BEFORE NEW ERA ARBITRATION

In the Matter of the Arbitration between UNITED STATES ANTI-DOPING AGENCY, Claimant, and MANTEO MITCHELL, Respondent.	Case No. 25061603

FINAL AWARD

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:

I. THE PARTIES

1. United States Anti-Doping Agency ("USADA" or "Claimant") is the independent anti-doping organization, as recognized by the United States Congress, for all Olympic, Paralympic, Pan American and Parapan American sport in the United States. USADA is authorized to execute a comprehensive national anti-doping program encompassing testing, results management, education, and research, while also developing programs, policies, and procedures in each of those areas.

2. Manteo Mitchell ("Mitchell" or "Respondent") is a 38-year-old elite bobsled athlete and former track and field athlete. As a track athlete, Mitchell earned a silver medal as a member of the 4 X 400 m relay at the 2012 Olympic Games. In 2020, Mitchell transitioned to bobsled, qualifying for the 2022 Bobsleigh World Cup and finishing fifth in the two-man event at the 2024 IBSF World Championships.

3. USADA was represented in this proceeding by Spencer Crowell, Olympic & Paralympic Counsel, and Muriel Ossip, Legal Assistant.

4. Respondent was represented in this proceeding by Howard Jacobs and Katy Freeman of the Law Offices of Howard L. Jacobs.

5. Claimant and Respondent will be referred to collectively as the "Parties."

II. THE STIPULATED FACTS

6. Pursuant to the Stipulation of Uncontested Facts between USADA and Mitchell dated August 11, 2025, the Parties stipulate that during an out-of-competition urine sample collection on February 2, 2025, the Respondent tested positive for 18-nor-17β-hydroxymethyl-17α-methyl-2α-methyl-5α-androst-13-en-3-one, a metabolite of oymetholone and/or methasterone, which are non-Specified Substances on the World Anti-Doping Agency Prohibited List ("WADA Prohibited List"), at a concentration of 0.35 ng/mL.

7. The Parties further stipulate that Respondent has committed an Anti-Doping Rule Violation ("ADRV") under Article 2.1 of the World Anti-Doping Code ("Code") for the presence of a prohibited substance.

8. The Parties stipulate that Respondent's open Proglycosyn supplement container analyzed by SMRTL showed the presence of oxymetholone in the product at an estimated concentration between 0.5-5.8 mcg/g.

9. The Parties also stipulate that SMRTL analyzed six sealed Proglycosyn supplement containers that were all labeled as being from the same lot as the Respondent's Proglycosyn container, and all six containers were reported negative for prohibited substances.

10. The Parties stipulate that Respondent did not declare Proglycosyn on his February 2, 2025 doping control form.

11. The Parties acknowledge that a provisional suspension was imposed on Respondent on March 3, 2025, and that time served under the provisional suspension will be deducted from any period of Ineligibility that Respondent might receive assuming he has respected his provisional suspension during that time.

III. ISSUE

12. The main issue to be resolved in this proceeding is the appropriate sanction for Respondent's ADRV. Specifically, I must determine whether Respondent has met his burden of proving the ADRV was caused by a Contaminated Product or was otherwise not intentional, whether he bears No Significant Fault or Negligence for the ADRV, and what the appropriate sanction is for the ADRV.

13. USADA also has requested the disqualification of any results obtained by Respondent on and after February 2, 2025, through the commencement of his provisional suspension on March 3, 2025.

IV. JURISDICTION

14. This proceeding is governed by the Protocol for Olympic and Paralympic Movement testing (effective as revised January 1, 2025) ("USADA Protocol"), including the Procedures for the

Arbitration of Olympic & Paralympic Sports Doping Disputes ("Arbitration Procedures").

15. Under R-7 of the Arbitration Procedures, which are part of the USADA Protocol, "[t]he arbitrator shall have the power to rule on his or her own jurisdiction, including any objections with respect to the existence, scope or validity of the arbitration agreement." Moreover, "[a] party must object to the jurisdiction of the arbitrator or to the arbitrability of a claim or counterclaim no later than the filing of the answering statement to the claim or counterclaim that gives rise to the objection."

16. No party has objected to my jurisdiction or to the arbitrability of the claim.

17. Accordingly, I conclude the issues presented in this case are properly before me.

V. BURDEN AND STANDARD OF PROOF

18. As set forth in Article 3.1 of the Code:

> The *Anti-Doping Organization* shall have the burden of establishing that an anti-doping rule violation has occurred. 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.

VI. PROCEDURAL HISTORY

19. This proceeding was initiated on June 16, 2025, pursuant to USADA's letter notifying New Era ADR of Respondent's request for a hearing.

20. On June 16, 2025, I was appointed as Arbitrator for this matter. No party has objected to my appointment as Arbitrator in this matter.

21. On July 8, 2025, pursuant to R-15 of the Arbitration Procedures, a preliminary hearing was held with the Parties. At the preliminary hearing, the Parties requested that, in light of the need for a determination before the end of August so that Respondent would know whether he could attend a September camp, the Arbitrator issue an Operative Award with a Reasoned Award to follow.

22. Following the preliminary hearing, a Report of Preliminary Hearing and Scheduling Order was issued on July 9, 2025, which, among other things, set dates for the submission of pre-hearing briefs, exhibits and designation of potential witnesses, and set the hearing date for August 14, 2025.

23. On July 22, 2025, Respondent submitted his pre-hearing brief and supporting evidence.

24. On August 8, 2025, USADA submitted its pre-hearing brief and supporting evidence.

25. Also on August 8, 2025, USADA filed a motion in limine to exclude the testimony of Paul Scott. Respondent had designated Mr. Scott as a witness to testify regarding the testing of the SNAC Proglycosyn supplement. On August 11, 2025, Respondent voluntarily withdrew Mr. Scott as a witness, rendering the motion in limine moot.

26. On August 14, 2025, an evidentiary hearing was held via videoconference in which both USADA and Respondent were present and participated with the assistance of counsel.

27. During the hearing, the Parties called witnesses to testify. The Parties were afforded the opportunity to ask questions of the witnesses and did so as they considered necessary.

28. The following witnesses provided sworn testimony at the hearing:

For Claimant

Dr. Matthew Fedoruk, Ph.D., USADA Chief Science Officer
Aanchal Sharma, Quality Assurance/Regulatory Affairs Supervisor for Lief Labs
Casey Croft, Operations Director for SNAC System, Inc.

For Respondent

Dr. Pascal Kintz, Ph.D, X-Pertise Consulting, Prof. Legal Medicine at University of Strasbourg
Manteo Mitchell, Respondent
Chris Fogt, Head Coach, USA Bobsled Team

29. The Parties provided opening and closing statements, gave arguments, and presented their positions on various issues that arose during the hearing.

30. Pursuant to R-26 of the Arbitration Procedures, the rules of evidence were not strictly enforced.

31. The hearing lasted one (1) day.

32. At the conclusion of the hearing, the parties confirmed they had no further proofs to offer or witnesses to be heard, and that their right to be heard had been respected.

33. The hearing was declared closed on August 14, 2025.

34. On August 26, 2025, the Operative Award was rendered.

VII. APPLICABLE LAW

35. The USADA Protocol governs this proceeding involving Respondent's urine Sample #8204886, collected out-of-competition on February 2, 2025.

36. The mandatory provisions of the Code including, but not limited to, the definitions of doping, burdens of proof, Classes of Prohibited Substances and Prohibited Methods, and sanctions apply this matter.

37. Pursuant to the WADA Prohibited List, oxymetholone and methasterone are non-Specified Substances that are prohibited at all times, in- and out-of-competition.

38. The relevant Code provisions applicable to this proceeding are as follows:

> ***Article 2. Anti-Doping Rule Violations***
>
> The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.
>
> *Athletes* or other *Persons* shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.
>
> The following constitute anti-doping rule violations:
>
> **2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete*'s Sample**
>
> 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 demonstrated in order to establish an anti-doping rule violation under Article 2.1
>
> ***Article 10: Sanctions on Individuals***
>
> **10.2 *Ineligibility* for Presence, *Use* or *Attempted Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method***
>
> The period of *Ineligibility* for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:
>
> 10.2.1 The period of *Ineligibility*, subject to Article 10.2.4, shall be four (4) years where:

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a *Specified Substance* or a *Specified Method* and the *Anti-Doping Organization* can establish that the anti-doping rule violation was intentional.

10.2.2 If Article 10.2.1 does not apply, subject to Article 10.2.4.1, the period of *Ineligibility* shall be two (2) years.

10.2.3 As used in Article 10.2, the term "intentional" is 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. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not "intentional" if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered "intentional" if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

10.6 Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence*

10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

. . .

10.6.1.2 *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility* and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete* or other *Person*'s degree of *Fault*.

10.10 *Disqualification* of Results in *Competitions* Subsequent to *Sample* Collection or

Commission of an Anti-Doping Rule Violation

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.

Appendix 1: Definitions

***Fault*:** *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*'s 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 *Protected Person*, 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 behavior. 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 a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.1 or 10.6.2.

No Fault or Negligence: The *Athlete* or other *Person*'s establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. 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.

No Significant Fault or Negligence: 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.

VIII. FACTUAL BACKGROUND

39. 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.

While I have 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 my reasoning. The facts presented or relied upon below may differ from one side or the other's presented version, and that is the result of my necessarily having to weigh the presented evidence in providing the basis for and in coming to a decision as to the Award.

40. Respondent is a 38-year-old Olympic sprinter. He earned a silver medal as a member of the 4 X 400 m relay at the 2012 Olympic Games, a gold medal in the same event at the 2012 World Indoor Championships, and a US National Indoor Championship in the 300 m in 2015.

41. Respondent transitioned to bobsled in 2020, and has experienced considerable success in bobsled, qualifying for the 2022 Bobsleigh World Cup and finishing fifth in the two-man event at the 2024 IBSF World Championships, which was the best American result achieved since 2013.

42. Respondent was first added to the USADA National Testing Pool ("NTP") in 2012, where he remained until the end of 2013. He was added back to the NTP in October 2014 and remained there until June 2015. Most recently, Respondent was added to the USADA Registered Testing Pool ("RTP") as a bobsled athlete in October 2022 and remains in the RTP to this day.

43. Before his positive test in 2025, Respondent had never tested positive for a Prohibited Substance.

44. Respondent received anti-doping education each year he was in the NTP and RTP, including receiving monthly newsletters from USADA. USADA also provides athletes with annual Athlete's Advantage Tutorials that deal with anti-doping matters and that advise athletes that they are responsible for everything that enters their bodies, and Respondent has completed eight (8) such tutorials since 2012.

45. Respondent testified that he has received a lot of anti-doping education, and he understands his anti-doping responsibilities. Specifically, Respondent testified that he understood that he is strictly liable for everything that enters his body, that anabolic steroids are prohibited substances, that supplements carry a risk of contamination, and that the best way to minimize that risk is by using third-party tested supplements.

46. Respondent testified that before taking any new supplement, he first checks USADA's Supplement Connect High Risk List to confirm the supplement is not on the list. He also checks all supplements and their individual ingredients in Global DRO to confirm they do not contain any prohibited substances.

47. Respondent has served as a USADA Athlete Ambassador since 2014.

48. During the 2024-2025 season, Respondent was taking approximately sixteen (16) supplements.

49. Respondent testified that he first heard about the SNAC Proglycosyn supplement from teammates who suggested it assisted with recovery.

50. On November 20, 2024, Respondent re-purchased his regular supplements through the USANA website, as well as five SNAC Nutrition products including the SNAC Proglycosyn supplement through Amazon.

51. Respondent testified that before purchasing the SNAC supplements, he checked both USADA's Supplement Connect High Risk List and Global DRO to confirm the supplements and their ingredients were not prohibited.

52. Respondent's 2024-25 season included an initial leg, during which he traveled to Frankfurt, Germany on November 26, 2024 and competed in the Altenberg World Cup between December 2-8, 2024, before traveling back to the United States on December 9, 2024. Respondent traveled back to Frankfurt on December 28, 2024, with the intention of competing in the Winterberg (December 30, 2024-January 5, 2025), St. Moritz I (January 6-12, 2025), Igls (January 13-19, 2025), St. Moritz II (January 20-26, 2025), and Lillehammer (February 3-9, 2025) World Cups, before competing in the World Championships.

53. Respondent testified that before traveling to Germany in November, he packed his supplements in travel containers. With respect to the Proglycosyn supplement, he transferred enough for the season into a travel cannister, which was labelled as "Pro-Post". Respondent testified this referred to Proglycosyn post-recovery and specified that 2 scoops should be used with 8 ounces of liquid.

54. Respondent testified that he had one week of training before the Altenberg World Cup and used the Proglycosyn supplement one or twice during the initial leg of the World Cup circuit before returning home on December 9, 2024.

55. Respondent testified that he did not recall using the Proglycosyn supplement while he was home for the Christmas break, but if he did he would have used it once per week.

56. Respondent travelled back to Frankfurt on December 28, 2024, for the Winterberg World Cup scheduled for December 30, 2024-January 5, 2025. Respondent testified that he used the Proglycosyn supplement 1-2 times during that period, with the last use occurring on January 2, 2025.

57. On January 4, 2025, Respondent was subject to an in-competition doping control test. Respondent's urine sample provided on January 4, 2025, returned a negative result.

58. On or around January 10, 2025, while training for the St. Moritz I World Cup, Respondent injured his finger. Respondent testified that he believed he used the Proglycosyn supplement at least one time during the week of January 6-12, 2025.

59. Respondent then travelled to Igls for the World Cup taking place January 13-19, 2025. The injury to his finger worsened, however, and after seeing a doctor, he learned that he had fractured his finger. As a result of the injury, Respondent did not compete in the Igls or St. Moritz II World Cups.

60. Respondent testified that because he was not competing and therefore was training more, he increased his usage of the Proglycosyn during this period to assist with his recovery.

61. Respondent traveled to Lillehammer on January 27, 2025 for the final World Cup of the circuit scheduled for February 3-9, 2025. In the lead up to his February 2, 2025 sample collection, Respondent continued to use the Proglycosyn supplement, with his last use occurring at approximately 8-9 p.m. on February 1, 2025.

62. Respondent testified that he was aware on February 1, 2025 that his teammates were being drug tested as the testing was occurring in the same room where Respondent was receiving treatment.

63. The next day, on February 2, 2025, a doping control officer came to Respondent's room between 5-6 a.m. for an out-of-competition test. On the doping control form, Respondent declared "Ibuprofen 800mg" as a medication or supplement he had taken in the prior seven days but failed to declare the Proglycosyn supplement or any other supplements he was taking. Respondent testified that he didn't declare the supplement because he felt he had already done his due diligence regarding the supplements and that he didn't feel the need to list every single thing he was taking. He acknowledged that may have been a mistake on his part, but stated that he has always been an honest, clean athlete.

64. On March 3, 2025, USADA notified Respondent that his sample had testified positive for 18-nor-17β-hydroxymethyl-17α-methyl-2α-methyl-5α-androst-13-en-3-one, a metabolite of oxymetholone and/or methasterone, and imposed a provisional suspension. He was later notified that his B sample had confirmed the presence of 18-nor-17β-hydroxymethyl-17α-methyl-2α-methyl-5α-androst-13-en-3-one.

65. On March 10, 2025, Respondent sent a letter to USADA explaining that he had never knowingly used or ingested oxymetholone, methasterone, or any banned substance, and that he was currently investigating all possible causes of his alleged positive test.

66. On March 12, 2025, Respondent sent three open supplement containers to the Sports Medicine Research and Testing Laboratory ("SMRTL"), a WADA accredited lab in Utah, for testing. On April 4, 2025, SMRTL reported that none of the supplements provided contained a banned substance.

67. On April 10, 2025, Respondent sent another letter to USADA reiterating that he had never knowingly used or ingested oxymetholone, methasterone, or any banned substance. Respondent informed USADA that he had sent several supplements to SMRTL for testing

and was informed each was negative for contamination, and that he intended to send out another batch of supplements to SMRTL for testing in the near future.

68. On April 14, 2025, Respondent sent four more supplements to SMRTL for testing, including an open container of Proglycosyn, lot number 16270 (exp. 06/2026).

69. On April 25, 2025, SMRTL reported a presumptive positive finding for one of the compounds of interest in the Proglycosyn supplement.

70. On May 6, 2025, SMRTL reported the results of its analysis. Respondent's open Proglycosyn supplement showed the presence of oxymetholone at an estimated concentration between 0.5-5.8 mcg/g.

71. On May 28, 2025, Respondent's counsel purchased an additional four sealed containers of SNAC Proglycosyn from the SNAC storefront on Amazon.

72. On June 6, 2025, Respondent sent one of the sealed containers of Proglycosyn, lot number 16270 (exp. 06/2026), to Korva Scientific for testing. Korva reported that the supplement did not contain oxymetholone or methasterone.

73. USADA also obtained sealed SNAC Proglycosyn containers from the SNAC Nutrition Amazon storefront, the SNAC Nutrition website, and MSM Grocery/Truegether's Amazon storefront, each identified as being from the same lot as Respondent's open container. SMRTL detected no banned substances in any of the three containers.

74. USADA then contacted SNAC Nutrition and obtained a sealed container of Proglycosyn from the same lot as Respondent's open container. SMRTL detected no banned substances in that container.

75. USADA also contacted Lief Labs, the company responsible for manufacturing and packing Proglycosyn for SNAC Nutrition, and obtained two additional sealed containers of Proglycosyn from the same lot as Respondent's open container. Both containers tested negative for any banned substances.

76. On June 23, 2025, Respondent collected a hair sample that was sent to his expert, Dr. Pascal Kintz, to test for oxymetholone and/or methasterone. Dr. Kintz reported that the hair sample was negative for the presence of oxymetholone and/or methasterone.

IX. CONTENTIONS OF THE PARTIES

1. Respondent's Contentions

77. Respondent submits that he has established, by a balance of probabilities, how the prohibited substance entered his system. Respondent states that it is more likely than not that his positive test was caused by the Proglycosyn supplement that was contaminated with oxymetholone.

78. Respondent asserts that he was regularly taking the Proglycosyn supplement before the February 2, 2025 sample collection, and that the supplement container he was using tested positive for oxymetholone that was not declared on the label.

79. Respondent contends that the concentration of oxymetholone detected by SMRTL in the container of Proglycosyn he was using at the time of the sample collection is consistent with the concentration shown in his February 2, 2025 urine sample.

80. Respondent contends that the following additional factors further support the conclusion that his positive test was the result of contamination, as opposed to intentional ingestion:

    a. Respondent tested negative on October 31, 2024, November 21, 2024, and January 4, 2025, less than a month before the February 2, 2025 positive test.
    b. Respondent's negative hair test result is inconsistent with a large exposure to oxymetholone and/or methasterone but is entirely consistent with inadvertent exposure to trace amounts of oxymetholone and/or methasterone.
    c. The low levels of metabolite found in Respondent's sample (0.35 ng/mL), when combined with the negative test 28 days earlier, is consistent with inadvertent (rather than intentional) exposure to oxymetholone and/or methasterone.
    d. The specific gravity of Respondent's February 2, 2025 sample was 1.032, indicating that the sample was particularly concentrated.
    e. Respondent had no prior knowledge of oxymetholone or methasterone.

    (Respondent Pre-Hearing Br. at 18-19.)

81. Respondent contends that the fact that sealed containers tested negative is not a basis to conclude he has not met his burden when containers purchased over the course of nearly 8 months all used the same lot number, despite being ordered by three separate parties and from at least three separate vendors. (*Id.* at 19-20.)

82. Respondent next contends that even if I do not find that his use of the contaminated Proglycosyn supplement was more likely than not the source of his positive test, he still has established that his ADRV was not intentional. Respondent asserts that proof of source is not required for an athlete to establish that an ADRV was not committed intentionally, and numerous CAS tribunals and other anti-doping regulatory panels have held that an athlete can establish that he did not intentionally violate the anti-doping rules without proving how the prohibited substance entered his system.

83. In support of his argument, Respondent cites to CAS 2016/A/4354, *Villanueva v. FINA*. The CAS Panel in that case stated:

    > [T]he Panel can envisage the theoretical possibility that it might be persuaded by an athlete's simple assertion of his innocence of intent when considering not only his demeanour, but also his character and history (it is recorded if apocryphally, that the young George Washington admitted chopping down a cherry tree because

> he could not tell a lie. *Mutatis mutandis* the Panel could find the same fidelity to the truth in the case of an athlete denying a charge of cheating). That said, such a situation would inevitably be extremely rare. Even on the persuasive analysis of Rigozzi, Haas *et al.*, proof of source would be "an important, even critical" first step in any exculpation of intent. Where an athlete cannot prove source it leaves the narrowest of corridors through which such athlete must pass to discharge the burden which lies upon him.

Villanueva ¶ 37.

84. Respondent asserts that additional cases also support his argument that an athlete can meet his burden of proving that he did not intentionally violate the anti-doping rules despite failing to prove how the banned substance entered his system. (Respondent Pre-Hearing Br. at 24-26.) For example, in CAS 2016/A/4676, *Ademi v. UEFA*, the Panel held the player had discharged his burden of proving lack of intent despite his inability to identify the source of the prohibited substance based on "[t]he totality of the evidence, including the possibility that the [prohibited substance] came from the Pills (even if not necessarily due to contamination and even if not meeting the burden of proving source . . .), combined with the Panel's acceptance of the testimony provided by the Player which the Panel found to be credible, as further supported by the evidence of Mr. Vajda and of the Club doctors, that the Player had no intent to use a prohibited substance and that the Player merely used Pills provided by Dr. Vajda for back pains believing them to be safe to use (even if this amounted to, at the very least, significant negligence) is sufficient to establish on the balance of probabilities that the Player had no intention to cheat." *Ademi* ¶ 76. Likewise, Respondent argues that in CAS 2020/A/7083, *WADA v. Schoeman*, the CAS Panel reaffirmed that proof of source is not required to find that an ADRV was not intentional reasoning that, *inter alia,* the athlete's efforts to identify the source of the banned substance, as well as his apparent good faith demonstrated at the hearing and throughout the investigatory process led to the conclusion that "irrespective of any inability to identify the source of the [prohibited substance], the Athlete has established, on a balance of probability and taking into account all the circumstances of the case, that he did not knowingly ingest [the prohibited substance] or intend to cheat." *Schoeman* ¶¶ 104-06. And in CAS 2020/A/7579 & 7580, *WADA v. Swimming Australia & Jack*, the CAS Panel concluded the athlete did not intentionally take the banned substance despite the fact that she could not prove source based in significant part on the athlete's credibility, emphatic denials of intent, and subsequent efforts to identify the source of her positive test. *Jack* ¶¶ 92-97.

85. Respondent contends that after balancing all of the evidence, I should find that Respondent has met his burden of establishing, on a balance of probability, that he did not intentionally violate the anti-doping rules, and thus the default starting sanction should be two (2) years.

86. Respondent next contends that the sanction should be further reduced because he has established, by a balance of probabilities, that he was not significantly at fault or negligent for ingesting the contaminated Proglycosyn supplement. Respondent acknowledges that to receive a further reduction in sanction under Article 10.6.1.2, he must first establish, on a balance of probability, that the detected prohibited substance came from the contaminated

product. Respondent submits that he has met his burden of proving that the Proglycosyn supplement was a contaminated product and the source of his ADRV for the reasons explained above.

87. Respondent argues that his failure to declare the Proglycosyn supplement on his February 2, 2025 Doping Control Form should does not undermine the veracity of his explanation. Respondent contends that he failed to declare any supplements on his February 2, 2025 Doping Control form because the sample collection occurred early in the morning when he did not feel fully awake. Respondent notes that several arbitral tribunals have accepted an athlete's explanation regarding their ingestion of a substance even when the substance was not declared on their Doping Control Form. *See, e.g.*, CAS 2016/A/4643, *Sharapova v. ITF*; CAS 2016/A/4371, *Lea v. USADA*; SR/0000120227, *UKAD v. Warburton & Williams*. (Respondent Pre-Hearing Br. at 28.)

88. Respondent contends that he bears No Significant Fault or Negligence for the ADRV because he exercised a high level of caution before taking the Proglycosyn supplement, including researching every ingredient in Global DRO and searching USADA's High Risk Supplement List. Respondent asserts that the only "fault" that could be attributed to him is his failure to make a connection between Victor Conte and SNAC Nutrition and the fact that he did not have the supplement tested for banned substances prior to using it. (*Id.* at 28-29.)

89. Respondent contends that having met the threshold requirement of establishing No Significant Fault or Negligence, his degree of fault under CAS 2013/A/3327, *Cilic v. ITF*, is light. Respondent asserts that the following objective factors weigh in his favor: (a) he ran every ingredient of the Proglycosyn supplement (like all of his supplements) through Global DRO to confirm it contained no prohibited substances; and (b) he confirmed neither the SNAC Nutrition brand nor the Proglycosyn (or other SNAC supplements) were on USADA's Supplement Connect High Risk List.

90. Respondent asserts the subjective factors place him in the low to middle of the light range. Respondent accepts that he is an experienced athlete who has been in the testing pool for several years but submits that his experience and education as related to doping obligations are the very sources that inform the precautionary measures he takes before using any nutritional supplement. Respondent contends that his sanction should be a period of ineligibility that amounts to no more than the time he has already served under suspension, approximately 5 months by the time of the hearing. According to Respondent, recent contamination cases are consistent with the appropriate sanction in this case being in the 4 - 5-month range. *See, e.g.*, *ITIA v. Swiatek*; CAS 2023/A/10025, *Halep v. ITIA*. (Respondent Pre-Hearing Br. at 32-33.)

2. Claimant's Contentions

91. USADA asserts that Respondent has failed to meet his burden of establishing that his anti-doping rule violations were caused by a contaminated product or were otherwise unintentional.

92. USADA argues that "Respondent's only concrete evidence of supplement contamination is a test result showing the presence of oxymetholone in an open container of his Proglycosyn supplement. In stark contrast, six sealed containers of the same supplement from the same lot have tested negative for oxymetholone or any other prohibited substance." (Claimant Pre-Hearing Br. at 2.)

93. USADA cites CAS 2017/A/5017, *Tarnovschi v. ICF* and CAS 2019/A/6376, *Jones v. USADA*, to argue that "CAS panels have often rejected a single open container testing positive as sufficient evidence to prove contamination." USADA states that "[l]ike Tarnovschi and Jones, Respondent has only presented positive test results from a single open supplement container in his possession, and that evidence is dwarfed by the negative results from six different sealed containers from the very same lot. Although Jones did not present credible evidence that he purchased the supplement which tested positive, Tarnovski did proffer such evidence, and yet it was still insufficient to prove that his violation was caused by a contaminated product. The same conclusion should be reached here, considering that Respondent has provided no corroborating evidence aside from an analysis of an open container in his possession and a receipt of his supplement purchase." (*Id.* at 10-12.)

94. USADA contends that Respondent's arguments regarding variability of supplements is undermined by the testimony of Lief Labs, which manufactured and packaged the Progylcosyn supplement and described the cleaning procedures employed, while also confirming they do not manufacture pharmaceuticals or any products containing oxymetholone. Furthermore, Respondent's suggestion that the Proglycosyn supplement lot numbers were suspect cannot be reconciled with the testimony and documents from SNAC confirming the production of lot numbers before and after lot 16270.

95. USADA also argues that Respondent's contamination theory is undermined by his claim to have used the same Proglycosyn supplement beginning in early December given that Respondent's urine sample provided on January 4, 2025 returned a negative result. Dr. Fedoruk opined that Respondent's January 4 sample would reasonably be expected to have been positive if Respondent's supplement was contaminated at the levels seen in his open container.

96. USADA also notes that "Respondent's failure to declare the Proglycosyn supplement on his doping control form further undermines his contamination theory." (*Id.* at 14.)

97. USADA contends that "the relative ease with which Respondent could intentionally spike his supplement further undercuts his contamination theory." (*Id.* at 16.) Dr. Fedoruk opined that oxymetholone could have easily been added to the Proglycosyn supplement before it was sent for testing, and the amount of oxymetholone detected in the supplement could be achieved by mixing a small amount of a ground-up 50 mg oxymetholone tablet into the supplement.

98. USADA argues that Respondent's hair analysis should be given "zero weight" under CAS precedent. (*Id.* at 19.) USADA further argues that "whether oxymetholone or methasterone

can even be detected in human hair is unknown" and, at most, "hair tests can only show whether a person is a frequent user of the substance; it says nothing of intent." (*Id.* at 18.)

99. USADA next contends that having failed to establish supplement contamination, Respondent cannot meet his burden of proving lack of intent because "cases where athletes have met their burden of proving lack of intent without first establishing the source of their positive test are exceedingly rare. In fact, the Code emphasizes that such a scenario is almost exclusively theoretical." (*Id.* at 20.) USADA argues that each of the cases that Respondent cites where an athlete has been found to prove lack of intent without first proving the source of the positive test are readily distinguishable. For example, USADA asserts that "[t]he key difference between the instant matter and *Ademi* is that the latter case lacked any persuasive evidence to counter the athlete's standalone test results." (*Id.* at 21.) And in *Schoeman*, "[t]he panel considered dispositive factors in that case to include bookend negative tests 52 days before and 32 days after collection of the positive sample as well as the athlete's efforts in testing numerous supplements to uncover evidence of contamination," while here "Respondent not only lacks a subsequent negative sample, which is irrelevant to the analysis anyway, but his prior negative sample was also collected while he was using the supposedly contaminated supplement." (*Id.* at 22-23.) And in *Jack*, the prohibited substance was a known contaminant, whereas "USADA has never seen a contamination case involving oxymetholone or methasterone in the United States, and there is no evidence that oxymetholone or methasterone are transferable via environmental contamination." (*Id.* at 24.)

100. In the event Respondent is found to have met his burden of establishing his Proglycosyn supplement as the source of his positive test, USADA asserts that under *Cilic* and CAS 2017/A/5301, *Errani v. ITF*, objective factors place Respondent's fault in the "normal" category of 12-24 months because "there is no indication he consulted any appropriate experts before using the product" and "had he performed his full due diligence, he would have learned that Victor Conte owns SNAC Nutrition, which should have given Respondent pause." (*Id.* at 26-27.)

101. USADA further argues that under the subjective standard, "Respondent is a highly experienced, 38-year-old Olympian who has spent years in USADA whereabouts pools across multiple sports. He has completed numerous education sessions, which repeatedly advised him that although no supplements can be guaranteed completely safe, third-party tested supplements were best suited to reduce his risk if he chose to use supplements. . . . Nevertheless, Respondent ignored his training by using the non-third party tested Proglycosyn supplement as one of the 16 different supplements that comprised his regimen." (*Id.* at 27.)

102. USADA submits that even under a contamination theory, a 16-month sanction is appropriate based on a degree of fault analysis.

X. ANALYSIS AND FINDINGS

A. Anti-Doping Rule Violation

103. As stated above, it is undisputed that Respondent's sample tested positive for 18-nor-17β-hydroxymethyl-17α-methyl-2α-methyl-5α-androst-13-en-3-one, a metabolite of oxymetholone and/or methasterone, non-Specified Substances prohibited both in- and out-of-competition. Respondent admits that he committed an ADRV under Article 2.1 of the Code for the presence of a prohibited substance. Accordingly, USADA has met its burden of proof that an ADRV has occurred.

B. Source and No "Intentional" Violation

104. The core issue to be decided is whether, under Article 10.2.1.1 of the Code, Respondent has met his burden of establishing that his ADRV was caused by a contaminated product or was otherwise unintentional.

105. Respondent bears the burden of establishing, by a balance of probabilities, that his ADRV was not intentional.

106. If Respondent cannot carry his burden, then no further analysis is necessary, and the sanction for his ADRV is four (4) years.

107. If Respondent meets his burden, the default starting sanction for Respondent's ADRV is two (2) years.

108. The first question to be resolved is whether Mitchell has proven, by a balance of probabilities, that the Proglycosyn supplement was the source of his positive test.

109. On the facts of this case, I find the Respondent has failed to meet his burden of establishing the source of the oxymetholone in his sample. The Athlete has produced some evidence that the Proglycosyn supplement may have been contaminated, as discussed below. But given the undisputed fact that six unopened Proglycosyn containers labelled from the same lot all tested negative, I find Respondent has failed to meet his burden of proving it is more likely than not that his Proglycosyn supplement was contaminated with oxymetholone. While Respondent speculated that perhaps the unopened containers had been improperly numbered and were actually from different lots than the open container that tested positive, no evidence supported Respondent's theory in this regard.

110. Notwithstanding the foregoing, as several CAS Panels have concluded, proof of source is not a mandatory prerequisite for an athlete to meet his burden of establishing, by a balance of probabilities, that his ADRV was not intentional. *See* CAS 2020/A/7083, *WADA v. FINA & Schoeman*; CAS 2020/A/7579 & 7580, *WADA v. Swimming Australia, Sport Integrity Australia & Jack*; CAS 2016/A/4676, *Ademi v. UEFA*.

111. To be sure, "it is readily apparent that the most persuasive and probative evidence that the Athlete can adduce in an effort to discharge the burden is factual evidence as to the origin of the Prohibited Substance. But this is not a rule of law, it is a matter of evidence." CAS 2023/A/9451, 9455 & 9456, *RUSADA v. Valieva*, ¶ 359. "[T]he establishment of the source of a prohibited substance is not a *sine qua non* of the proof of the absence of intent. This is plain from the wording of the clause itself. As established by CAS jurisprudence, there may be circumstances in which a panel can be satisfied that the [adverse analytical finding ("AAF")] was not intentional despite the inability of the athlete to show the origin of the substance. . . . [W]here an athlete is unable to prove the origin of the prohibited substance then the panel must evaluate, based on the overall circumstances of the case, whether the athlete acted with or without intent." *Id.* ¶ 357.

112. The comment to Article 10.2.1.1 of the 2021 Code states: "While it is theoretically possible for an Athlete or other Person to establish that the anti-doping rule violation was not intentional without showing how the Prohibited Substance entered one's system, 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."

113. It has been said that "[w]here an athlete cannot prove source it leaves the narrowest of corridors through which such athlete must pass to discharge the burden which lies upon him." CAS 2016/A/4534, *Villanueva v. FINA* ¶ 37.

114. I agree with all of this. "It is important, however, not to elevate these observations to statements of dogma lest doing so obscures the true nature of the task to be undertaken by the Panel. The task of the Panel is to weigh the evidence adduced by the Athlete and to form a view as to whether that evidence as a whole is sufficient to meet the Athlete's burden of proving that [he] did not intend (directly or recklessly) to commit the ADRV." *Valieva* ¶ 362.

115. USADA argues that Respondent has presented "no corroborating evidence aside from an analysis of an open container in his possession and a receipt of his supplement purchase," and that Respondent's protestations of innocence, hair testing, and other evidence should be given "zero weight" or are each "insufficient evidence for an athlete to meet their burden in the absence of concrete and persuasive evidence." (USADA Pre-Hearing Br. at 12, 17-19.) But USADA's contentions go too far. All of the evidence submitted by Respondent should be considered and "[t]hese matters will carry whatever weight they will carry in the particular circumstances of the particular case. There is no *a priori* reason or basis to dismiss such evidence out of hand. True it is that in the ordinary case such evidence will likely be given little weight, but there may be circumstances where such elements may be an important part of the persuasive mix. As was made clear in CAS 2020/A/7579 and 7980, the quality of the evidence that is required to prove the absence of the intention, without proof of the source, will always be fact sensitive and there are no absolute rules as to what evidence will or will not suffice." *Valieva* ¶ 363.

116. I start by noting that Respondent testified that he did not take oxymetholone or methasterone and has never taken any prohibited substances, nor did he spike the Proglycosyn supplement. I found Respondent to be exceptionally credible. While I acknowledge that protestations of innocence generally are given little weight and that, standing alone, would be insufficient to carry Respondent's burden, I see no reason to entirely ignore Respondent's credibility in evaluating the "persuasive mix."

117. My impression of Respondent's credibility is supported by the views of both his coach and USADA. Chris Fogt, head coach of the US Bobsled team, testified that Mitchell was a leader and advocate on the US Bobsled team for athletes taking their anti-doping responsibilities seriously and the importance of being a clean athlete. USADA likewise deemed Respondent credible in his statements about the importance of clean sport when it chose to use him as a USADA Athlete Ambassador.

118. In addition, with the exception of the one positive test at issue, Respondent has never had a positive anti-doping test despite having been tested nineteen other times between February 2012 and February 2025.

119. Respondent's lack of any apparent incentive to dope to enhance his performance, while insufficient alone to carry his burden, is also part of the totality of the evidence. Mr. Fogt testified that Respondent did not need to achieve any particular level of results in the final races of the World Cup series to make the World Championship team. Rather, Respondent had already performed sufficiently well in the races prior to his positive doping test to ensure his place on the team.

120. Further, Respondent's positive test came at a time when he was not competing. USADA speculates that Respondent could have taken oxymetholone to expedite his recovery from a fractured finger, but no evidence supports that speculation.

121. Mr. Fogt also credibly testified that over the course of the two years that he has known Respondent, Respondent's strength metrics have been consistent and that he has observed no noticeable change in Respondent's performance.

122. Less than two weeks after receiving notice of his positive test, Respondent began sending supplements to SMRTL for testing. Respondent initially sent three supplements for testing, all of which were reported not to contain oxymetholone or methasterone. Shortly after receiving these results, Respondent sent four more supplements to SMRTL, one of which was the Proglycosen supplement. The athlete's efforts in promptly testing numerous supplements to uncover evidence of contamination is further evidence of his lack of intent.

123. Although, as USADA correctly asserts, it has no burden to prove Respondent spiked the Proglycosyn supplement, USADA argues that I should consider how easy it would have been for Respondent to spike the open container of Proglycosyn before sending it to SMRTL for testing. There is no dispute that, as Dr. Fedoruk testified, an athlete could easily crush up a pill and sprinkle a portion of that pill into a supplement, but that grossly oversimplifies the inquiry. Both experts opined that a 50 mg tablet is a common single dose for oxymetholone.

As Dr. Kintz explained, spiking under the facts of this case would require the athlete to know precisely how much of a standard 50 mg oxymetholone tablet to put into the supplement to achieve a concentration consistent with that detected in the urine, and would require the athlete to crush the tablet so finely and mix it extremely well to ensure the resulting mixture was homogenous. Achieving such homogeneity would, according to Dr. Kintz, be very difficult.

124. At the hearing Dr. Fedoruk testified that SMRTL tested seven aliquots from the open container of Proglycosyn and all seven tested positive for oxymetholone. Dr. Fedoruk acknowledged that this information is not reflected in the lab packet but rather was told to him by SMRTL (and thus, was not information available to Dr. Kintz in rendering his opinion and testimony). When asked whether he would agree that if the athlete had spiked the supplement, it would be more likely that some aliquots would have been negative due to inadequate mixing, Dr. Fedoruk stated he did not know the answer to that question. While such evidence is insufficient to prove source by a balance of probabilities, it does support the possibility that the Proglycosyn supplement was contaminated.

125. Lief Labs, which manufactured and packaged the Proglycosyn supplement for SNAC Nutrition, does not manufacture products with oxymetholone. It did not, however, test the raw materials in the Proglycosyn supplement for anabolic steroids. And while Ms. Sharma testified that Lief would not accept raw materials from an entity that manufactures anabolic steroids, she also testified that Lief routinely sources raw materials from China and India and that there have been contamination issues with raw materials from those countries.

126. Dr. Fedoruk opined that to his "knowledge, no food product, cosmetic product or other pharmaceutical product has been found to contain oxymetholone or methasterone due to contamination or adulteration." Dr. Fedoruk acknowledged, however, that he is aware of instances of supplements being contaminated with these substances.

127. The low concentration of prohibited substance in Mitchell's sample, which was consistent with the concentration detected in his open supplement, further supports that his ADRV was not intentional. Although the reported concentration was 0.35 ng/mL, the experts agreed this should be adjusted to account for the fact that the urine sample was particularly concentrated. According to Dr. Kintz, after adjusting for the specific gravity of the urine, the concentration of prohibited substance in Mitchell's sample was 0.22 ng/mL. Dr. Kintz further testified that the concentration in Mitchell's urine is consistent with his taking the Proglycosyn supplement contaminated at the level detected by the SMRTL lab in the open container. While Dr. Fedoruk opined this concentration could also be consistent with tail end excretion of one or more pharmacological doses, he agreed the concentration was consistent with Respondent taking two scoops of a powder supplement contaminated with 0.5-5.8 mcg/g of oxymetholone nine hours before sample collection.

128. Hair testing conducted by Dr. Kintz provides marginal additional support to Respondent in attempting to meet his burden. Dr. Kintz reported negative results in each of the four 2 cm segments of Mitchell's hair. Based on an average hair growth rate of 1 cm/month, Dr. Kintz opined that the 4-6 cm segment, which tested negative along with each of the other segments,

corresponds to the time of the AAF. Dr. Kintz concludes that the negative hair test result "does not support long-term abuse of methasterone and oxymetholone." Dr. Kintz acknowledged that the hair testing results do not tell us whether an athlete has intentionally used a prohibited substance. But both experts agreed that anabolic steroids are generally used multiple times over sustained periods of time to provide maximum performance enhancing effects.

129. Dr. Fedoruk takes issue with the hair testing, citing the Deng study (1999) to support his opinion that the "[d]etectability of oxymetholone or methasterone in human hair has not been extensively published." But Dr. Kintz testified that the technology he uses for hair analysis is 20 times more sensitive than that used in the Deng study. In addition, while the technology used in the Deng study had only a 36% recovery of oxymetholone in hair, Dr. Kintz's recovery is 65%. Dr. Fedoruk testified that he considers Dr. Kintz to be an expert in hair testing, and I have no reason to doubt Dr. Kintz's testimony regarding the sensitivity of his testing to detect methasterone and oxymetholone.

130. USADA argues that Respondent's January 4, 2025 negative test cannot be reconciled with his contamination theory. Dr. Fedoruk testified that because Respondent tested positive when taking the supplement one day before sample collection in February 2025, he would have expected Respondent also would have tested positive when taking the supplement two days before testing in January 2025 based on the proximity of one and two days before sample collection. But Dr. Fedoruk's opinion did not account for Respondent's testimony that he took the supplement two days before the January test but only nine hours before the February test. Dr. Kintz testified that this difference in timing, as well as the unknown quantity taken before the January test, the unknown specific gravity of the January sample, and the wide concentration range reported by SMRTL with respect to the open container, all could explain how Respondent tested negative on January 4, 2025, despite having taken the contaminated supplement two days earlier.

131. Finally, USADA argues that Respondent's failure to disclose the Proglycosyn supplement on his doping control form must be weighed against him in determining the source of his positive test. But, as discussed above, I have already concluded that Respondent failed to meet his burden of proving source by a balance of probabilities. In any event, because a failure to declare does not absolutely preclude an athlete from establishing source, it likewise does not preclude an athlete from meeting his burden with respect to intent. While Respondent certainly should have declared all of the prescription and non-prescription medications and supplements he was taking, I find no basis to doubt he was taking the Proglycosyn supplement in addition to a number of other supplements that he failed to declare. Respondent's use of the Proglycosyn supplement is supported not only by his own testimony, but also by the purchase records he submitted reflecting his purchase on November 20, 2024.

132. While the facts presented make this a very close case, I find that, given the totality of the evidence, Respondent has met his burden of proving that it is "more likely than not" that the ADRV was not intentional. "In percentage terms, on a balance of probability simply means

the Panel must be satisfied that there is more than a 50% chance the ADRV was not intentional." CAS 2021/A/7628, *Puerta v. UCI* ¶ 129.

133. I do not reach this conclusion easily or without trepidation. I cannot say with any degree of certainty whether Mitchell's ADRV was intentional or not. Indeed, no arbitrator would be able to say with any certainty whether an ADRV - when source remains unproven - was or was not committed with intent. But certainty is not the standard. The question is whether, in each individual case, the record as a whole - considering the entirety of the evidence collectively and not in atomized or isolated pieces - persuades the arbitrator that it is more likely than not (by even as little as 51%) that the violation was not intentional. I so find here.

C. No Significant Fault or Negligence

134. To obtain a further reduction in sanction based on a degree of fault analysis under Article 10.6, Respondent bears the burden of establishing, by a balance of probabilities, how the Prohibited Substance entered his system and 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 ADRV.

135. For the reasons discussed above, Respondent has failed to meet his burden of establishing, by a balance of probabilities, how the Prohibited Substance entered his system, *i.e.*, that the source of his positive test was a Contaminated Product. Accordingly, he cannot receive any further reduction of the period of Ineligibility based on No Significant Fault or Negligence. (Code. 10.6.1.2.)

D. Start Date of Sanction

136. Article 10.13.2.1 states: "If 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."

137. Respondent accepted a provisional suspension on March 3, 2025, and respected the provisional suspension.

138. The start date for Respondent's period of ineligibility is March 3, 2025.

139. Imposition of a 2-year period of ineligibility results in the expiration of Respondent's ineligibility on March 3, 2027.

E. Disqualification of Results

140. Respondent's competitive results, if any, are to be disqualified from the date of his positive test, February 2, 2025, through the commencement of his provisional suspension on March 3, 2025.

XI. AWARD/DECISION

The Arbitrator hereby determines and awards as follows:

A. Respondent, Manteo Mitchell, has committed an ADRV under Article 2.1 of the Code for the presence of a prohibited substance in his February 2, 2025 out-of-competition sample.

B. Respondent has failed to meet his burden of proving, by a balance of probabilities, that the source of his positive test was a Contaminated Product.

C. Despite having failed to prove the source of his positive test, Respondent has met his burden of proving, by a balance of probabilities, that the ADRV was not intentional. The default starting sanction, therefore, is two years.

D. Because Respondent has failed to meet his burden of proving, by a balance of probabilities, that his ADRV was caused by a Contaminated Product, he cannot receive any further reduction of the period of Ineligibility based on No Significant Fault or Negligence.

E. A period of Ineligibility of two years is imposed.

F. The start date of Respondent's period of Ineligibility shall be March 3, 2025, the date on which the provisional suspension was imposed.

G. Respondent's competitive results, if any, from the date of his positive test on February 2, 2025, through the commencement of his provisional suspension on March 3, 2025, are to be disqualified, and any medals, points and prizes earned during that period shall be forfeited.

H. The parties shall each bear their own respective attorneys' fees and costs associated with this Arbitration.

I. The administrative fees and expenses of New Era and the compensation and expenses of the Arbitrator shall be borne by USADA and the USOPC as set forth in the Arbitration Procedures.

J. This Award shall be in full and final resolution of all claims and counterclaims submitted in this Arbitration. All claims not expressly granted herein are hereby denied.

Dated: September 29, 2025
New York, NY

Jeffrey A. Mishkin