

Issued Decision

UK Anti-Doping and Robert Oakley

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 ('ADR') of the Rugby Football League ('RFL'). It concerns Anti-Doping Rule Violations ('ADRVs') committed by Mr Oakley 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 rugby league in England. UKAD is the National Anti-Doping Organisation ('NADO') for sport in the United Kingdom. The RFL has adopted, as its own ADR, the UK Anti-Doping Rules¹, 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. Mr Oakley is a 23-year-old rugby league player for London Broncos. At all relevant times, Mr Oakley was subject to the jurisdiction of the RFL and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has results management responsibility in respect of all players that are subject to the jurisdiction of the RFL.
3. On 14 June 2022, UKAD Doping Control Personnel collected a urine Sample from Mr Oakley Out-of-Competition at a London Broncos' squad test at Priory Lane, London, SW15 5JH.
4. Assisted by the Doping Control Officer in attendance, Mr Oakley split the urine Sample into two separate bottles which were given reference numbers A1178752 (the 'A Sample') and B1178752 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory, the Drug Control Centre, King's College, London (the 'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories and WADA

¹ Version 1.0, in effect as from 1 January 2021

Technical Letter TL-12. Analysis of the A Sample returned Adverse Analytical Findings ('AAFs') for the following Prohibited Substances:

- i. RAD140;
 - ii. Ostarine (enobosarm);
 - iii. LGD-4033 (ligandrol) and its Metabolite dihydroxy-LGD-4033; and
 - iv. GW1516 Metabolites GW1516-sulfoxide and GW1516-sulfone.
6. RAD140, ostarine, and LGD-4033 are listed under section S1.2 of the WADA 2022 Prohibited List as Anabolic Agents. They are non-Specified Substances that are prohibited at all times.
 7. GW1516 is listed under section S4.4 of the WADA 2022 Prohibited List as a Hormone and Metabolic Modulator. It is a non-Specified Substance that is prohibited at all times.
 8. Mr Oakley does not have a Therapeutic Use Exemption ('TUE') for RAD140, ostarine, LGD-4033 or GW1516.
 9. On 6 September 2022, UKAD sent Mr Oakley a notification letter (the 'Notice'). The Notice confirmed the imposition of a Provisional Suspension and formally notified Mr Oakley, in accordance with ADR Article 7.8, that he may have committed ADRVs pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and/or ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method).
 10. On 16 September 2022, Mr Oakley responded to the Notice and admitted ingesting ostarine. He explained that he did so to speed up his recovery from a shoulder injury sustained during training in April 2022. Mr Oakley explained he was unaware that the ostarine he took was prohibited. Mr Oakley's response did not address the remaining Prohibited Substances and/or Metabolites detected within his Sample.
 11. On 3 November 2022, UKAD proceeded to issue Mr Oakley with a Charge Letter in accordance with ADR Article 7.11.2. The Charge Letter asserted the commission of ADRVs pursuant to Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and/or Article 2.2 (Use of a Prohibited Substance) (the 'Charges').

Admission and Consequences

12. On 14 November 2022, Mr Oakley responded to the Charge Letter. He apologised for any embarrassment he had caused to his family, club and the sport of rugby league. He reiterated his admission and the rationale for the ADRVs, as provided in his response to the Notice Letter on 16 September 2022. Specifically, he accepted ingesting ostarine for the purposes of speeding up the recovery of his shoulder injury, and admitted that he had ingested two (2) tablets per day between 20 May 2022 and 14 June 2022. Mr Oakley could not account for the other Prohibited

Substances or Metabolites detected in his Sample and opined that they must have been contained within the ostarine tablets he had been taking.

13. In a further response dated 18 November 2022, Mr Oakley explained that the tablets were purchased from the internet and took the form of a small oval blue pill.

14. ADR Article 2.1 provides that the following is an 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.

15. ADR Article 2.2 provides that the following is an ADRV:

2.2 Use or Attempted Use 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.

16. 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.

17. 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 Oakley can establish on the balance of probabilities, that the ADRVs were not intentional (within the meaning of ADR Article 10.2.3).

18. Within his responses to UKAD, Mr Oakley has accepted responsibility for the presence of ostarine detected in his Sample and admits the ADRVs with which he

has been charged. At no stage has Mr Oakley sought to establish that his ADRVs were not intentional (within the meaning of ADR Article 10.2.3). Accordingly, Mr Oakley 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.

19. 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...*

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

Application of ADR Article 10.8.1

21. 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.

22. Mr Oakley admitted the ADRVs and accepted the asserted period of Ineligibility of four (4) years on 16 September 2022 and then again on 14 November (having been

sent the Notice on 6 September 2022, and the Charge Letter on 3 November 2022). Accordingly, ADR Article 10.8.1 applies and Mr Oakley shall receive a one (1) year reduction to the period of Ineligibility of four (4) years. The period of Ineligibility to be imposed is therefore three (3) years.

Commencement of period of Ineligibility

23. 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.
24. 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.
25. Mr Oakley has been subject to a Provisional Suspension since the date of the Notice, i.e., since 6 September 2022 and as far as UKAD is aware he has respected the terms of that Provisional Suspension. Therefore, affording Mr Oakley credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed to have commenced on 6 September 2022 and will end at midnight on 5 September 2025.

Status during Ineligibility

26. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Oakley 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 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 or national-level Event organisation; or
 - e) Any elite or national-level sporting activity funded by a governmental agency.
27. Mr Oakley may return to train with a team or to use the facilities of a RFL club or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 5 July 2025) 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 Oakley 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 Oakley's first ADRV and in accordance with ADR Article 10.8.1, Mr Oakley 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 Oakley's Provisional Suspension, the period of Ineligibility is deemed to have commenced on 6 September 2022 and will expire at midnight on 5 September 2025; and
 - e) Mr Oakley's status during the period of Ineligibility shall be as detailed in ADR Article 10.14.
29. Mr Oakley, 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.
30. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

13 February 2023