World Anti-Doping Code had occurred in relation to sample A-964985.

In accordance with Article 8.1 of the FISA Anti-Doping Rules the Athlete was invited to attend and participate in a hearing before a FISA Anti Doping Hearing Panel or to provide her position in written format.

The Athlete responded to FISA through the Ukrainian Federation on 7 May 2007 that she did not require a control analysis performed of the B sample of 964985.

Sample A-96485

The Athlete also confirmed that she did not wish to appear before the Hearing Panel and by letter dated 21 May 2007 provided her explanation for the positive test result of sample A-964985. This letter was received by FISA on 5 June 2007.

In her letter the Athlete stated she had been undergoing medical treatment for knee joint bursitis. She attached the extract from her Treatment Case Record at the Specialised Sports Clinic. She stated the treatments had little effect and any improvement was temporary. This was the reason she stated she applied to a General Practitioner. The doctor prescribed medicines which she said “happened to be included in the list of prohibited medications, because in the general medical reference books no medications are divided into allowed or prohibited drugs.” She stated, “I desperately wanted to recover as soon as I possibly could, so I would be able to resume in full my sports training sessions and to take part in competitions”.

Summary of Key Dates

- Date of the Test: 7 March, 2007
- Date of official notification by WADA to FISA of Anti-Doping Rule Violation: 27 April 2007
- Date of the IDAS Laboratory Report: 27 April 2007
- Date the Athlete through the Federation was informed of the Anti-Doping Rule Violation: 30 April 2007
- Date of receipt of the response from the Athlete through the Federation that the Athlete did not require a control analysis: 7 May 2007
- Date of email from FISA to the Federation to ascertain whether the Athlete wished to appear in person before the FISA Doping Hearing Panel: 9 May 2007
- Date of receipt of official statement from the Athlete: 21 May 2007
- Date of letter from the Federation advising the Athlete would not personally appear before the FISA Doping Hearing Panel: 22 May 2007

Hearing

In accordance with the Rules, a Hearing Panel was formed by the FISA Executive Director consisting of Tricia Smith, Michael Williams and Anita DeFrantz.

The Panel reviewed the material provided to the Athlete through the Federation as well as the material provided by the Athlete concerning her explanation.

Applicable law

The applicable rules

The applicable rules are the FISA Anti-Doping Rules in force at the time of the test (23 July 2006). These rules are consistent with the World Anti-Doping Code.

The relevant rules

The relevant rules in this case are the FISA Anti-Doping Bye Laws including but not limited to:

- Article 10.2 which sets out the Imposition of Ineligibility for Prohibited Substances and Prohibited Methods. The Article sets a period of two years ineligibility for a first violation of Article 2.1 (the presence of a Prohibited Substance or its metabolites or Markers);
- Article 10.5 which deals with Elimination or Reduction of Period of Ineligibility based on Exceptional Circumstances. The Article provides for elimination of the period of ineligibility based on exceptional circumstances and no fault or negligence; Article 10.5.2 provides for a reduction to no less than one half of the minimum period of ineligibility in the case of 'no significant fault or negligence'.

Merits

According to FISA Rules and the World Anti-doping Code, the burden of proof is on the athlete to rebut the presumption of guilt established by the presence of a prohibited substance in her body or fluid.

The Panel is satisfied that a positive test was established by the evidence before it. In fact the Athlete did not dispute the findings of the test. The sanction for a positive finding in this case is a two year period of ineligibility.

The Panel must then decide if the Athlete has provided sufficient evidence of exceptional circumstances and no fault or negligence (Article 10.5) or no significant fault or negligence (Article 10.5.2) to reduce the period of ineligibility. Under the Article the Athlete must also explain how the Prohibited Substance entered her body.

The Panel reviewed the explanation provided by the Athlete. The Athlete explained how the Prohibited Substance entered her body. She had been treated for a long period of time at the Specialized Sports Clinic with little effect for a problem with knee joint bursitis. She then consulted a general practitioner who recommended a course of treatment using medicines which included a substance on the list of prohibited medications.

With regard to her explanation relating to no fault or no significant fault or negligence she stated that general medical reference books do not divide medications into permitted and prohibited drugs. She also stated she desperately wanted to recover as soon as she could to resume her full training and competitive career.

The Panel notes that the Athlete did not list the Prohibited substance on the declaration section of the Doping Control Form although she did list other vitamins and/or medications she was taking.

The Panel finds the Athlete's explanation relating to no fault or negligence to be insufficient and finds that the Athlete was at fault and was negligent.

Athletes are responsible for the medications or substances they take into their bodies. It is not a sufficient excuse that a substance was prescribed by a general practitioner and that general medical books do not identify permitted and non permitted substances or that an athlete wants to recover to return to competition.

FOR THESE REASONS

The FISA Doping Hearing Panel finds:

1. The Athlete Nataliya RYZHKOVA has committed an Anti-Doping Rule Violation under the Anti-Doping By-Laws.
2. The Athlete is suspended and ineligible for two years from national and international competition.
3. The period of ineligibility commences from the date of the provisional suspension, 30 April 2007
4. This award is rendered without costs.

23 June 2007

For the FISA Doping Hearing Panel:

Tricia Smith

Michael Williams

Anita DeFrantz