

# INTERNATIONAL SKATING UNION

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**Case No. 2013-01**

August 19, 2013

**Decision**  
**of the**  
**ISU Disciplinary Commission**

**Panel:**

- Volker Waldeck, Chair
- Dr. Egbert Schmid
- Dr. Allan Böhm.

**In the matter of**

**International Skating Union**, Chemin de Primrose 2, 1007 Lausanne, Switzerland,  
represented by its Legal Advisor, Dr. Béatrice Pfister,

**- Complainant -**

**against**

**Mr. Hyung-Joon JOO**,  
Republic of Korea,

**- Alleged Offender -**

and

**Korea Skating Union**, Mr. Kwan Kyu KIM,  
Room No. 607, Olympic Center,  
88 Bangyee-Dong, Songpa-Ku, Seoul 138-747,  
Republic of Korea,

**-Interested ISU Member-**

**Concerning alleged violation of the ISU Anti-Doping Rules**

## I. History of the procedure

On April 26, 2013, the ISU filed a complaint against the Alleged Offender, together with three exhibits. On May 7, 2013, the Alleged Offender and the Interested Member were invited by the ISU Disciplinary Commission to file a statement of reply within 21 days upon receipt of the complaint. Neither the Alleged Offender nor the Interested Member filed a brief.

## II. Procedural Matters

According to Article 24, Paragraph 10 of the ISU Constitution 2012 and Article 8.1.1 of the ISU Anti-Doping Rules 2012 the Disciplinary Commission has jurisdiction in anti-doping cases arising out of ISU Testing or Testing at International Events or Competitions. The present case arises out of testing at the 5000 m race at the Essent ISU World Single Distances Speed Skating Championships 2013 in Sochi, i.e. of testing at an ISU International Event. Therefore the ISU Disciplinary Commission has jurisdiction to hear and decide this case.

## III. Facts

1. The Alleged Offender is a 22 year old Member of the Korea Skating Union, who competed at the Essent ISU World Single Distances Speed Skating Championships 2013 in Sochi, March 21-24, 2013.

2. On March 22, 2013, the Alleged Offender, after the 5000 m Competition was selected for Anti-Doping testing. However, he had left the ice rink before the names of the skaters selected for testing were posted. He was informed of his selection by members of his team and thereupon returned for testing. The test results were negative.

*Evidence: Extract of the Report of ISU Medical Advisor Dr. Ruben Ambartsumow, dated April 1, 2013.*

*(Exhibit 1).*

3. By letter of April 18, 2013, the Interested ISU Member and the Alleged Offender were informed that the case will be submitted to the ISU Disciplinary Commission.

*Evidence: Letter from ISU to Korea Skating Union, dated April 18, 2013.*

*(Exhibit 2).*

The Interested Member answered by letter of April 23, 2013.

*Evidence: Letter from Korea Skating Union to ISU, dated April 23, 2013.*

*(Exhibit 3).*

## IV. Motion

The Complainant filed a motion as follows:

1. To find the Alleged Offender guilty of violation of the ISU Anti-Doping Rules.
2. To issue a reprimand against the Alleged Offender.
3. To declare disqualification of the result (21<sup>st</sup> rank) obtained by the Alleged Offender in the 5000 m race at the Essent ISU World Single Distances Speed Skating Championships 2013 in Sochi, March 21 – 24, 2013.

#### IV. Law

1. According to Article 2.3.1 of the ISU Anti-Doping Rules 2012 leaving the ice rink after the event in which a skater has participated without first ensuring that he or she has not been selected for Anti-Doping testing constitutes an Anti-Doping Rule violation. According to Article 10.3.1 para 2 the sanctions set forth in Article 10.4 shall apply if testing on recall was complied with.

For a first violation Article 10.4 of the ISU Anti-Doping Rules establishes a sanction of at a minimum a reprimand and a maximum of two years' ineligibility.

Generally Article 10.4 of the ISU Anti-Doping Rules deals with cases of adverse analytical findings with respect to specified substances. In the present case no prohibited substance was found in the Alleged Offender's bodily specimen. His only mistake was to leave the ice rink before checking whether he had been selected for Anti-Doping testing. His carelessness is regrettable but cannot be considered as a gross offence against the ISU Anti-Doping Rules. Given that this is the Alleged Offender's first violation a reprimand seems to be the adequate sanction.

2. The disqualification of the result obtained by the Alleged Offender in the 5000 m race at the Essent ISU World Single Distances Speed Skating Championships 2013 in Sochi, March 21 – 24, 2013, is a compelling consequence of this violation of the ISU Anti-Doping Rules according to Article 9 of the ISU Anti-Doping Rules.

#### V. Decision

1. Hyung-Joon JOO is declared responsible for an Anti-Doping violation, committed on March 22, 2013 at the Essent ISU World Single Distances Speed Skating Championships 2013 in Sochi.
2. Hyung-Joon JOO is reprimanded and warned to not engage in similar conduct in the future, which conduct will cause a more severe action.
3. Hyung-Joon JOO's competitive result (21<sup>st</sup> rank) obtained on March 22, 2013 at the Essent ISU World Single Distances Speed Skating Championships 2013 is disqualified with all the resulting consequences including forfeiture of any medals, points and prizes.
4. Korea Skating Union has to reimburse the ISU for the costs of these proceedings.
5. The skater bears his own costs.

August 19, 2013



Volker Waldeck



Dr. Egbert Schmid



Dr. Allan Böhm

The decision is sent to Hyung-Joon JOO by registered mail against return receipt and to the Interested Member and to the ISU by email.

The present decision is subject to appeal to the Court of Arbitration for Sport, Avenue de Beaumont 2, CH-1012 Lausanne, Switzerland, within 21 days upon receipt of the decision, in accordance with Article 24 Paragraph 12 and Article 25 of the ISU Constitution 2012.