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FÉDÉRATION INTERNATIONALE
DE VOLLEYBALL

FIVB Anti-Doping Panel Decision

In the matter of
Mr. Ramon BURGOS
(Puerto Rico)

13 October 2010

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THE FIVB ANTI-DOPING HEARING PANEL

composed by

Prof. Bruno Manzella	(Italy) Disciplinary Committee President
Dr. Annie Peytavin	(France) Medical Commission Member
Mr. Mounir Ben Slimane	(Tunisia) Disciplinary Committee Member

at the hearing which took place via telephone conference on 13 October 2010, 6pm Swiss time, heard the case identified as n. 1897763:

FACTUAL BACKGROUND

1. On 12 September 2010, the FIVB was notified by the WADA Accredited Laboratory INRS – Institut Armand-Frappier (Canada), regarding an Adverse Analytical Finding concerning the A-sample 1897763 which contained the prohibited substance 11-nor-9-carboxy-delta9-tetrahydrocannabinol (**Cannabinoids**) in a concentration (23,3 ng/ml) above the threshold (15 ng/ml) established by WADA.
2. The above-mentioned sample was taken in-competition on 18 August 2010 in Gatineau (Canada) during the 2010 NORCECA U21 Continental Championship and belongs to the player Mr. Ramón BURGOS (Puerto Rico, born 15.1.1993).
3. After having received a copy of the Doping Control Form, on 14 September 2010 the FIVB contacted the Puerto Rican National Federation and through it informed the athlete of his right to request the analysis of the B sample and to attend the opening thereof.
4. By letter of the same day the athlete through his father -the athlete being a minor- waived his right for the analysis of the B sample and appointed Mr. Fernando Olivero Barreto, Esq. as his legal counsel.



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5. In his statements of 3 and 11 October 2010 as well as during the hearing the athlete admitted to have smoked one cigarette of marijuana in a party on 31 July 2010, where a number of school-mates around him were smoking and encouraging him "to try the substance". The athlete recognized his mistake, expressed his regret for his action and understood that he had let many people down despite being the captain of both the youth and junior national team of his country. However, the athlete denied having taken this substance with an intention to enhance his sport performance.
6. The athlete's legal counsel invoked the young age (17 years old) of the athlete and requested a reduced sanction, as per article 9.4 of the FIVB Medical Regulations, enclosing some references on the athlete's school achievements and record of conduct.
7. The hearing via telephone conference was attended –aside from the Anti-Doping Hearing Panel– by the athlete, Mr. Ramón Burgos, his parents and his legal counsel. Also in attendance were the FIVB Anti-Doping Administrator Ms. Erika Riedl and the FIVB legal counsel Mr. Andreas Zagklis.
8. The athlete and his legal counsel answered questions from the Panel and were given ample opportunity to explain their position and request for a reduced sanction.

LEGAL CONSIDERATIONS

1. According to the WADA 2010 Prohibited List, the substance 11-nor-9-carboxy-delta9-tetrahydrocannabinol is included in the category S.8 (**Cannabinoids**) and is prohibited in–competition.
2. According to art. 2.1 of FIVB Medical Regulations and in accordance with the World Anti-Doping Code, the presence of this substance in an athlete's



bodily specimen constitutes an anti-doping rule violation, sanctioned as per article 9.2 of the FIVB Medical Regulations.

3. The above mentioned sample belongs to the player Ramón Burgos Mendez.
4. No Therapeutic Use Exception (T.U.E.) exists, as per article 4.4 of the FIVB Medical Regulations.
5. Therefore, being the presence in the athlete's urine undisputed, the anti-doping rule violation is established.
6. All Cannabinoids and their derivatives have specific, pharmacologic properties and are well known for their heavy and dangerous side-effects, also due to their high toxicity. In this respect the Panel cannot accept the athlete's argument that, on the one hand he knew that cannabis is a prohibited drug in Puerto Rico but on the other hand he did not know it was prohibited in sport. Thus, the Panel considers the athlete was negligent by violating the duty to ensure that no Prohibited Substance enters his body.
7. However, according to article 9.4- third paragraph of the FIVB Medical Regulations and based on the evidence brought forward by the athlete and the result of the analysis (THC cannabinol concentration at 23,3 in comparison with the threshold of 15n.g/mL) the Panel is convinced that the substance entered the athlete's body in a party on 31 July 2010 and that the athlete did not smoke marijuana with a purpose to enhance his performance in volleyball.
8. In addition to these undisputed facts, the Panel shall also take into account the principle of proportionality, the player's young age and the fact this is the athlete's first anti-doping violation, when calculating the sanction to be imposed.



Taking all the above into consideration

THE FIVB ANTI-DOPING HEARING PANEL

Concludes and Decides

- 1.** The player **RAMÓN BURGOS MENDEZ** (Puerto Rico) has committed an anti-doping rule violation (presence of the prohibited substance 11-nor-9-carboxy-delta9-tetrahydrocannabinol/Cannabinoids in his bodily specimen) according to article 2.1 of the FIVB Medical Regulation.
- 2.** A sanction of six (6) months of ineligibility shall be imposed on the player Ramón Burgos Mendez, according to articles 9.2 and 9.4 of the FIVB Medical Regulations.
- 3.** The period of ineligibility shall start on the date of the present decision, as per article 9.9 of the FIVB Medical Regulations.

Decided in Lausanne, on 13 October 2010

Dr. Annie Peytavin

Member

Prof. Bruno Manzella

President

Mr. Ben Slimane

Member