

Issued Decision

UK Anti-Doping and Louis Walker

Disciplinary Proceedings under the Anti-Doping Rules of British Triathlon ('BT')

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of British Triathlon ('BT'). It concerns a violation of the prohibition against participation during a period of Ineligibility committed by Mr Louis Walker and records the applicable Consequences.

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

Background and Facts

1. BT is the national governing body for triathlon in the UK. BT has adopted the UK Anti-Doping Rules ('ADR') as its anti-doping rules.
2. On 6 February 2023, Mr Walker's then partner found a blister pack of Clenoxin tablets (containing the Prohibited Substance clenbuterol) in his car. Mr Walker admitted to taking the substance over the previous two weeks, and the matter was reported to UKAD. Pursuant to a UKAD Issued Decision dated 5 January 2024, which confirmed that Mr Walker had committed ADRVs contrary to ADR Article 2.2 (Use of a Prohibited Substance) and 2.6 (Possession of a Prohibited Substance), a three (3) year period of Ineligibility was imposed. The period of Ineligibility commenced on 27 September 2023 and does not expire until 11.59pm on 26 September 2026.
3. In February 2024, UKAD became aware of allegations that Mr Walker had violated the prohibition against participation during his period of Ineligibility. Specifically, it is alleged that he participated in the Dewsbury 10k 2024 road race ('Dewsbury 10k 2024') on 4 February 2024, a Competition recognised by UK Athletics ('UKA')¹.
4. On 26 February 2024, UKAD sent a letter informing Mr Walker that it had reasonable cause to suspect that he may have violated the prohibition against participation during his recently imposed period of Ineligibility. In that letter, UKAD issued a Demand for Mr Walker to attend a formal interview as part of its investigation. While Mr Walker initially agreed to attend an interview with UKAD on 18 March 2024, on the day on

¹ For the purposes of ADR Article 10.14.1, UKA is a member organisation of World Athletics, which is a Signatory to the World Anti-Doping Code ('the Code').

which the interview was due to take place he sent a text message to a UKAD investigator stating that he no longer wished to attend.

5. On 20 May 2024, UKAD sent Mr Walker a letter (the 'Notice Letter') formally notifying him in accordance with ADR Article 7.8, that he may have violated the prohibition against participation during his period of Ineligibility, in that he participated in the Dewsbury 10K 2024, an event authorised or recognised by UKA, a member organisation of a Signatory to the Code, contrary to ADR Article 10.14.1.
6. Following receipt of the Notice Letter, Mr Walker emailed UKAD to explain that he would prefer to put his account across in interview rather than in writing. Mr Walker subsequently elected to attend an interview with UKAD on 3 July 2024.
7. After initially denying participating in the race, Mr Walker went on to admit that he had in fact participated. He said that somebody he knew at the gym he attended was unable to participate in the race having entered, and that person asked on a message board whether anybody wished to take his place. Mr Walker said that he took the place in the race because it was a memorial race for a close friend of his who had died, and at the time he believed his ban from sport only covered events organised by BT.
8. On 15 August 2024, UKAD sent Mr Walker a Charge Letter which formally charged him with the violation of the prohibition against participation during his period of Ineligibility, as asserted in the Notice Letter.
9. UKAD provided Mr Walker with a deadline of 27 August 2024 by which to provide a response to the Charge Letter. UKAD did not receive a response from Mr Walker by the deadline. Since then, numerous further attempts have been made to contact Mr Walker. To date, UKAD has not received a response from Mr Walker.

Consequences

10. ADR Article 10.14 provides that:

10.14.1 While serving a period of Ineligibility or Provisional Suspension, an Athlete or other Person may not 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 NGB or by any body that is a member of, or affiliated to, or licensed by the NGB; (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.

[...]

10.4.6 If an Athlete or other Person violates the prohibition against participation set out in Article 10.14.1, any results they obtain during such participation shall be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, points and prizes, and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Athlete's or other Person's degree of Fault and other circumstances of the case (and so may include a reprimand and no period of Ineligibility). The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether the new period of Ineligibility should be adjusted, shall be made by the Anti-Doping Organisation which brought the case that led to the initial period of Ineligibility. If the Athlete or other Person does not accept the new period of Ineligibility (or, if applicable, reprimand) proposed by the Anti-Doping Organisation, the matter shall proceed to a hearing in accordance with ISRM Article 11.1. The hearing panel's decision may be appealed pursuant to Article 13.

An Athlete or other Person who violates the prohibition against participation during a Provisional Suspension set out in Article 10.14.1 shall receive no credit for any period of Provisional Suspension served and any results they obtain during such participation shall be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, points and prizes.

11. Pursuant to Article 11.1 (and its associated comment) of the World Anti-Doping Agency's International Standard for Results Management 2021, the Results Management relating to this matter shall be *mutatis mutandis* in accordance with Article 7 and Article 8 of the ADR.

12. In accordance with ADR Article 10.14.6, the starting point for Mr Walker's new period of Ineligibility is three (3) years, i.e., being a period equal in length to his original period of Ineligibility. The new period of Ineligibility can be adjusted based on Mr Walker's degree of Fault and other circumstances of the case.

Fault

13. In assessing Mr Walker's level of Fault, UKAD has had regard to the definition of Fault within the ADR:

Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.

14. UKAD considers that the following factors are the key considerations in assessing Mr Walker's level of Fault in this matter:

Factors Increasing the Level of Fault

- a) UKAD's Issued Decision in relation to Mr Walker's ADRVs was circulated on 5 January 2024 (almost a month before the Dewsbury 10k 2024) and outlined the status that applied to him during his period of Ineligibility. Moreover, UKAD's Notice Letter of 27 September 2023 and Charge Letter of 27 October 2023 in respect of his original ADRVs also outlined that any ban to be imposed would be enforced across all Code-compliant sport.

Factors Decreasing the Level of Fault

- a) Mr Walker has received limited anti-doping education throughout his career.
- b) Mr Walker made an admission in his UKAD interview to participating in the Dewsbury 10k 2024.
- c) Mr Walker has breached his ban on a single occasion.

- d) There is no evidence that Mr Walker participated in the Dewsbury 10K 2024 for financial benefit.

15. In light of all of the matters set out above, UKAD applies a reduction of eighteen (18) months to the new period of Ineligibility in respect of Mr Walker's breach of his original ban, resulting in a further period of Ineligibility of eighteen (18) months. This additional period of Ineligibility will be added to the end of Mr Walker's current period of Ineligibility, which was due to expire at 11.59pm on 26 September 2026.

16. As Mr Walker did not respond to UKAD's Charge Letter within the timeline outlined, pursuant to ADR Article 7.11.4, he is deemed to have waived his right to a hearing, admitted to the violation of the prohibition against participation during his period of Ineligibility and to have acceded to the Consequences referred to in the Charge Letter, including a further period of Ineligibility of eighteen (18) months.

Status during Ineligibility

17. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Walker 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) BT or by any body that is a member of, or affiliated to, or licensed by BT;
- 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.

18. Mr Walker may return to train with a team or to use the facilities of a BT club or Signatory's member organisation during the last two months of his period of Ineligibility (i.e., from 11.59pm on 25 January 2028).

Summary

19. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2, and records that:
- a. Mr Walker has committed a violation of the prohibition against participation during a period of Ineligibility, pursuant to ADR Article 10.14.1;
 - b. A further period of Ineligibility of eighteen (18) months shall be imposed pursuant to ADR Article 10.14.6;
 - c. The further period of Ineligibility will commence on 26 September 2026 and will expire at 11.59pm on 25 March 2028;
 - d. Mr Walker's status during the period of Ineligibility shall be as detailed in ADR Article 10.14.
20. Mr Walker, BT, World Triathlon and WADA have a right to appeal against this decision or any part of it in accordance with ADR Article 13.4.
21. This decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

10 October 2024