

NEW ERA ARBITRATION TRIBUNAL

In the Matter of Arbitration Between:

**United States Anti-Doping Agency,
Claimant,**

Case No.: 24072501

v.

**Nicholas Dondzila,
Respondent.**

FINAL AWARD OF ARBITRATOR

I. INTRODUCTION

1. Pursuant to the New Era ADR Rules and Procedures, as modified by the Procedures for the Arbitration of Olympic & Paralympic Sport Doping Disputes and the United States Anti-Doping Agency Protocol (“ the Protocol”) (effective as revised January 1, 2024) (“Arbitration Procedures”) as contained in the World Athletics Rules and World Anti-Doping Code (the “Code”) (collectively known as the “Applicable Rules”), an evidentiary hearing was held by videoconference on April 22, 2025, before the duly appointed arbitrator, Jeanne Charles (“the Arbitrator”). United States Anti-Doping Agency (“USADA” or “Claimant”) is an independent anti-doping organization with headquarters in Colorado Springs, Colorado, USA. USADA has promulgated numerous anti-doping protocols, including the USADA Protocol referenced above.
2. This case arises from Nicholas Dondzila’s in-competition sample collected at the North American Open Series 1 & National University Championships weightlifting event on March 1, 2024, that tested positive for ostarine which is a prohibited substance at all times per the 2024 World Anti-Doping Agency (“WADA”) Prohibited List.
3. I, THE UNDERSIGNED ARBITRATOR, having been designated, and having been duly sworn, and having duly heard the allegations, arguments, submissions, proofs, and evidence submitted by the Parties do hereby FIND and AWARD as follows:

II. THE PARTIES

4. Nicholas Dondzila (“Athlete” or “Respondent”) is a 32-year-old weightlifting national-level athlete who has competed at various high-level events, including multiple national championships, over the past ten (1) years.¹
5. Claimant was represented in this proceeding by Spencer Crowell, USADA Olympic & Paralympic Counsel.
6. Respondent appeared *pro se*.
7. Claimant and Respondent will be referred to collectively as the “Parties” and individually as a “Party.”

III. ISSUE

8. On July 9, 2024, Claimant charged Respondent with anti-doping rule violations (“ADRV”) for the presence and use of ostarine pursuant to Articles 2.1 and 2.2 of the Code, respectively.
9. By letter dated February 7, 2025, Claimant amended the charges to include possession of a prohibited substance in violation of Article 2.6 of the Code based on a January 30, 2025 interview with Respondent. This interview was triggered by a communication Respondent sent to USADA on January 23, 2025.
10. Respondent does not dispute the positive Adverse Analytic Finding (“AAF”) by the WADA-accredited laboratory at UCLA in Los Angeles, California. Respondent’s defense is that the presence and use violations were due to transdermal exposure. Regarding the possession allegation, Respondent asserts he took possession of the packaged substance for the purpose of disposing of it. Further, Respondent asserts all violations were unintentional.
11. Claimant requests assessment of the default 4-year suspension beginning March 20, 2024, because Respondent has not established the source of his positive test or concrete evidence of lack of intent sufficient to meet his burden of proving it is more likely than not that his ADRVs were unintentional.
12. Thus, the central issue before the Arbitrator in this proceeding is the appropriate sanction, if any, to be imposed upon Respondent for the use, presence and possession of ostarine.

¹ Respondent Exhibit 8 (Competition History).

IV. JURISDICTION

13. Respondent did not contest that this arbitration is governed, procedurally and substantively, by the Protocol as applicable to Respondent and his participation at the North American Open Series 1 & National University Championships weightlifting event on March 1, 2024.
14. Pursuant to the applicable arbitration procedures, which are contained in the USADA Protocol, the Arbitrator has the power to rule on her own jurisdiction.
15. No party has objected to the jurisdiction of the Arbitrator or asserted inarbitrability of the claim.
16. Accordingly, the instant matter is properly before this Arbitrator.

V. PROCEDURAL HISTORY

17. USADA collected a urine sample from Respondent while in competition at the North American Open Series 1 & National University Championships weightlifting event on March 1, 2024, where Respondent finished first in his weight class.
18. The event was organized by USA Weightlifting, a signatory of the Code.
19. USADA sent Respondent's sample to the WADA-accredited laboratory at UCLA in Los Angeles, California. The laboratory reported Respondent's sample as an AAF for the presence of ostarine.²
20. On March 20, 2024, USADA sent Respondent a letter notifying him of the AAFs.³ In that letter, USADA also notified Respondent that it had imposed a provisional suspension against him.
21. Respondent requested analysis of his B Sample, and on March 28, 2024, USADA sent Respondent a letter informing him that analysis of his B Sample had confirmed the presence of ostarine.⁴
22. On April 17, 2024, USADA interviewed Respondent in the presence of his then attorney, Howard Jacobs. During the interview, Respondent explained that he

² Claimant Exhibit 4, A Sample Lab Report.

³ Claimant Exhibit 3, Notice Letter (March 20, 2024).

⁴ Claimant Exhibit 6, B Sample Results Letter.

did not know the source of the positive test. Respondent speculated that a friend staying with him while moving during the week of the competition could have been a user of the substance. Respondent also explained that in December 2023, he found an unopened package of ostarine in his then girlfriend's apartment, which she later told him belonged to her ex-boyfriend.

23. On July 9, 2024, USADA charged Respondent with ADRVs for the presence and use of ostarine pursuant to Code Articles 2.1 and 2.2, respectively.⁵
24. This proceeding was initiated on July 25, 2024, when Respondent, through his attorney, requested a hearing. USADA contacted New Era to initiate this matter the same day.⁶
25. On July 29, 2024, New Era appointed the undersigned Arbitrator to this case. The undersigned Arbitrator first contacted the parties on the same day to schedule a preliminary hearing. The preliminary hearing was held on August 8, 2024, where the parties agreed to a briefing schedule and a hearing date of November 5, 2024.
26. By email dated September 6, 2024, counsel for Respondent informed New Era ADR and USADA that he was no longer representing Respondent.
27. USADA subsequently learned that Respondent had medication tested by Korva, a private non-WADA-accredited laboratory. Korva's report relayed that ostarine was detected in the medication it received on July 17, 2024.⁷
28. USADA propounded discovery on Respondent on September 9, 2024, seeking clarification of Respondent's belief regarding the source of his positive test.
29. On September 16, 2024, Respondent asserted that he was given around 15 orange pills in an unlabeled prescription bottle by a "friendly" unnamed person he met while at a weightlifting event in September 2023. The pills were provided in response to Respondent's frustration about a shortage for Adderall used to treat his ADHD diagnosis. He now believed the pills were either contaminated with ostarine or were counterfeit pills that contained ostarine.
30. Respondent asserted further that he accidentally took one half of the purported counterfeit pills while it was mixed in with his own prescription medication about a week before sample collection.

⁵ Claimant Exhibit 8, Charging Letter (July 9, 2024).

⁶ Claimant Exhibit 9, New Era Initiation Letter (July 25, 2024).

⁷ Respondent Exhibit 2, Korva Laboratory Report dated August 8, 2025.

31. At Claimant's request by email dated September 23, 2024, Respondent sent eight of the purported counterfeit pills in an unlabeled bottle to USADA for testing to Sports Medicine Research and Testing Laboratory (SMRTL), a WADA-accredited laboratory, for analysis to test the findings by Korva.
32. On October 28, 2024, just eight days before the instant merits hearing was to take place, Respondent requested a stay of the proceedings to permit the SMRTL testing process to be completed. USADA agreed to the stay. The briefing and hearing schedule that was established at the preliminary hearing on August 8 was modified and this Arbitrator issued a second scheduling order on October 30, 2024. The hearing was rescheduled to January 27, 2025, and Respondent was given until December 6, 2024, to supplement his pre-hearing brief without objection.
33. In the meantime, SMRTL analyzed all eight of the tablets but did not detect ostarine in any of the pills as confirmed in its report dated November 15, 2024.⁸
34. USADA also requested that Korva send to SMRTL the (now empty) prescription bottle that contained the purported counterfeit medication that he sent Korva as well as the solution Korva created from the purported counterfeit medication where Korva detected ostarine. SMRTL detected no ostarine in the solution from Korva.⁹ However, ostarine was detected at approximately 40 picograms in the container sent to SMRTL.
35. Photographs from the reports reveal that the container Respondent sent to Korva was not the original unlabeled container he received from the stranger in September 2023. Instead, the container Respondent sent to Korva in which SMRTL detected a small amount of ostarine, was Respondent's own prescription bottle in which he comingled substances and reflects a medication dispensed date of May 6, 2024, which is well after the positive test date.
36. Respondent filed a timely submission of his supplemental pre-hearing brief on December 6, 2024. Claimant likewise submitted its pre-hearing brief timely on January 17, 2025.
37. On January 23, 2025, Respondent sent an additional one-page explanation introducing a new theory of defense which Claimant determined required investigation. Accordingly, the January 27 hearing was postponed and reset for April 22, 2025.
38. Respondent was interviewed for a second time on January 30, 2025. As a result of Claimant's new investigation, Respondent was charged with an additional

⁸ Claimant Exhibit 15, SMRTL Analysis of Respondent's Pills dated November 15, 2024.

⁹ Claimant Exhibit 17, SMRTL Analysis of Solution from Korva.

ADRV of possession under Article 2.6 of the Code because it was alleged that Respondent maintained actual physical control over a prohibited substance for which he did not have acceptable justification to possess.

39. On February 4, 2025, Claimant sent Respondent a letter notifying him that Claimant was opening an action against him based on his admitted possession of ostarine when he confiscated the substance from his ex-girlfriend and stored it in his apartment for two months.¹⁰
40. On February 7, 2025, Claimant sent Respondent an amended charging letter charging him with ADRVs for the presence and use of ostarine as well as an ADRV for the possession of ostarine pursuant to Articles 2.1, 2.2, and 2.6 of the Code, respectively.¹¹
41. The briefing and hearing schedule was again modified to account for the amended charge, and this Arbitrator issued a third scheduling order on February 12, 2025, rescheduling the hearing in this matter for April 22, 2025.
42. On April 22, 2025, this Arbitrator held a full evidentiary hearing via video conference at which Claimant and Respondent were present. Both parties were given the opportunity to call witnesses and present evidence, examine and cross-examine witnesses and make arguments in support of their position.
43. There was no court reporter as agreed upon by the Parties.
44. Claimant called Respondent, Tammy Hanson, Elite Education Director at USADA, and Matthew Fedoruk, Ph.D., Chief Science Officer for USADA as witnesses.
45. Respondent called Benson Robles as a witness.
46. All witnesses testified under oath.
47. The Parties were provided with an opportunity to present oral opening and closing statements, give arguments, and raise any issues or argument in support of their respective positions.
48. The Parties elected not to submit post-hearing briefs.
49. The hearing lasted approximately seven (7) hours.

¹⁰ Claimant Exhibit 52, Possession Notice Letter (February 4, 2025).

¹¹ Claimant Exhibit 53, Amended Charging Letter (February 7, 2025).

50. At the conclusion of the hearing, the Arbitrator asked the Parties whether they had any additional evidence to offer or witnesses to be heard, as required by the Protocol. Claimant indicated that it did not. Respondent requested an opportunity to submit supplemental exhibits to rebut the testimony of Dr. Fedoruk.
51. Respondent was given (over Claimant's objection) until Friday, April 25, 2025, to submit up to two (2) supplemental exhibits. Upon receipt, Claimant was given three (3) days to respond.
52. Respondent submitted the documentation on April 22, 2025. On April 23, 2025, Claimant renewed its objection to the admission of the documents and provided arguments in support thereof. The exhibits were received into the record and the hearing declared closed on April 24, 2025.

VI. APPLICABLE LAW

A. The Athlete's Responsibility

53. This arbitration is governed, procedurally and substantively, by the Protocol which is applicable to Respondent pursuant to his membership in USA Weightlifting, a signatory to the Protocol.
54. The Code is incorporated into the Protocol. The WADA Prohibited List is also applicable in this matter. Ostarine is an anabolic agent belonging to a subcategory called selective androgen receptor modulators ("SARMs") which have comparable biochemical and physiological effects to anabolic steroids.¹²
55. Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) of the Code proscribes the presence of prohibited substances or their metabolites or markers in an Athlete's sample and applies a strict liability standard, meaning athletes are responsible regardless of fault or knowing use. It states, in relevant part:

2.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be

¹² Claimant Exhibit 19, Dr. Fedoruk Expert Report ¶ 8.

demonstrated in order to establish an anti-doping rule violation under Article 2.1.¹³ (Emphasis in the original).

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*....”¹⁴ (Emphasis in the original).

56. Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method) of the Code proscribes the use or attempted use of prohibited substances and also applies a strict liability standard, meaning athletes are responsible regardless of fault or knowing use. It states, in relevant part:

2.2.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies and that no *Prohibited Method* is *Used*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.¹⁵ (Emphasis in the original).

2.2.2 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.¹⁶ (Emphasis in the original).

57. Article 2.6 (Possession) of the Code prohibits possession of a prohibited substance. It states at:

2.6.1 *Possession* by an *Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is consistent with a *Therapeutic*

¹³ Claimant Exhibit 22, World Anti-Doping Code at 19.

¹⁴ *Id.* at 20.

¹⁵ *Id.* at 21.

¹⁶ *Id.*

Use Exemption (“TUE”) granted in accordance with Article 4.4 or other acceptable justification. (Emphasis in original).

58. The Code defines possession as “[t]he actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists) . . .”¹⁷ (Emphasis in original).

B. Burden and Standard of Proof

59. Article 3.1 of the Code provides, in relevant part, that: “The *Anti-Doping Organization* shall have the burden of establishing that an anti-doping rule violation has occurred.” Additionally, Article 3.1 states that:

The standard of proof shall be whether the *Anti-Doping Organization* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where the *Code* places the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.¹⁸ (Emphasis in original).

60. Under Article 10.2.2 of the Code, the Athlete bears the burden of establishing, by a balance of probabilities, that the ADRV was unintentional such that the penalty can be reduced.

C. Sanctions

61. Code Article 10.2.1 requires that the default period of ineligibility for a first ADRV involving a non-specified substance such as ostarine is four (4) years unless the athlete can establish, by a balance of probabilities, that the ADRV was unintentional, in which case the period of ineligibility shall be two (2) years in accordance with Article 10.2.2.

¹⁷ Claimant Exhibit 22 at 173 (Code Definitions)

¹⁸ *Id.* at 26-27.

62. Code Article 10.6.2. provides for a further reduction in the period of ineligibility if the athlete can establish no significant fault or negligence, and a reduction is deemed appropriate based on a degree of fault analysis. A reduction based on a finding of no significant fault requires the athlete to prove source of the positive test and that any fault or negligence was not significant with respect to the ADRV.
63. In AAFs involving non-specified substances, the period of ineligibility may not be reduced below one year, except in cases involving contaminated products or situations where the athlete can establish no fault or negligence.
64. In instances where a positive test was caused by a contaminated product, an athlete can qualify for a sanction from 0-24 months, but they must establish both no significant fault or negligence and that the prohibited substance in their sample came from a contaminated product.
65. It is the athlete's burden of proof to establish by a balance of probability (*i.e.*, preponderance of the evidence) that a reduction is appropriate.
66. Claimant avers that because Respondent has not met his burden with respect to any of the potential reductions, the default four-year period of ineligibility should be imposed.
67. Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an ADRV is covered in Article 10.10. It states:

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.¹⁹ (Emphasis in original).

68. Pursuant to Article 10.13.2.1 of the Code, “[i]f a *Provisional Suspension* is respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed....”²⁰ (Emphasis in original).

¹⁹ *Id.* at 82.

²⁰ *Id.* at 84.

69. However, according to Article 10.13.2.3, “[n]o credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by a team.”²¹

VII. FACTUAL SUMMARY AND TESTIMONY

70. Below is a summary of the relevant facts and allegations based on the Parties’ written and oral submissions, pleadings and evidence adduced during the pendency of this arbitration proceeding. Additional facts and allegations found in the Parties’ submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows.
71. While the Arbitrator has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceeding, this Award only refers to the submissions and evidence necessary to explain the Arbitrator’s reasoning. The facts presented or relied upon may differ from one side’s or the other’s presented version and that is the result of the Arbitrator necessarily having to weigh the presented evidence in providing the basis for and in coming to a decision as to the award.

A. Factual Background

72. Respondent is a 32-year-old national-level weightlifting athlete who has competed in various high-level events, including multiple national championships, over the past ten years. He was added to USADA’s National Testing Pool (NTP) in July 2018, where he remained until October 2018. He was later added to the Registered Testing Pool (RTP) in January 2021 and remained there until June 2022.
73. USADA provided him with anti-doping education each year he was in the RTP starting in July 2018. Additionally, through his USA Weightlifting membership, he completed both athlete and coach anti-doping education annually since 2021, most recently on February 8, 2024, three weeks before his positive sample was collected.
74. Respondent’s ADRV occurred on March 1, 2024, where he finished first in his weight class. USADA collected a sample from Respondent in-competition at the North American Open Series 1 & National University Championships

²¹ *Id.* at 85.

weightlifting event. The event was organized by USA Weightlifting, a signatory of the Code.

75. USADA sent Respondent's sample to the WADA-accredited laboratory at UCLA in Los Angeles, California. The laboratory reported Respondent's sample as an AAF for the presence of ostarine.²² Ostarine is an anabolic agent and is classified as non-specified substance according to the WADA Prohibited List. It is prohibited at all times.
76. After receiving the March 20, 2024, letter from USADA notifying him of the AAFs and imposing a provisional suspension, Respondent requested analysis of his B Sample and on March 28, 2024, USADA sent Respondent a letter informing him that analysis of his B Sample had confirmed the presence of ostarine.
77. The matter was investigated through interviews conducted by USADA's investigator, John Loney. Loney interviewed Respondent, his then girlfriend, M. P., and Benson Robles, a friend of Respondent.
78. Respondent presented various theories about how the substance entered his body during his April 17, 2024 interview. Respondent theorized that he was exposed to ostarine via environmental or transdermal contamination at the competition venue where his sample was collected. He claimed the venue hosted the Arnold Sports Festival, which he described as an environment with significant numbers of performance-enhancing drug users. However, this theory was unsubstantiated as USADA tested 79 athletes at the event, and Respondent was the only one who tested positive for ostarine.
79. Respondent also asserted that his positive test could have been caused by contaminated or counterfeit prescription ADHD medication. He explained that in September 2023, he was given around 15 orange pills in an unlabeled prescription bottle by a friendly stranger at a weightlifting event. He believed the pills were Adderall but later suspected they were either contaminated with ostarine or counterfeit pills containing ostarine. He stored these pills with his own prescription ADHD medication and believed he accidentally took half of one of these pills on February 25, 2024, about a week before sample collection.
80. Later, Respondent's advanced another theory which, as of the arbitration hearing, he confirmed is now his only theory. He explained that after discovering the packets at his girlfriend's apartment in December 2023, he removed them by way of transferring her garbage to his apartment, removing the packets, storing them for nearly two months and disposing of the substance

²² Claimant Exhibit 4 (A Sample Lab Report).

as he was preparing to move by emptying them in the toilet, thereby, causing the powder to be aerosolized and absorbed through his skin.

81. USADA was unpersuaded by any of Respondent's theories and added a possession charge once Respondent advanced the aerosolization theory by letter dated February 7, 2024.
82. According to Dr. Matthew Fedoruk, USADA's Chief Science Officer, athletes take ostarine because it is a SARM that promotes increases in strength and power without the negative side effects associated with traditional anabolic steroids, such as the virilization of women and feminization of men. These performance-enhancing effects are particularly relevant for weightlifting athletes like Respondent, who stand to benefit from increased strength and power.²³
83. Dr. Fedoruk explained ostarine is available for purchase in oral, injectable or topical forms which is referenced on body-building websites and can be purchased online from various "black market" suppliers. Respondent's expert report from Professor Pascal Kintz confirms this finding.²⁴ It is not FDA-approved for any clinical indication and cannot be prescribed legally by a physician.
84. Regarding Respondent's sample, Dr. Fedoruk noted that

The urinary concentration of ostarine in [Respondent's] sample is not definitive of one exposure or ingestion scenario more likely over another, meaning it's not indicative in itself of a contamination scenario over ingestion of a therapeutic or sub-therapeutic dose of ostarine at some time in the past....Low concentrations of ostarine can be observed at the tail-end of urinary excretion as, like many drugs, ostarine clearance from the body does not follow a strictly linear urinary excretion profile.²⁵
85. Dr. Fedoruk was unable to confirm contamination of Respondent's medication or transdermal exposure as viable explanations for the source of ostarine in his sample. Specifically, analysis of the remaining suspected counterfeit pills did not confirm the presence of ostarine and did not confirm the findings of the third-party analysis provided by Respondent. Furthermore, he explained that unintentional exposure cases have involved consumption of a spiked drink, sexual fluid transmission or topical (skin) continuous exposure facilitated via

²³ See, Claimant 19. (Fedoruk Expert Report)

²⁴ Respondent Exhibit 1 at 3.

²⁵ Claimant Exhibit 19 at 4.

a transdermal delivery agent (i.e. creme) applied over an extended period of time.

B. Testimony

86. The summary presented below reflects portions of the testimony presented by the witnesses deemed relevant by the Arbitrator.

Respondent Witness Testimony

87. Respondent testified in relevant part that he experienced significant stress upon discovering the ostarine packets at his girlfriend's apartment in December 2023, which he advances is supported by statements contained in a treatment summary report issued by his therapist and text messages with friends.²⁶
88. Respondent continued to struggle with stress and suspicion following a positive doping result, maintaining that the substance was inadvertently possessed due to finding it in his girlfriend's belongings. Respondent acknowledged that during the April 17 interview he stated he did not open the packets, took pictures of them, then threw them away.
89. He testified that he ultimately disposed of the substance in February 2023 by cutting open the packets and flushing them, believing it was the responsible action. He noticed no powder or residue on his hands and noted that the window in the bathroom was slightly open. Respondent acknowledged receiving anti-doping training.
90. Respondent called Benson Robles as the next witness. Robles was interviewed by Loney on February 5, 2025²⁷. He has known Respondent since 2017. In February 2024, he assisted Respondent with a move from his apartment to M. P.'s apartment. Respondent asked him if he knew anyone who wanted the ostarine packets he was presenting, in a joking manner. Robles responded that he did not, and Respondent disposed of the substance in the bathroom. Benson could not see the actual disposal. He heard the flush.
91. Benson could not recall whether the ostarine was in a packet or a pill bottle. He did not see the disposal of the packaging. Robles' testimony was largely consistent with his account during the interview, and he was certain that the

²⁶ See Respondent Exhibits 5 and 11.

²⁷ Claimant Exhibit 58.

substance did not belong to Respondent because of his emphasis on clean sport and criticisms of those who were not clean.

Claimant Witness Testimony

92. Claimant called Tammy Hanson, the Elite Education Director at USADA. Hanson testified about USADA's anti-doping education that was made available and provided to Respondent. Specifically, she testified that Respondent received training from USADA in 2018, using the USADA platform and the weightlifting platform for e-learning. Respondent achieved a score of 100% on 11 quizzes. The training aims to teach athletes how to identify and avoid prohibited substances.
93. Hanson testified that possession is covered as part of the training. Athletes are instructed to report substances to GlobalDRO rather than confiscate them. The training employs multiple teaching methods. She explained further that possession terminology has been historically clear to athletes. She has not received a lot of questions about possession. She acknowledged that the Code is complex. Thus, one on one communication is offered if athletes are confused. Hanson noted surprise about this case, given Respondent's long educational history.
94. Claimant's second witness was Matthew Fedoruk, Ph.D. He is the Chief Science Officer at USADA and is currently the Chair of the WADA Strategic Testing Expert Advisory Group. At USADA, he reviews all the testing and lab documentation and is engaged in the TUE process.
95. Dr. Fedoruk's testimony contained the adoption of his expert reports. In addressing Respondent's theories of exposure, Dr. Fedoruk testified that he was aware of only one transdermal exposure case related to ostarine. In that case, an athlete not under USADA's jurisdiction was taking therapeutic ostarine and wearing a neoprene hamstring sleeve while sweating. He loaned it to an athlete who was under USADA's jurisdiction. USADA simulated the conditions and concluded transdermal exposure was a plausible source given the extended exposure over time.
96. Dr. Fedoruk also opined that the aerolisation theory advanced by Respondent in connection with discarding the ostarine powder in the toilet was not credible. Aerolisation is the dispersion of a solid or liquid into a gas environment. An example would be a pressurized sunscreen sprayed into the air. He testified there could be no aerolisation in this case because there was no mechanism to create aerolisation or dispersion with such a small amount of ostarine. He explained, it could happen in large volumes or when passing over machinery.

Here, there was 1mg of powder per packet which is about 1/5 of a teaspoon in each of the two packets.

97. Dr. Fedoruk testified further that the related electrostatic charge theory is also not applicable. An electrostatic charge is generated when there is a buildup in charge due to friction between two materials. A common scenario would be clothes rubbing together in a dryer. In a chemical setting, large amounts of powders passing over metal objects like mixers can generate such charges, as in a manufacturing environment. Dr. Fedoruk explained that ostarine does not have a charge and there is no evidence of it passing over any materials in Respondent's scenario that would generate one.
98. Finally, Dr. Fedoruk testified that he had not heard of any positive testing results occurring from the scenario described by Respondent. He does not believe it is realistic as skin contact would not cause a positive result in Respondent's urine. Dr. Fedoruk explained that skin actually acts as a barrier to absorption in the suggested manner. In his view, Respondent has established no credible explanation of a route for ostarine to enter his system.

VIII. POSITIONS OF THE PARTIES

A. Claimant's Position

99. Respondent should receive a four-year period of ineligibility for ADRVs related to the presence, use, and possession of ostarine.
100. First, Claimant argues that it has met its burden that Respondent has committed the charged ADRVs. Here, the WADA-accredited laboratory reported Respondent's A Sample as positive for the presence of ostarine, and analysis of Respondent's B Sample confirmed that finding. As confirmed by Dr. Fedoruk in his expert report, the WADA-accredited laboratory conducted its analysis in accordance with the requisite international standards. Accordingly, Claimant has met its burden that Respondent has committed the charged ADRVs which Respondent does not dispute.
101. Additionally, Claimant has met its burden of proof regarding the possession charge. Respondent admitted to possessing ostarine for nearly two months after discovering it at his girlfriend's residence. Respondent now says he "confiscated" the ostarine packets and took them home to his apartment where he kept them in his closet. This revised version of events prompted USADA, as it was required to do, to add the violation of possession under Article 2.6 of the Code because Respondent maintained actual physical control over ostarine, a

prohibited substance, for which he did not have acceptable justification to possess.

102. Claimant contends that Respondent has failed to establish the source of his positive test. Respondent has presented multiple theories to explain his positive test for ostarine, which have evolved over time and lacks scientific support. His latest theory involves an implausible explanation of aerosolization which is not scientifically supported.
103. Without establishing the source of the positive test, Respondent cannot prove that his use of ostarine was unintentional, which is required for a reduced sanction. To qualify for a reduced sanction, the athlete must prove both use and possession violations were unintentional. The Code requires athletes to prove the source of a positive test to establish lack of intent.
104. Credibility is crucial in anti-doping cases because athletes bear the burden of proving their violations were unintentional. Respondent's lack of credibility makes it impossible for him to meet this burden, as his explanations are speculative, contradictory, and unsupported by evidence.
105. The Respondent's clean testing history does not negate the need for evidence. Previous cases emphasize the necessity of providing concrete evidence rather than mere speculation.
106. Even if Respondent's ADRVs were deemed unintentional, his action of retaining ostarine for two months, opening the packets, and disposing of the powder without safety precautions, constitute significant negligence. This precludes any reduction below a two-year sanction.
107. Claimant submits that Respondent has not met his burden with respect to any of the potential reductions. Respondent's contradictory explanations, lack of evidence, and reckless actions warrant the default four-year period of ineligibility and there are no evident circumstances in this case that warrant mitigation including Respondent's baseless accusations about USADA investigator's conduct, his ADHD diagnosis or professional exam distractions.
108. Claimant requests the disqualification of all competitive results obtained by Respondent from the date of sample collection, March 1, 2024. This includes the forfeiture of any medals, points, and prizes earned during that period. This request aligns with standard anti-doping rules, which mandate the disqualification of results when an athlete commits an anti-doping rule violation.

109. In sum, Claimant submits that a four-year period of ineligibility is the appropriate sanction beginning March 20, 2024, which is the date Respondent was provisionally suspended, along with the disqualification of results from the date of sample collection.

B. Respondent's Position

110. Despite initially advancing theories of medication contamination and transdermal exposure during the event, Respondent asserts that the defense to be considered is aerolisation of the powder when he disposed of the substance.
111. Respondent argues for a reduced period of ineligibility of 16 months because he did not knowingly ingest ostarine or recklessly disregard the risk of ingesting a prohibited substance. He cites his consistent history of compliance with anti-doping rules, including passing 15 drug tests since 2013, meticulous supplement use, and proactive cooperation with anti-doping authorities.
112. Respondent asserts that the ADRVs were unintentional and involved low fault or negligence. He explains that he was unaware of the risk of transdermal or environmental exposure due to disposing of ostarine packets.
113. Respondent contends that the detected concentration of ostarine is consistent with unintentional exposure through environmental or transdermal contact. Respondent asserts that the scientific evidence he submitted supports the plausibility of contamination during the disposal process. Respondent points to situations where USADA accepted as grounds for a No Fault or Negligence determination a case where a track athlete tested positive after borrowing a teammate's sweaty hamstring sleeve and cases where athletes drank mixtures prepared by others.
114. Respondent emphasizes that he had no intent to enhance performance or benefit from the substance. He handled the unopened packets briefly and disposed of them to eliminate risk, not create it. He also highlights his longstanding commitment to clean sport and anti-doping principles.
115. Respondent asserts severe stress, ADHD, and other personal circumstances that impaired his ability to assess risks and recall key details during his first investigatory interview. He argues that these factors contributed to his actions and should be considered in the fault analysis.

116. Respondent notes his proactive cooperation with USADA, including voluntarily disclosing information, returning medals, pausing coaching activities, providing evidence to support his case, his commitment to clean sport and willingness to assist in anti-doping education as factors to be considered for mitigation.
117. Respondent argues that USADA's pursuit of multiple charges despite the trace-level finding, and his cooperation is unfair and does not align with other cases where athletes received reduced sanctions for unintentional violations, including cases involving trace-level findings and contamination scenarios.
118. Finally, the impact of a lengthy sanction would harm his ability to remain involved in the sport community, empower others, and maintain financial stability. He requests a sanction not exceeding 16 months, credited from the start of his provisional suspension on March 20, 2024.

IX. ANALYSIS AND FINDINGS

A. Respondent Committed the Anti-Doping Rule Violations Alleged in the Charge Letter Dated July 9, 2024, and Amended on February 7, 2025.

119. Claimant provided evidence that Respondent tested positive for ostarine based on an in-competition urine sample obtained on March 1, 2024, at the North American Open Series 1 & National University Championships weightlifting event. Respondent does not contest the positive result.
120. Ostarine is considered a non-specified substance and is an anabolic agent belonging to a subcategory called SARMs, which is prohibited at all times. No TUE for this substance is available. Therefore, Respondent committed ADRVs as set forth in Article 2.1 (presence of a prohibited substance or its metabolites) and Article 2.2 (use/attempted use).
121. Regarding possession violation, Code Article 2.6.1 prohibits possession by an athlete out-of-competition of any prohibited substance which is prohibited out-of-competition unless the athlete establishes that the possession is consistent with a TUE granted in accordance with Article 4.4 or other acceptable justification.
122. The Code defines possession as “[t]he actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or

Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists) . . .” of a prohibited substance.

123. Respondent has admitted discovering two packets of ostarine powder at his girlfriend's residence in December 2023, which he took possession of, transported to his own residence (where he lived alone) and stored in a box in his closet until disposing of the ostarine on February 23 or 24, 2024. The record evidence supports a finding that Respondent was in possession of the prohibited substance.
124. According to Code Article 2.6, once USADA establishes the ADRV, the burden shifts to Respondent to establish that the possession was consistent with a TUE or “other acceptable justification.” An acceptable justification per the comment to 2.6 may include, “(a) an Athlete or a team doctor carrying Prohibited Substances or Prohibited Methods for dealing with acute and emergency situations (e.g., an epinephrine autoinjector), or (b) an Athlete Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a TUE.”²⁸
125. Respondent asserts that the unopened packages of ostarine were handled briefly for the purpose of disposal after being discovered in his then-girlfriend's apartment. If Respondent's intent was to dispose of the substance, there has been no plausible explanation given for why it was not immediately disposed of upon discovery.
126. I find that the circumstances surrounding Respondent's possession of the ostarine for two months were not an acceptable justification. Therefore, in addition to having committed a use and presence violation, Respondent also committed an ADRV under Code Art. 2.6 for possessing a prohibited substance.

B. The Sanctions for Respondent's Proven Anti-Doping Rule Violations

1. *Default Period of Ineligibility*

127. Pursuant to Article 10.2. of the Code, the default period of ineligibility for a first ADRV for use, presence and possession involving a non-Specified Substance such as ostarine is four years unless the athlete can establish by a balance of probabilities that the ADRV was unintentional, in which case the period of ineligibility shall be two years.

²⁸ Claimant Exhibit 22, Comment 13 at 23.

128. The Code at Article 10.2.3 defines “intentional” as a term “meant to identify those *Athletes* or other *Persons* who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.”
129. Respondent asserts that his violations were unintentional because it was the aerosolization of the powder that likely caused the positive urine sample. However, Dr. Fedoruk provided credible testimony that the aerosolization theory would be tenable only where there was exposure to large amounts of a powder substance moving over industrial machinery for an extended period of time or some mechanism to actually aerosolize the powder. That was not the case here where the amount of powder discarded in the toilet near the water line amounted to 1/5 of a teaspoon in each packet.
130. Respondent’s “Quantification of Airborne Dusts from Powders” evidence does not refute Dr. Fedoruk’s opinion. According to this document, for powder to become airborne dust, it must involve a mixing of the powder (impact with a floor, wind or forced mechanical ventilation).²⁹
131. The comment to Code Article 10.2.1.1 states, in part, that “it is highly unlikely that in a doping case under Article 2.1 an *Athlete* will be successful in proving that the *Athlete* acted unintentionally without establishing the source of the *Prohibited Substance*.”³⁰
132. Many CAS Panels have enforced this premise. (*See WADA v. Abdelrahman & EGY-NADO*, (CAS 2017/A/5036); *WADA v. RUSADA & Valieva*, (CAS 2023/A/9456); *Jensen v. World Rugby* (CAS 2023/A/9377).
133. Respondent argues that there have been cases where the default penalty or no period of ineligibility was imposed. Specifically, in *IWF v Schlittig*, (CAS 2022/ADD/53), while the athlete was found guilty of an ADRV, no period of ineligibility was imposed where there was expert consensus as to transdermal exposure; negative sample “bookends” revealing two negative tests prior to and after the positive test; and the unique pharmacokinetic properties of the substance in the athlete’s case made transdermal exposure plausible. None of these factors exist in the instant case.
134. Similarly, in the sanctioning of Sydney Milani, USADA imposed a one-year period of ineligibility where the athlete tested positive for ostarine but was able to establish the source of the substance along with a dosage and timing that were consistent with the excretion data available. By contrast, Respondent is

²⁹ See, Respondent Exhibit 12 at pp. 3-4.

³⁰ Claimant Exhibit 22, Comment 58 at 65.

unable to establish the source of the substance setting his case apart from Milani.

135. Finally, in *USADA v. Fix*, AAA No. 01-20-0003-7972, which was a consent award between the parties, a 12-month period of ineligibility was imposed where it was determined that the athlete inadvertently ingested ostarine inside a pre-mixed water bottle while visiting his parents' home that he had had no way of detecting its presence and no reason to suspect that the drink was spiked. Unlike *Fix*, Respondent is unable to establish the source.
136. I find Respondent has not established unintentional use or possession because he has not established, by a balance of probabilities, that there is a scientifically plausible connection between his handling of the ostarine powder and the positive urine sample. Nor has any other competent and concrete evidence of how ostarine entered his system been established.
137. Respondent's theory of source is unsubstantiated. Therefore, the default sanction of four years applies.

2. Reduction in the Period of Ineligibility

138. Pursuant to Article 10.6.2 of the Code, further reduction in the period of ineligibility is permitted if the athlete can establish no significant fault or negligence based on a degree of fault analysis.
139. The Code defines no significant fault or negligence as follows:

The Athlete or other Person's establishing that any Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.³¹
140. Respondent is not a Protected Person or Recreational Athlete under the Code. Therefore, again, he is required to establish how the ostarine entered his system.
141. Claimant argues that the rules require Respondent to prove by a balance of probabilities the source of his positive test, and he cannot meet that burden concerning any of the ADRVs. Thus, the analysis should end there. I agree. As

³¹ Claimant Exhibit 22 at 172.

concluded above, Respondent has not met his burden of establishing the source, therefore, no further analysis regarding fault or negligence is necessary.

142. I find no mitigating circumstances applicable here that would warrant a reduction in the period of ineligibility.
143. Of note regarding the possession violation, Respondent's lack of credibility undermines any benefit of doubt that could be extended due to lapses in judgment. Specifically, the significant contradictions between Respondent's first and second interviews call into question Respondent's candor.
144. For instance, in the first interview on April 17, 2024, Respondent was clear that he never came into contact with the ostarine while disposing of it. He was not even sure whether the ostarine was in powder form because he never opened the packages and he never interacted with the substance. But in the second interview, he described exactly how he opened the packets and poured the contents into the toilet with exact recall about a window being slightly open and the presence of a friend. Such divergent explanations are difficult to reconcile.
145. Respondent has been educated on the use and possession of prohibited substances. His testing performance of 100% accuracy on 11 quizzes demonstrates that he comprehended the information. Indeed, his assertions about the extreme stress that resulted from his discovery of the substance leads to the conclusion that he was keenly aware of the prohibitions surrounding the substance.
146. I find that Claimant has established that the use, presence and possession were intentional. The undersigned Arbitrator is compelled to impose the default sanction since Respondent has not met his evidentiary burdens. Because the instant ADRVs were intentional, the appropriate sanction for the ostarine positive test is four (4) years.

3. Disqualification of Results

147. Article 9 of the Code provides that "[a]n anti-doping rule violation in *Individual Sports* 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." (Emphasis in the original).

148. Additionally, Article 10.10 of the Code is clear that “all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.” (Emphasis in the original).
149. The positive test for ostarine was obtained while Respondent was in-competition at North American Open Series 1 & National University Championships weightlifting event on March 1, 2024. The Code requires automatic disqualification of the results from this date.
150. For all the reasons that support the finding of an intentional violation, it is concluded that Respondent’s competitive results, including any award of medals, points, and prizes received after March 1, 2024, shall be disqualified. There is no evidence that Respondent failed to respect the provisional suspension and, therefore, the suspension served beginning March 20, 2024, shall be credited against the total period of ineligibility.

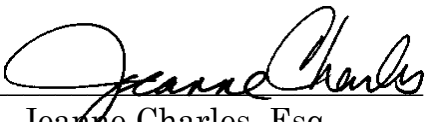
X. AWARD

Having duly heard the evidence and the argument of the Parties, the Arbitrator awards as follows:

- A. Claimant met its burden of proving Respondent committed an ADRV under Article 2.1 of the Code for *presence* of ostarine, a WADA prohibited substance at all times.
- B. Claimant met its burden of proving Respondent committed an ADRV under Article 2.2 of the Code for the *use* of ostarine.
- C. Claimant met its burden of proving Respondent committed an ADRV under Article 2.6 of the Code for the *possession* of ostarine.
- D. This was Respondent’s first ADRV. Therefore, the period of ineligibility for violations of Articles 2.1, 2.2 and 2.6 of the Code shall be four (4) years.
- E. The period of ineligibility shall start on March 20, 2024, the date Respondent was provisionally suspended through March 20, 2028.

- F. Pursuant to Article 10.13.2.1 of the Code, the period of provisional suspension March 20, 2024, until May 23, 2025, served by Respondent shall be credited against the total period of ineligibility to be served.
- G. Respondent's competitive results, including any award of medals, points, and prizes from March 1, 2024, shall be disqualified.
- H. This Award is in full settlement of all claims submitted in this arbitration. All claims not expressly granted herein are hereby denied.

Dated: May 23, 2025
Fort Lauderdale, FL



Jeanne Charles, Esq.
Arbitrator