

Disciplinary Commission

Case No. 2020-01

15.05.2020

**Final Decision
in the matter of**

International Skating Union

Avenue Juste-Olivier 17, 1006 Lausanne,

represented by its Legal Advisor, Prof. Dr. Michael Geistlinger

- Complainant -

against

Ms. Chrysta RANDS,

USA

- Alleged Offender -

and

US Speed Skating

- Interested ISU Member -

Regarding the Violation of the ISU Anti-Doping Rules

I. History of the Procedure

On March 26, 2020, the ISU filed a complaint against the Alleged Offender, together with 5 exhibits. On March 30, 2020, 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. The Alleged Offender requested an oral hearing, which took place on 7th of May 2020 in the form of a video conference.

II. Procedural Matters

According to Article 25.10 of the ISU Constitution and Article 8.1.1 of the ISU Anti-Doping Rules the ISU Disciplinary Commission has jurisdiction in doping cases arising out of ISU Testing or of Testing at International Events. The present case arises out of testing of the Alleged Offender at the ISU Four Continents Speed Skating Championships, Milwaukee, USA, i.e. of testing at an ISU Event. Therefore, the ISU Disciplinary Commission has jurisdiction to hear and decide this case.

III. Facts

1. The Alleged Offender is an International Level Skater and member of US Speed Skating. She participated at the ISU Four Continents Speed Skating Championships which were held in Milwaukee, United States of America on January 31 – February 2, 2020. The Alleged Offender placed 14th in 500 m, 4th as part of the US team in the Team Sprint Ladies, and 10th in 1000 m.

2. Following an In-Competition Anti-Doping Test carried out on February 2, 2020, the ISU received a report of an adverse analytical finding regarding the Alleged Offender's Sample number 1633052 on February 25, 2020. The sample had been analysed at the WADA Accredited Laboratory Salt Lake City, Utah, United States, and was found to contain Canrenone. According to the 2020 WADA Prohibited List, Canrenone belongs to class S5, Diuretics and Masking Agents, which is a Specified Substance prohibited at all times.

3. By letter of the ISU dated February 28, 2020 the Alleged Offender and US Speed Skating were informed about the Adverse Analytical Finding and on Ms. Rands' rights in accordance with Article 7.3.1 of the ISU Anti-Doping Rules to submit a written explanation to the ISU Director General about the overall circumstances of the case, or to dispute the ISU's assertion that an Anti-Doping Rule violation had occurred, within 15 days and to request that the B Sample be analysed.

The Alleged Offender was further advised that according to Article 10.6.3 of the ISU Anti-Doping Rules, she has the opportunity to promptly admit the Anti-Doping Rule Violation and consequently request a reduction of the period of Ineligibility and that she has also the opportunity according to Article 10.6.1 of the ISU Anti-Doping Rules to cooperate and provide Substantial Assistance in discovering or establishing Anti-Doping Rule Violations and, thereby, create the conditions for an eventual suspension of part of the period of Ineligibility.

4. The Alleged Offender had declared on her Doping Control Form the intake of Ibuprofen which, however, has nothing to do with Canrenone. In her explanation dated March 17, 2020, the Alleged Offender regrets having failed to list the acne medication Spironolactone on her Doping Control Form. The Alleged Offender stated to know that she should have listed her acne medications, but she forgot and even could not remember its name in those circumstances. She never thought an acne medicine could result in an Adverse Analytical Finding. She had always struggled with her skin and last summer even had to use the help of a dermatologist. After the competition season her dermatologist wanted

her to get on Accutane to treat her adult acne, but he was worried how her body would react while competing and training. Thus, they stuck with Spironolactone to finish the season.

Spironolactone is closely related structurally to other clinically used Spirolactones such as Canrenone. Canrenone is the main metabolite of Spironolactone and the presence of Canrenone in urine is a proof of the intake of Spironolactone. Both substances belong to class S5 of the 2020 WADA Prohibited List and, thus, are Specified Substances.

The Alleged Offender refers to her previous clean testing record and that she did not request a TUE for another medication, when she could have done so at an earlier occasion being committed to clean sport. She apologizes and takes full responsibility for her mistake of not checking the medication she was prescribed. She explained not even to have known that masking agent medications existed. The experience of her ADRV taught her that she needs to check and be extremely aware of everything she puts into her body, and that she should always use the tools USADA and WADA provide for.

The Alleged Offender attached her medical records from her dermatologist, Dr. H., describing the reason why she used the medication. She referred to some USADA cases where the athletes concerned accepted a public warning for having used Spironolactone.

In his email of May 7th, 2020, the dermatologist Dr. H. explained,

that he has been treating Ms. Rands acne since April 23rd 2019. She was started on Spironolactone on July 25th, 2019 for treatment of her hormonal breakouts. Spironolactone has been well documented for treatment of hormonal acne. She was seeing great improvement on this treatment as well. We did not know at that time it was considered a masking agent and prohibited by the World Anti-Doping Agency.

A Video conference was held on May 7th 2020. Participants were Ms. Rands, ISU Legal Advisor Mr. Geistlinger, Mr. Morris Executive Director US Speed Skating and the members of the ISU Disciplinary Commission. Ms. Rands explained how the substance Canrenone entered her body. Her dermatologist had prescribed her Spironolactone as a remedy for acne. Neither she nor her dermatologist considered that this substance is on the WADA Prohibited List. She therefore did not declare this substance at the doping control, nor did she apply for a Therapeutic Use Exemption. Ms. Rands referred to some decisions of the U.S. Anti-Doping Association that have issued a reprimand against the Athlete in similar cases. She asked not to impose a ban, but only a warning.

Mr. Geistlinger explained that according to Article 10.5.1.1. of the ISU Anti-Doping Rules, depending on the seriousness of the violation and the Skater's degree of fault, a sanction ranging from a Reprimand to a two years ineligibility can be imposed. The ISU considers a period of ineligibility of one year as adequate to the degree of fault of the skater.

Mr. Morris pointed out that the skater did not belong to the national team of US Speed Skating prior to the Four Continents Championships. Therefore, she had no support from the team doctor of US Speed and could not ask him if the acne drug was on the doping list.

Mr. Morris explained the consequences of a one-year suspension for the skater. If Ms. Rands would not compete at the National Championships on January 7th 2021, she would lose the most important opportunity to qualify for events and achieve a national ranking. By missing this event, she would not be able to qualify for The World Single Distance Championships, the 4-Continents Championships or World Cup 5. It would also impact her overall national ranking considerably which would conversely

impact her eligibility for certain benefits for the 2021/22 season including invitation to the National Team, funding, and athlete services.

IV. Motions

The Alleged Offender requested that only a reprimand be issued.

The Complainant moved

1. To find the Alleged Offender having violated the ISU Anti-Doping Rules.
2. To impose on the Alleged Offender sanctions in accordance with Article 10 of the ISU Anti-Doping Rules.
3. To declare the results of the Alleged Offender and her team at the ISU Four Continents Speed Skating Championships, Milwaukee, USA (31 January – 2 February 2020) to be automatically disqualified, with all resulting consequences, including forfeiture of any medals, points and prizes.

V. Law

1. Canrenone, as uncontestedly found present in the Alleged Offender's bodily specimen, is a specific substance prohibited at all times, according to the 2020 Prohibited List of the World Anti-Doping Agency (WADA) under class "S5. Diuretics and Masking Agents".
2. According to Article 2.1. of the ISU Anti-Doping Rules 2018, the presence of a Prohibited Substance in a Skater's bodily specimen constitutes an Anti-Doping Rule violation, unless a Therapeutic Use Exemption (TUE) for the otherwise Prohibited Substance has been granted in accordance with Article F of the ISU Anti-Doping Procedures.
3. According to Article 2 of the ISU Anti-Doping Rules, Skaters are responsible for knowing what constitutes an Anti-Doping Rule violation and the substances and methods which have been included in the Prohibited List. Under Article 2.1.1, it is each Skater's personal duty to ensure that no Prohibited Substance enters his/her body. Skaters are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples.
4. It is undisputed that the Alleged Offender committed an Anti-Doping rule violation within the meaning of Article 2.1 of the ISU Anti-Doping Rules.
5. Article 10.2 of the ISU Anti-Doping Rules 2018 sets out the period of ineligibility that must be imposed on the Alleged Offender.
6. As stated before, Canrenone belongs to class S5 of the 2020 WADA Prohibited List and, thus, is a Specified Substance under the meaning of Article 10.2 of the ISU Anti-Doping Rules.
7. According to Articles 10.2.1.2 and 10.2.2. of the ISU Anti-Doping Rules, the period of Ineligibility shall be two years, unless the Complainant can establish that the Anti-Doping Rule Violation was intentional.
8. Based on the credible explanation given by the Alleged Offender provided in Exhibit 5 and 6 and at the oral hearing, and the fact that the Complainant does not find itself to be able to establish that the Anti-Doping Rule Violation happened intentionally, as set out in its Complaint, a two years Ineligibility is to be imposed.
9. Any reduction of the Ineligibility period must then follow the criteria set out under Article 10.4 of the ISU Anti-Doping Rules (No Fault or Negligence), or Article 10.5 (No Significant Fault or Negligence).
10. The Alleged Offender provided explanation where she had taken the substance for medical

reasons and under advice of her dermatologist, thereby forgetting that it was on the Prohibited List. Therefore, the Panel reaches the consideration made by the Complainant, where Article 10.5 should apply, to the exclusion of Article 10.4.

11. According to Article 10.5.1.1., depending on the seriousness of the violation and the Alleged Offender's degree of fault, a sanction ranging from a Reprimand to a two years Ineligibility can be imposed.
12. The Complainant considered a period of Ineligibility of one year, i.e. half of the standard period for Specified Substances, as adequate and proportionate to the degree of Fault of the Skater. According to Article 10.11.2 of the ISU Anti-Doping Rules, the period of ineligibility should start as early as the date of the sample collection, i.e. in this case February 2nd, 2020.
13. The period of ineligibility would therefore end on February 1st, 2021. As Executive Director Morris explained in the video conference, the skater would not be able to participate in the US national championships on January 7, 2021 with all the negative consequences for her future career. The Commission therefore decides that the period of Ineligibility ends on December 31st, 2020.
14. According to Article 9 of the ISU Anti-Doping Rules, a violation in connection with an In-Competition test automatically leads to disqualification of the result obtained in that competition with all resulting consequences, including forfeiture of any medals, points and prizes.
15. Article 11.1 of the ISU Anti-Doping Rules states that a team shall be disqualified from that competition, if a competing member of the team is found to have committed a violation under the ISU Anti-Doping Rules. The Alleged Offender competed at the ISU Four Continents Speed Skating Championships 2020 in Milwaukee also as member of the team of US Speed Skating.
16. Therefore, the competitive results both of the Alleged Offender and the team of US Speed Skating are disqualified with all the resulting consequences including forfeiture of any medals, points and prizes.

V. Costs

1. According to Article 12.2 of the ISU Anti-Doping Rules 2018, the ISU Member shall be obligated to reimburse the ISU for all costs (including but not limited to laboratory fees, hearing and travel expenses) related to a violation of these Anti-Doping Rules committed by a skater affiliated with that member. Therefore, the costs of these proceedings, including the laboratory fees of the Anti-Doping testing, must be borne by the Interested ISU Member - US Speed Skating.
2. The Alleged Offender has to bear her own costs.

Based on the above considerations, the ISU Disciplinary Commission rules as follows:

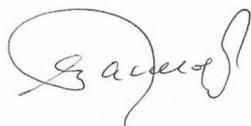
Decision

1. Chrysta RANDS is declared responsible for an Anti-Doping violation, committed on February 2nd 2020, at the ISU Four Continents Speed Skating Championships in Milwaukee, USA.
2. A period of ineligibility, beginning on February 2nd 2020 and ending on December 31st 2020, is imposed on Chrysta RANDS.

3. The results of the Alleged Offender and of the team US Speed Skating obtained at the ISU Four Continents Speed Skating Championships are automatically disqualified, with all resulting consequences, including forfeiture of any medals, points and prizes.
4. The ISU Member US Speed Skating has to reimburse the ISU for the costs of these proceedings and the laboratory fees of the Anti-Doping testing.
5. The skater Chrysta RANDS bears her own costs.



Volker Waldeck



Albert Hazelhoff



Dr. Allan Böhm

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 25 Paragraph 12 and Article 26 of the ISU Constitution 2018.