

Issued Decision

UK Anti-Doping and Liam Jenkins

Disciplinary Proceedings under the Anti-Doping Rules of the Welsh Rugby Union

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules (the 'ADR') of the Welsh Rugby Union ('WRU'). It concerns Anti-Doping Rule Violations ('ADRVs') committed by Mr Liam Jenkins 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 WRU is the national governing body for the sport of rugby union in Wales. UKAD is the National Anti-Doping Organisation ('NADO') in the United Kingdom. The WRU has adopted the UK Anti-Doping Rules as its own ADR.
2. Mr Jenkins is a 32-year-old rugby player for Bedwas RFC. At all relevant times Mr Jenkins was subject to and bound to comply with the ADR. Pursuant to ADR, UKAD has results management responsibility in respect of all players that are subject to the jurisdiction of the WRU.
3. On 9 December 2021, UKAD Doping Control Personnel ('DCP') collected an Out-of-Competition urine Sample from Mr Jenkins at the CCB Centre for Sporting Excellence, Caerphilly Road, Ystrad Mynach.
4. Assisted by a UKAD Doping Control Officer ('DCO') in attendance, Mr Jenkins split the urine Sample into two separate bottles which were given reference numbers A1164974 (the 'A Sample') and B1164974 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, King's College (the 'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories. Analysis of the A Sample returned an Adverse Analytical Finding for clenbuterol at an estimated concentration of 20ng/mL.
6. Clenbuterol is classified under section S1.2 of the 2021 WADA Prohibited List as an Anabolic Agent. It is a non-Specific Substance that is prohibited at all times.

7. Mr Jenkins did not have a Therapeutic Use Exemption ('TUE').
8. On 20 January 2022, UKAD issued Mr Jenkins with a Notice Letter ('the Notice'). The Notice formally notified Mr Jenkins, in accordance with ADR Article 7.8.1, that he may have committed:
 - a) An ADRV pursuant to ADR Article 2.1, in that a Prohibited Substance, namely clenbuterol, was present in a urine Sample provided by him on 9 December 2021; and/or
 - b) An ADRV pursuant to ADR Article 2.2, in that he Used a Prohibited Substance, namely clenbuterol, on or before 9 December 2021.
9. In the Notice, UKAD invited Mr Jenkins to provide an explanation for the alleged ADRVs as notified by UKAD.
10. On 25 January 2022, Mr Jenkins acknowledged receipt of the Notice. Within the response, Mr Jenkins confirmed that he admitted the asserted ADRVs and stated that he had "*full remorse*".
11. On 7 February 2022, UKAD proceeded to issue Mr Jenkins with a Charge Letter (the 'Charge Letter'). The Charge Letter formally charged Mr Jenkins with the commission of ADRVs pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance). The Charge Letter also informed Mr Jenkins that the asserted period of Ineligibility for the ADRVs charged is four (4) years, pursuant to ADR Article 10.2.1(a).

Admission and Consequences

12. On 7 February 2022, Mr Jenkins responded to the Charge Letter. Mr Jenkins accepted the charges and the applicable four (4) year period of Ineligibility. In providing an explanation for the ADRVs, Mr Jenkins admitted to having taken the Prohibited Substance in order to "*aid with weight loss*".
13. ADR Article 2.1 provides that the following is an Anti-Doping Rule Violation ('ADRV'):

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.
14. ADR Article 2.2 provides that the following is an Anti-Doping Rule Violation ('ADRV'):

2.2 Use or Attempted by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4.

15. ADR Article 10.2 provides 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 elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:

10.2.1 Save where Article 10.2.4(a) applies, the period of Ineligibility shall be four (4) years where:

(a) The Anti-Doping Rule Violation does not involve a Specified Substance or a Specified Method, 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, then (subject to Article 10.2.4(a)) the period of Ineligibility shall be two (2) years.

16. In accordance with ADR Article 10.2.1(a), since this matter concerns a non-Specified Substance, the period of Ineligibility to be imposed shall be four (4) years, unless Mr Jenkins can establish on a balance of probability, that the ADRVs were not intentional (within the meaning of ADR Article 10.2.3).

17. Within his responses to UKAD, Mr Jenkins has accepted responsibility for the Prohibited Substance detected in his Sample and admits the ADRVs. He attributes his AAF to an "error of judgement" made in an attempt to "reduce...body fat". At no stage has Mr Jenkins sought to adduce evidence to establish that his ADRVs were not intentional (within the meaning of ADR Article 10.2.3). Accordingly, Mr Jenkins is not entitled to a two (2) year period of Ineligibility pursuant to ADR Article 10.2.2 or any reduction pursuant to ADR Article 10.5 (No Fault or Negligence) or ADR Article 10.6 (No Significant Fault or Negligence) thereafter.

18. For the purposes of imposing a sanction, the two ADRVs will be considered together as a single first violation, pursuant to ADR Article 10.9.4 which states as follows:

10.9.4 Additional rules for certain potential multiple offences:

(a) For the purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.4(b) and 10.9.4(c) an Anti-Doping Rule Violation will only be considered a second (or third, as applicable) Anti-Doping Rule Violation if UKAD can establish that the Athlete or other Person committed the additional Anti-Doping Rule Violation after they received notice, or after UKAD or its designee made a

reasonable attempt to give notice, of the first (or the second, as applicable) Anti-Doping Rule Violation. Otherwise, the first and second Anti-Doping Rule Violations (or the second and third Anti-Doping Rule Violations as applicable 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 most severe sanction...

19. The applicable period of Ineligibility is therefore four (4) years.

Application of ADR Article 10.8.1

20. ADR Article 10.8.1 provides:

10.8.1 One (1) year reduction for certain Anti-Doping Rule Violations based on early admission and acceptance of sanction:

Where UKAD sends an Athlete or other Person a Charge Letter for an Anti-Doping Rule Violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving the Charge Letter, they shall receive a one (1) year reduction in the period of Ineligibility asserted by UKAD. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.

21. Mr Jenkins admitted the ADRVs and accepted the asserted period of Ineligibility of four (4) years on 7 February 2022; the same day he received the Charge Letter. Accordingly, ADR Article 10.8.1 applies and Mr Jenkins shall receive a one (1) year reduction to the applicable period of Ineligibility of four (4) years. The period of Ineligibility to be imposed is therefore three (3) years.

Commencement of the period of Ineligibility

22. ADR Article 10.13 requires that the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.

23. However, ADR Article 10.13.2 allows for credit to be given against the total period of Ineligibility to be served where an Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.

24. Mr Jenkins was Provisionally Suspended on 20 January 2022 and as far as UKAD is aware, he has respected the terms of that Provisional Suspension.

25. The period of Ineligibility is therefore deemed to have commenced on 20 January 2022 and will expire at midnight on 19 January 2025.

Status during Ineligibility

26. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Jenkins shall not be permitted to participate in any capacity (or assist any Athlete participating in any capacity) in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by:

- a) The WRU;
- 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 or national-level Event organisation; or
- e) Any elite or national-level sporting activity funded by a governmental agency.

27. Mr Jenkins may return to train with a team or to use the facilities of a WRU club or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 19 November 2024) pursuant to ADR Article 10.14.4(b).

Summary

28. For the reasons given above, UKAD has issued this decision in accordance with ADR Article 7.12.2 and records that:

- a) Mr Jenkins has committed ADRVs pursuant to ADR Articles 2.1 and 2.2;
- b) In accordance with ADR Article 10.9.4(a) the ADRVs are considered as one single ADRV for the purposes of imposing a sanction;
- c) This constitutes Mr Jenkins' first ADRV and in accordance with ADR Article 10.8.1, Mr Jenkins is entitled to a one (1) year reduction to the asserted period of Ineligibility of four (4) years. A period of Ineligibility of three (3) years is therefore imposed;
- d) Acknowledging Mr Jenkins' Provisional Suspension, the period of Ineligibility is deemed to have commenced on 20 January 2022 and will expire at midnight on 19 January 2025; and
- e) Mr Jenkins' status during the period of Ineligibility shall be as detailed in ADR Article 10.14.

29. Mr Jenkins, the WRU, World Rugby and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.
30. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

10 August 2022