

**AMERICAN ARBITRATION ASSOCIATION**  
**Commercial Arbitration Tribunal**

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In the Matter of the Arbitration between

UNITED STATES ANTI-DOPING AGENCY (**USADA**),

**Claimant**

and

RYAN BAILEY,

**Respondent**

Re: AAA Case No. Case 01-17-0002-7722

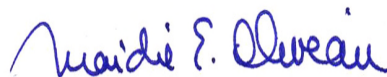
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**OPERATIVE AWARD**

Pursuant to the American Arbitration Association's (AAA) Commercial Arbitration Rules as modified by the American Arbitration Association Supplementary Procedures for the Arbitration of Olympic Sport Doping Disputes as contained in the Protocol for Olympic and Paralympic Movement Testing Effective as revised January 1, 2015, pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 USC 22501, *et seq.*, an in person evidentiary hearing was held on July 25, 2017, before Chris Campbell, Paul E. George and Maidie Oliveau, arbitrators (the **Panel**). By order of the Panel after considering the views, submissions, arguments, and evidence of the parties, and consistent with the request for an expedited decision, the Panel determines in operative part as follows:

- A. The parties stipulated that, based on a positive doping control sample submitted on January 10, 2017, Respondent ingested dimethylbutylamine (**DMBA**), a stimulant, which is a Specified Substance pursuant to the 2017 WADA Prohibited List, and is an anti-doping rule violation under Article 2.1 of the World Anti-Doping Code (the **Code**), for Presence of a Prohibited Substance;
- B. The period of ineligibility for the anti-doping rule violation under Article 10.2.2. of the Code is two years, subject to reduction.
- C. The parties stipulated to the source of Respondent's positive test as being the "Weapon X" supplement, thus Respondent has met his burden of proof under Article 10.5.1. of the Code that the source of his positive test was the supplement.

- D. Respondent has sustained his burden of proof, by a balance of probability, under Article 10.5.1.1 of the WADA Code to qualify for a reduction in his period of ineligibility under such Article, based on his light degree of fault to six months of ineligibility;
- E. Pursuant to Article 10.11.2 of the WADA Code, the Respondent made a timely admission, he has served at least one-half of the period of ineligibility going forward from the date he accepted the imposition of a sanction, i.e. when he became ineligible to compete upon acceptance of a Provisional Suspension, on January 29, 2017, thus his period of ineligibility will start as of the date of sample collection, January 10, 2017.
- F. The Panel finds that Respondent's period of ineligibility begins January 10, 2017 and expired on July 9, 2017.
- G. The anti-doping rule violation was in connection with an in-competition test on January 10, 2017 at the IBSF North American Cup 2-man bobsled event, and Respondent's first place results achieved in that competition are automatically disqualified, under Article 9 of the WADA Code;
- H. Article 10.8 of the Code requires that all other competitive results obtained from the date a positive sample was collected through the commencement of any provisional suspension shall be disqualified. The Panel finds that Respondent's results from January 12, 2017 are also disqualified.
- I. The parties shall bear their own attorneys' fees and costs associated with this arbitration.
- J. The administrative fees and expenses of the American Arbitration Association, and the compensation and expenses of the arbitrators, shall be borne by USADA and the United States Olympic Committee.
- K. This Award shall be in full and final resolution of all claims and counterclaims submitted to this Arbitration. All claims not expressly granted herein are hereby denied.



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Maidie Oliveau  
Chair, on behalf of the Panel  
Dated: July 26, 2017