



Arbitration CAS 2014/A/3820 World Anti-Doping Agency (WADA) v. Damar Robinson & Jamaica Anti-Doping Commission (JADCO), award of 14 July 2015

Panel: Mr Jeffrey Mishkin (USA), President; Mr Markus Manninen (Finland); Prof. Richard McLaren (Canada)

Athletics (high jump)

Doping (Selective Androgen Receptor Modulator [SARM S-22])

Condition for a reduction or elimination of the sanction

No Fault or Negligence

No Significant Fault or Negligence

Substantial assistance

Credit for the period of provisional suspension

1. In order for a reduction or elimination of the otherwise applicable 2 years period of ineligibility to apply, an athlete must first establish the origin of the prohibited substance on the balance of probabilities. The failure to demonstrate the origin of the substance excludes the reduction of the sanction. If the athlete establishes the source of the prohibited substance, then he must establish that he bore No Fault or Negligence or No Significant Fault or Negligence by a balance of probability.
2. The speculative allegation of sabotage of an athlete's drink by his own coach is precisely an example where No Fault or Negligence does not apply. In this respect, even assuming that a substance described as a vitamin complex provided by the athlete's coach was the source of the prohibited substance in the athlete's sample, the athlete has not met his burden of establishing that he acted with No Fault or Negligence in ingesting that substance.
3. An athlete who was aware that another individual had placed an unknown substance in his drink, and who voluntarily chose to ingest that substance must bear the consequences arising from his failure to exercise the required duty of care. The fact not to have yet reached the age of nineteen and to still be in high school when the anti-doping rule violation occurred, cannot be the basis for finding that the athlete did not act with significant fault or negligence. The fact to be an elite athlete competing in national competitions and to be fully aware of his anti-doping responsibilities are relevant in this respect.
4. Pursuant to CAS jurisprudence, even where an athlete provides an anti-doping organization with "*as much assistance as he reasonably could under the circumstances*", substantial assistance is not established where that assistance does not lead to the discovery or the establishing of any anti-doping rule violation by any person.

5. **An athlete shall only be given credit for the period of the provisional suspension insofar as that provisional suspension was actually “respected” by the athlete. Participation in competition organized by a “national level event organization” is a failure to respect the provisional suspension. An athlete’s obligation to respect a provisional suspension in order to receive credit for that period of ineligibility applies to the provisional suspension as a whole and not merely to a portion of it.**

I. THE PARTIES

1. Appellant **World Anti-Doping Agency** (“WADA” or “Appellant”) is a Swiss private-law foundation. Its seat is in Lausanne, Switzerland, and its headquarters are in Montreal, Canada. WADA was established in 1999 to promote, coordinate and monitor the fight against doping in sports.
2. First Respondent **Damar Robinson** (“Mr. Robinson” or “First Respondent”), is a Jamaican track and field athlete who competed in the high jump and triple jump at the Jamaica Athletics Administrative Association (“JAAA”) National Junior Championships in June 2013.
3. Second Respondent **Jamaica Anti-Doping Commission** (“JADCO” or “Second Respondent”) is the national anti-doping organization of Jamaica, established in 2008 by the Anti-Doping in Sport Act. JADCO is charged with fostering a drug-free sports environment in Jamaica.

II. FACTUAL BACKGROUND

4. Mr. Robinson is a talented high jumper who, in 2013, was captain of the track and field team at Calabar High School in Kingston, Jamaica. At Calabar, Mr. Robinson was principally coached by Mr. Keith Wright, who had been Mr. Robinson’s high-jump coach for approximately six years. Mr. Wright reported to Mr. Michael Clarke, the head track and field coach at Calabar.
5. During May and June 2013, Mr. Robinson trained for the JAAA National Junior Championships (held in mid-June, 2013). During this period, Mr. Robinson used a whey protein supplement. Approximately one week before the JAAA National Junior Championships, Mr. Wright advised Mr. Robinson to stop taking the whey protein because it had caused him to gain weight, which Mr. Wright believed would hurt his performance.
6. At some point during this training period, Mr. Robinson told Mr. Wright that he had forgotten his water bottle. Mr. Wright produced an extra bottle of water and an unlabeled blue bottle containing a liquid that Mr. Wright told Mr. Robinson was “Vitamin B-Complex”. Mr. Wright informed Mr. Robinson that this vitamin would be useful in his training and placed some of the liquid in the bottle of water before giving it to Mr. Robinson. Mr. Robinson drank the water and noticed it had a bitter taste.

7. Mr. Wright gave Mr. Robinson the “Vitamin B-Complex” on approximately four other occasions on consecutive days. On another occasion also during the May-June 2013 training period, Mr. Wright gave Mr. Robinson a bottle of a sports drink which, according to Mr. Robinson, had the same taste as the Vitamin B-Complex. Mr. Robinson drank all the liquids provided by Mr. Wright without questioning him as to what precisely those liquids contained. Nor did Mr. Robinson consult with the head coach at Calabar High School, the school’s team doctor or anyone else before ingesting the liquids provided by Mr. Wright.
8. On June 15-16, 2013, Mr. Robinson competed in the JAAA National Junior Championships (also referred to as the National Junior Trials). Mr. Robinson won the high jump event for the under 20 age group.
9. Following that event, Mr. Robinson was selected for, and submitted to, an anti-doping test. As part of this test, Mr. Robinson declared that the only supplement he was taking was whey protein.
10. On July 11, 2013, then-JADCO Chairman Dr. Herbert Elliot wrote to Mr. Robinson to inform him that the urine sample he provided at the National Junior Championships had tested positive for Selective Androgen Receptor Modulator (“SARM S-22”), an “Other Anabolic Agent” under S1(2) of the 2012 WADA Prohibited List (the “adverse analytical finding”). JADCO informed Mr. Robinson that by reason of the adverse analytical finding, he was provisionally “*suspended from all competition with immediate effect*”. Mr. Robinson requested that JADCO test his “B” Sample and requested a hearing on the matter. Mr. Robinson’s “B” Sample also tested positive for SARM S-22.
11. Upon learning that Mr. Robinson had tested positive for a Prohibited Substance, Mr. Wright visited Mr. Robinson at his home. Mr. Wright told Mr. Robinson that he did not know what could have happened to cause the positive test result.
12. Mr. Robinson also spoke to Calabar’s head coach, Mr. Clarke. Mr. Robinson initially told Mr. Clarke that he did not know how the Prohibited Substance entered his system, but later called Mr. Clarke back and informed him that Mr. Wright had added something to his water bottle.
13. Mr. Clarke later spoke to Mr. Wright. Mr. Wright confirmed that he had given Mr. Robinson Vitamin B-Complex but denied giving Mr. Robinson a Prohibited Substance. Mr. Clarke later relieved Mr. Wright of his coaching duties at Calabar.
14. Although Mr. Robinson has since made efforts to contact Mr. Wright, none of his telephone calls or text messages have been answered.
15. Mr. Robinson accepted a scholarship to attend Cloud County Community College in Concordia, Kansas, U.S.A. (“Cloud”) and, in January 2014, began competing for the track and field team at Cloud. Cloud competes in National Junior College Athletic Association (“NJCAA”) and National Collegiate Athletic Association (“NCAA”) events in the United States. Neither the NJCAA or the NCAA is a signatory to the World Anti-Doping Code (“WADA Code”).

16. Upon enrolling at Cloud, Mr. Robinson informed the school of the provisional suspension imposed against him by JADCO. According to Cloud's Director of Cross Country and Track and Field, the school "*checked with [its] administration*" who "*determined that [Mr. Robinson's provisional suspension] did not affect [the] institution or affiliation rules of competition ...*" (July 21, 2014 letter from William Panton to the JADCO Executive Director). Accordingly, Cloud allowed Mr. Robinson to compete in track meets on behalf of the school.
17. Between January and May 2014, Mr. Robinson competed in ten competitions for Cloud, including the NJCAA Indoor National Championships and the NJCAA Outdoor National Championships.
18. On January 29, February 3 and April 14, 2014, a hearing was held before the Jamaica Anti-Doping Disciplinary Panel ("Disciplinary Panel"). At the conclusion of the hearing, the Disciplinary Panel informed Mr. Robinson that he would be suspended for a period of one year, commencing on June 16, 2013 (the date of his positive anti-doping test) based on its conclusion that Mr. Robinson had acted with No Significant Fault or Negligence within the meaning of Article 10.5.2 of the Jamaica Anti-Doping Commission Anti-Doping Rules ("JADCO Anti-Doping Rules"). The Disciplinary Panel later provided Mr. Robinson with reasoned grounds, in writing, for its decision.
19. Mr. Robinson appealed the decision of the Disciplinary Panel to the Jamaica Anti-Doping Appeals Tribunal ("Appeals Panel") pursuant to Article 13.2 of the JADCO Anti-Doping Rules.

III. THE DECISION OF THE APPEALS PANEL

20. An appeals hearing was held before the Appeals Panel on August 14 and 22, 2014. Mr. Robinson argued four grounds for appeal: (1) the one-year period of ineligibility was excessive given the circumstances of the case; (2) the Disciplinary Panel failed to consider the "Substantial Assistance" provided by Mr. Robinson in uncovering an anti-doping rule violation by informing JADCO of the role played by Mr. Wright in administering substances that Mr. Robinson believes caused his positive test; (3) the Disciplinary Panel erred by finding that Mr. Robinson had not met his burden of establishing No Fault or Negligence under Article 10.5.1 of the JADCO Anti-Doping Rules; and (4) the one-year period of ineligibility was not proportionate with other SARM S-22 cases.
21. On September 21, 2014, the Appeals Panel dismissed Mr. Robinson's appeal and upheld the one-year period of ineligibility imposed by the Disciplinary Panel.
22. The Appeals Panel noted that "*[t]here is no substantiation of the appellant's naked claim that what he was told was Vitamin B Complex contained the banned substances SARM S-22*" and ultimately concluded that "*there is no evidence, that the appellant was the unwilling victim of doping by his coach*" (Decision of the Jamaica Anti-Doping Appeals Tribunal, at ¶ 30). The Appeals Panel concluded that Mr. Robinson had not exercised the "utmost caution," the standard of care required in No Fault or Negligence cases.

23. The Appeals Panel also found that Mr. Robinson had failed to meet his burden of establishing that he provided “Substantial Assistance” under Article 10.5.3 of the JADCO Anti-Doping Rules. Specifically the Appeals Panel concluded that “[t]here was no [sic] sufficient evidence before the [Disciplinary] panel and there is none before this tribunal that the cooperation of the appellant has led to the discovering or establishing of anti-doping rule violation by another person” (*Id.* at ¶ 39).
24. JADCO did not appeal, and the Appeals Panel did not expressly address, the Disciplinary Panel’s conclusion that Mr. Robinson acted with No Significant Fault or Negligence. Nor did the Appeals Panel disturb that determination. However, the Appeals Panel’s conclusions appear to raise doubt as to whether it would have upheld that determination or would have instead imposed a two-year period of ineligibility on Mr. Robinson had JADCO sought that result.

IV. SUMMARY OF THE RELEVANT PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

25. On November 17, 2014 WADA filed its Statement of Appeal with the CAS Court Office in accordance with R47 *et seq.* of the Code of Sports-related Arbitration (the “CAS Code”).
26. On November 21, 2014, the CAS Court Office acknowledged receipt of WADA’s Statement of Appeal and provided Mr. Robinson and JADCO with three days to object to English as the language of the arbitration. CAS also reminded WADA that, pursuant to CAS Code R51, WADA was required to file its Appeal Brief within ten days from the expiration of the time to appeal.
27. On November 26, 2014, counsel for WADA wrote to the CAS Court Office to request a five-day extension to file its Appeal Brief. By letter dated November 27, 2014, the CAS Court Office notified the parties that the CAS Secretary General had granted this request.
28. By letter dated November 28, 2014, the CAS Court Office confirmed that the language of the arbitration would be English.
29. On December 2, 2014, WADA filed its Appeal Brief in accordance with Article R51 of the CAS Code. The following day, on December 3, 2014, the CAS Court Office notified Respondents that they had twenty days to submit their answers.
30. On December 19, 2014, Mr. Robinson submitted his Answer.
31. By letter dated January 5, 2015, JADCO requested a seven-day extension to file its answer. Neither WADA nor Mr. Robinson objected to that request.
32. On 9 January 2015, the CAS Court Office informed the parties that the Panel in this appeal was constituted as follows:

President: Mr. Jeffrey Mishkin, attorney-at-law in New York, USA
Arbitrators: Mr. Markus Manninen, attorney-at-law in Helsinki, Finland
Prof. Richard H. McLaren, a barrister in London, Ontario, Canada

33. On January 15, 2015, JADCO filed its Answer.
34. On January 22, 2015, WADA wrote to the CAS Court Office to state that, in its opinion, the Second Respondent's Answer is "*inadequate and contrary to both the spirit and letter of the Code of Sports-related Arbitration*" because it failed to set forth legal argument with respect to the merits of WADA's appeal (January 22, 2015 letter from Ross Wenzel). Accordingly, WADA stated that it "*would have no objection to the Second Respondent being granted a short deadline in order to provide its arguments in this case*" (Id.).
35. On January 22, 2015, JADCO requested permission of the Panel to file (1) a supplemental submission and/or witness statement, and (2) additional exhibits in order to respond to the witness statement of Mr. William Panton, filed with Mr. Robinson's Answer.
36. On January 23, 2015, the Panel invited JADCO to file a supplemental submission no later than January 30, 2015.
37. On January 30, 2015, JADCO filed its Supplemental Answer.
38. On March 30, 2015, a hearing was held in New York, New York, U.S.A. Pursuant to Article R28 of the CAS Code, although the hearing took place in New York, the seat of the arbitration is Lausanne, Switzerland. Present at the hearing were:

For the Appellant: Mr. Ross Wenzel and Mr. Julien Sieveking.

For the First Respondent: Dr. Lloyd Barnett, Mr. Damar Robinson and Mr. William Panton (via video conference).

For the Second Respondent: Mr. Lackston Robinson

For the Court of Arbitration for Sport: Mr. Jeffrey Mishkin (President), Prof. Richard McLaren (Arbitrator), Mr. Markus Manninen (Arbitrator), Mr. Brent J. Nowicki (CAS Counsel), and Ms. Katherine Porter (Ad-hoc Clerk).
39. On April 7, 2015, WADA submitted a statement of its costs to the Panel for consideration.
40. On April 20, 2015, JADCO filed a submission opposing WADA's request for costs and requesting that the Panel order that the parties bear their own legal costs and share the arbitration costs.
41. By letter dated April 22, 2015, WADA replied to JADCO's submission on costs. On April 26, without authority under the CAS Code or leave of the Panel, JADCO responded to WADA's letter of April 22 for the ostensible purpose of "clarifying" certain of the statements in that

letter. The Panel has not considered the arguments in this unauthorized submission, but notes that according to JADCO's counsel, the submission contained "[n]o new issue[s]".

V. SUBMISSIONS OF THE PARTIES

A. WADA

1. *Argument*

42. WADA argues that Mr. Robinson committed an anti-doping rule violation when he tested positive for SARM S-22, a substance listed under S1(2) of the 2013 WADA Prohibited List. WADA notes that Mr. Robinson admitted to the anti-doping rule violation in the proceedings before the Disciplinary Panel.
43. Pursuant to Article 10.2 of the JADCO Anti-Doping Rules, an athlete who commits an anti-doping rule violation is to be punished by a two-year period of ineligibility, unless that athlete satisfies one of the conditions for eliminating or reducing the period of ineligibility under Article 10.5. In particular, Article 10.5.1 provides that an athlete's period of ineligibility may be eliminated if the athlete can establish that he or she acted with No Fault or Negligence, and Article 10.5.2 permits the reduction of an athlete's period of ineligibility where the athlete establishes that he or she acted with No Significant Fault or Negligence.
44. However, in order for the athlete's period of ineligibility to be eliminated or reduced, Articles 10.5.1 and 10.5.2 require that the athlete establish how the Prohibited Substance entered his system. WADA argues that CAS precedent requires the athlete to establish by a "balance of probability" how the substance entered his system; that is, the athlete bears the burden of convincing the Panel that "*the circumstances on which the athlete relies is more probable than their non-occurrence*" (Appeal Brief at ¶ 31).
45. WADA argues that Mr. Robinson has not met that burden because he "*failed to establish any link between any specific product (whether given to him by his Coach or otherwise) and the prohibited substance in his system*" (*Id.* at ¶ 41).
46. Moreover, WADA argues that "*if an athlete uses a product failing to inquire or ascertain whether the product contains a prohibited substance, he necessarily bears significant fault or negligence, which excludes any reduction of the applicable period of ineligibility*" (*Id.* at ¶ 54). Although WADA accepts that Mr. Robinson may have placed substantial trust in his coach, Mr. Wright, "*that trust was both blind and incompatible with his personal duty under the World Anti-Doping Code and the JADCO [Anti-Doping] Rules*" (*Id.* at ¶ 58).
47. WADA further contends that Mr. Robinson has failed to comply with the one-year period of ineligibility by competing in NCAA and NJCAA events. However, WADA notes that, pursuant to Art. 10.10.3 of the JADCO Anti-Doping Rules, JADCO must first make a determination of whether it believes that Mr. Robinson has violated the prohibition of participation during ineligibility. WADA states that it is "*pursuing this matter ... with JADCO and will keep the CAS apprised of any development which might have a bearing on these CAS appeal proceedings*" (*Id.* at ¶ 66).

2. *Request for Relief*

48. WADA's appeal requests that the Panel conclude that:
1. The Appeal of WADA is admissible.
 2. The decision rendered by the Jamaica Anti-Doping Appeals Tribunal dated 21 September 2014 in the matter of Mr. Damar Robinson is set aside.
 3. Mr. Damar Robinson is sanctioned with a period of ineligibility of two years commencing on the date of the Award. Any period of ineligibility effectively served (whether imposed on, or voluntarily accepted by, Mr. Damar Robinson) before the entry into force of such award, shall be credited against the total period of ineligibility.
 4. All competitive results obtained by Mr. Damar Robinson from and including 16 June 2013 are disqualified, with all resulting consequences (including forfeiture of any medals, points and prizes).
 5. WADA is granted an award for costs.

B. Mr. Robinson

1. *Argument*

49. Mr. Robinson argues that the one-year period of ineligibility imposed by JADCO is improper because it fails to take into account evidence that Mr. Robinson "*bore no fault or was not negligent*" (Statement of Defense at ¶ 3). In support of this proposition, Mr. Robinson cites testimony from Mr. Clarke and Dr. Paul Wright, Senior Doping Control Officer for JADCO, that Mr. Robinson would not have been likely to question any substances provided to him by Mr. Wright given the significant influence that coaches and, in particular, those who have coached a young athlete for a number of years, have on student-athletes. Mr. Robinson maintains that he considered Mr. Wright "*like a father figure*" in whom he placed substantial trust. Finally, Mr. Robinson argues that he was "*inexperienced*" with respect to anti-doping matters and that he did not intend to cheat (*Id.* at ¶ 7).
50. Mr. Robinson further argues that JADCO erred by finding there was no evidence to support Mr. Robinson's argument that he had provided "Substantial Assistance" under Article 10.5.3 of the JADCO Anti-Doping Rules.
51. In support of his claim of Substantial Assistance, Mr. Robinson submitted the witness statement of his counsel, Mr. William Panton. Mr. Panton states that he contacted Mr. Lackston Robinson, counsel for JADCO, and provided him with information regarding Mr. Wright, including that Mr. Wright was terminated from his coaching position at Calabar, that Mr. Wright is now coaching at another school in Kingston, that he is no longer returning Mr. Robinson's texts and phone calls, and that he is a relative of Mr. O'Neil Wright, the coach of a Jamaican athlete who, in 2010, also tested positive for SARM S-22. According to Mr. Panton, the information that he provided to JADCO on Mr. Robinson's behalf established that Mr. Wright is the "*likely cause and source of Damar Robinson's Anti-Doping Rule violation*" and that Mr. Robinson should not be

penalized for “*yet another failure by JADCO to investigate matters that were brought to its attention*” (Witness Statement of William Panton at ¶¶ 13-14).

52. Finally, Mr. Robinson argues that the Panel should consider his youth and lack of experience in assessing his level of fault. Accordingly, Mr. Robinson argues that he should be punished by a reprimand or admonition or, in the alternative, that his one-year period of ineligibility be reduced.

2. *Request for Relief*

53. Mr. Robinson requests that the Panel conclude that:
 1. The decision of the Jamaica Anti-Doping Commission Appeals Tribunal be set aside and rather than increasing the period of 12 months ineligibility imposed by the Tribunal to 2 years (as requested by WADA), the period should be reduced to six (6) months or eliminated completely.
 2. The Jamaica Anti-Doping Commission legal representative, at the disciplinary hearing, conceded that the First Respondent had satisfied Rule 10.5.2. of the WADA Code and was entitled to have the period of 2 years ineligibility halved.
 3. The period of ineligibility should be further reduced pursuant to Rule 10.5.3 of the WADA Code by reason of the Substantial Assistance given to JADCO in discovering a rule violation by his coach who committed an offence by giving a prohibited substance to a young athlete under his guidance and who stood in the relationship of “in loco parentis” to the athlete.
 4. In the alternative, there should have been no period of ineligibility because, on the agreed facts, Mr. Robinson did not know or suspect or could not have reasonably known or suspected that his coach and mentor had administered a prohibited substance by adding it to his drinks.
 5. The period of ineligibility is excessive in that there is a substantial disparity with other recent cases where SARM S-22 and other prohibited substances were found in the systems of mature athletes who received much shorter periods of ineligibility.

C. JADCO

1. *Argument*

54. JADCO argues that its Disciplinary Panel did consider the question of how the Prohibited Substance entered Mr. Robinson’s body during its deliberations, but did not expressly address the issue in its written decision. JADCO further argues that, based on the totality of the evidence presented at the hearing, the decision of the Disciplinary Panel should be read as holding that Mr. Robinson met his burden of establishing the origin of the prohibited substance in his sample. JADCO further notes that the issue of the origin of the substance was not raised on appeal and therefore the Appeal Tribunal had no occasion to consider that question.

55. JADCO argues that, based on the evidence adduced at the disciplinary hearing, the Disciplinary Panel correctly held that Mr. Robinson's "*degree of negligence was not significant*" (JADCO's Answer to Appellant's Brief at ¶ 21).
56. In its supplemental submissions, JADCO responds to the witness statement of Mr. William Panton, and asserts not only that Mr. Panton's statement is inconsistent with the facts, but also that, even accepting the facts set forth in Mr. Panton's witness statement, Mr. Robinson has failed to satisfy the requirements of 10.5.3 (relating to Substantial Assistance).
57. Finally, JADCO argues that "*CAS ought not to interfere with a finding of fact by a Tribunal below unless its finding is manifestly unreasonable or in defiance of logic such that no reasonable Tribunal could have arrived at that conclusion*" (JADCO's Supplemental Answer to Appellant's Brief ¶ 7).

2. Request for Relief

58. JADCO requests:
 1. That the appeal be dismissed.
 2. That the sanction imposed on the First Respondent be affirmed.
 3. That the Appellant pays the Second Respondent's costs.

VI. ADMISSIBILITY OF THE APPEALS

A. WADA's Appeal

59. Article 13.2.3 of the JADCO Anti-Doping Rules grants WADA the right to appeal decisions of the Jamaica Anti-Doping Appeals Tribunal to the CAS. Pursuant to that provision, WADA must file its appeal by the later of:
 - (a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or
 - (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.
60. On October 13, 2014, JADCO sent WADA a copy of the Decision of the Appeals Panel. By letter dated October 23, 2014, Julien Sieveking, Chief Legal Manager for WADA requested that JADCO provide WADA with "*the full case file on the basis of which the decision [by the Jamaica Anti-Doping Appeals Tribunal] was rendered*" (October 23, 2014 letter from Julien Sieveking to Carey Brown, Executive Director, JADCO). On October 27, 2014, JADCO provided WADA with the requested documents.
61. WADA filed its Statement of Appeal on November 17, 2014, exactly twenty-one days following the receipt of the file from JADCO. Neither Respondent has challenged the timeliness of WADA's appeal. Accordingly, the Panel is satisfied that WADA's appeal is admissible.

B. Mr. Robinson’s “Cross-Appeal”

62. At the hearing, WADA argued that the CAS Code does not permit Mr. Robinson to file a cross-appeal seeking a further reduction in the applicable period of ineligibility.
63. Indeed, unlike the rules applicable to an ordinary arbitration procedure (which permit parties to file counterclaims), the CAS Code does not contemplate cross-appeals under the appeals arbitration procedure. Instead, the appropriate CAS practice is for the parties to file separate appeals, and then request that the appeals be consolidated and heard before the same panel pursuant to R39. *See e.g.*, CAS 2011/A/2384 & 2386.
64. In the absence of authorization under the CAS Code for the filing of cross-appeals, the Panel concludes that Mr. Robinson’s cross-appeal is not admissible. However, as set forth in more detail below, even if Mr. Robinson properly appealed the decision of the Appeals Panel to the CAS, he has not met the burden necessary to establish that he is entitled to a reduction in or elimination of the applicable period of ineligibility.

VII. JURISDICTION

65. The jurisdiction of the CAS is not disputed by the Parties. Article 13.2.3 of the JADCO Anti-Doping Rules grants WADA “*the right to appeal to CAS with respect to the decision of the Jamaica Anti-Doping Appeals Tribunal*”. Accordingly, the Panel holds that CAS has jurisdiction to hear WADA’s appeal from the decision of the Jamaica Anti-Doping Appeals Tribunal.

VIII. STANDARD OF REVIEW

66. Pursuant to CAS Code R57, “[*t*]he Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance”.

IX. APPLICABLE LAW

67. CAS Code R58 provides:

The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.

68. Article 20.3 of the JADCO Anti-Doping Rules provides that “[*t*]he laws of Jamaica govern these Anti-Doping Rules”.
69. Accordingly, the Panel shall decide this dispute according to the JADCO Anti-Doping Rules and, to the extent necessary, Jamaican law.

X. MERITS

A. The Occurrence of an Anti-Doping Rule Violation

70. Pursuant to Article 2.1 of the JADCO Anti-Doping Rules, the “[p]resence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample” is an anti-doping rule violation.
71. It is uncontested that the sample provided by Mr. Robinson on June 16, 2013 tested positive for SARM S-22, a Prohibited Substance under Section S1(2) of the Prohibited List. Indeed, at the hearing before the Disciplinary Panel, counsel for Mr. Robinson acknowledged that Mr. Robinson “admitted the Anti-doping Rule violation” (Transcript of the April 14, 2014 Hearing before the Disciplinary Panel, at 2).
72. Accordingly, the Panel holds that Mr. Robinson has committed an anti-doping rule violation. With respect to the appropriate period of ineligibility, Article 10.2 of the JADCO Anti-Doping Rules provides that:

[t]he period of Ineligibility imposed for a violation of Code Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 and 10.5, are met:

First violation: Two (2) years’- Ineligibility.

73. Thus, unless there are grounds to reduce his period of ineligibility, the JADCO Anti-Doping Rules provide that Mr. Robinson is to be ineligible for a period of two years.

B. Mr. Robinson’s Degree of Fault or Negligence

1. Introduction

74. The Decision of the Appeals Panel rejected the contention that Mr. Robinson bore No Fault or Negligence, but left undisturbed the conclusion of the Disciplinary Panel that Mr. Robinson bore No Significant Fault or Negligence when he used a Prohibited Substance allegedly provided to him by his coach and affirmed the reduction in the otherwise applicable two-year period of ineligibility to one-year (Decision of the Appeals Panel at 6).
75. Although the JADCO Anti-Doping Rules contemplate that the otherwise applicable period of ineligibility may be eliminated or reduced if an athlete can establish that he or she bore “No Fault or Negligence” (Art. 10.5.1) or “No Significant Fault or Negligence” (Art. 10.5.2), these provisions apply “only in cases where the circumstances are truly exceptional and not in the vast majority of cases” (Comments to Arts. 10.5.1. and 10.5.2 of the WADA Code (2009 ed.)).

2. Applicable Standard

76. In order for a reduction or elimination of the otherwise applicable period of ineligibility to apply, an athlete must establish that he or she bore No Fault or Negligence or No Significant

Fault or Negligence by a “balance of probability” (*See* JADCO Anti-Doping Rules, Article 3.1 (“Where these Anti-Doping Rules place 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, the standard of proof shall be by a balance of probability”)).

77. It is well established that

the balance of probability standard means that the indicted athlete bears the burden of persuading the judging body that the occurrence of the circumstances on which he relies is more probable than their non-occurrence or more probable than other possible explanations of the doping offence.

CAS 2007/A/1370 & 1376, at ¶ 58 (*citing* CAS 2004/A/602 at ¶ 5.15; TAS 2007/A/1411 at ¶ 59).

78. Accordingly, Mr. Robinson must satisfy the Panel that he acted with either No Fault or Negligence or No Significant Fault or Negligence by showing that his explanation for the admitted anti-doping rule violation is more probable than any other explanation.

3. *Origin of the Substance*

79. As an initial threshold matter, the JADCO Anti-Doping Rules require that an athlete first establish “how the *Prohibited Substance* entered [his or her] system” in order to prove No Fault or Negligence or No Significant Fault or Negligence (JADCO Anti-Doping Rules at Arts. 10.5.1, 10.5.2).

80. In order to establish the origin of a Prohibited Substance by the required balance of probability, an athlete must provide **actual evidence** as opposed to mere speculation. In CAS 2010/A/2230, the Panel held that:

[i]o permit an athlete to establish how a substance came to be present in his body by little more than a denial that he took it would undermine the objectives of the Code and Rules. Spiking and contamination – two prevalent explanations volunteered by athletes for such presence – do and can occur; but it is too easy to assert either; more must sensibly be required by way of proof, given the nature of the athlete’s basic personal duty to ensure that no prohibited substances enter his body.

81. The Panel agrees with the Appeals Panel’s conclusions that Mr. Robinson had not presented any (1) “direct evidence to show how the SARM-S22 got into [Mr. Robinson’s] system,” (2) “direct evidence that the drink given to [Mr. Robinson] by his coach was spiked at all,” and (3) “evidence that the substance [Mr. Robinson’s] coach sprayed into his water bottle actually tested positive” (Decision of the Appeals Panel at ¶ 38).

82. Such evidence as was adduced before the panel appears inconsistent in important respects and cannot be said to have established the origin of the prohibited substance by a balance of probability. For example:

- By letter dated July 18, 2013, Mr. Robinson requested the analysis of his “B Sample” and stated: *“If my B Sample confirms the presence of this prohibited substance it could only be as a result of **contamination of one or more of the medication or supplement**”* (Decision of the Appeals Panel at ¶ 8 (emphasis added)). However, in his witness statement (submitted to the Disciplinary Panel and presented as an exhibit in this arbitration), Mr. Robinson stated: *“The **single explanation** I have for the Adverse Analytical Finding is that I ingested a substance that was given to me by a man who I trusted and held in very high esteem, my Coach”* (Witness Statement of Damar Robinson at ¶ 15 (emphasis added)).
- Mr. Robinson stated that Mr. Wright first gave him the “Vitamin B Complex” in May 2013, which Mr. Wright placed in his drink on four subsequent occasions, on consecutive days. (*Id.* at ¶¶ 10-11). However, at the hearing before the Disciplinary Panel, Mr. Robinson testified that Mr. Wright gave him the Vitamin B Complex approximately *“a week before the Junior Trials”* (Transcript of the January 29, 2014 Hearing before the Disciplinary Panel, at p. 64). The Junior Trials were held on June 15-16, 2013.
- In his witness statement, Mr. Robinson states that, at the time he provided the sample for anti-doping analysis, he declared that *“all [he] had taken was whey protein”* (Witness Statement of Damar Robinson at ¶ 13). However, Mr. Robinson now states that he had also ingested a substance administered to him by Mr. Wright and described by Mr. Wright as “Vitamin B-Complex”.
- Finally, in his Witness Statement, Mr. Robinson testified: *“Coach gave me a bottle of water he had and had another bottle with what he called ‘Vitamin B-Complex’. **I was given a full drop** and I tasted it and told Coach it tasted bad and I did not like it”* (*Id.* at ¶ 10 (emphasis added)). However, at the hearing before the Disciplinary Panel, Mr. Robinson testified that Mr. Wright had **“sprayed”** the Vitamin B Complex into his water (Transcript of the January 29, 2014 Hearing before the Disciplinary Panel, at 65, 87 (emphasis added)).

83. Accordingly, the Panel finds that Mr. Robinson has not met his burden to establish, by a balance of probability, how the SARM S-22 entered his system. However as set forth below, the Panel concludes that, even if he had met this burden, Mr. Robinson has not established that he bore No Fault or Negligence or No Significant Fault or Negligence as defined in Articles 10.5.1 and 10.5.2, respectively, of the JADCO Anti-Doping Rules.

4. *No Fault or Negligence*

84. The JADCO Anti-Doping Rules define “No Fault or Negligence” as *“[t]he Athlete’s establishing that they **did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution,** that they had Used or been administered the Prohibited Substance or Prohibited Method”* (*Id.* at 71 (emphasis added)).
85. Mr. Robinson cannot establish that he did not “know or suspect” or could not have “reasonably known or suspected” that Mr. Wright had given him a Prohibited Substance. Although Mr. Robinson may have placed great reliance on Mr. Wright, such reliance cannot be carried to a point at which the athlete abandons all responsibility to question what he is being asked or told to put into his body. Mr. Robinson has testified that he understood he was personally

responsible for the substances he ingested. He was present when – and fully aware that – Mr. Wright added to his water bottle a substance contained in an unlabeled bottle that Mr. Wright described only as “Vitamin B-Complex” but without further explanation as to the source of that substance or why it was being dispensed from an unmarked container. This is clearly not a case of “sabotage” where a Prohibited Substance is surreptitiously added to an athlete’s food or drink by someone outside his circle of associates and where the athlete is entirely unaware that he is ingesting a Prohibited Substance. Mr. Robinson knew that he was being given an unknown substance under circumstances that at the very least should have alerted him to the possibility that the substance may have been something other than what Mr. Wright asserted it to be.

86. The Comments to the WADA Code provide guidance as to when No Fault or Negligence should and should not apply. For example, the comments state that No Fault or negligence should not be found in cases involving:

... (b) the administration of a Prohibited Substance by the Athlete’s personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete’s food or drink by a coach or other Person within the Athlete’s circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink).

87. Accordingly, even assuming that the substance described as “Vitamin B Complex” provided by Mr. Wright was the source of the SARM S-22 in Mr. Robinson’s sample, the Panel concludes that Mr. Robinson has not met his burden of establishing that he acted with No Fault or Negligence in ingesting that substance. Indeed, the speculative allegation of sabotage of Mr. Robinson’s drink by his own coach is precisely an example where No Fault or Negligence does not apply.

5. **No Significant Fault or Negligence**

88. The JADCO Anti-Doping Rules define No Significant Fault or Negligence as “[t]he Athlete’s establishing that their 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**” (emphasis added).

89. There are a number of CAS cases that have addressed the issue of No Significant Fault or Negligence in anti-doping cases. According to one CAS Panel:

No significant fault means that the athlete has not fully complied with his or her duties of care. The sanctioning body has to determine the reasons which prevented the athlete in a particular situation from complying with his or her duty of care. For this purpose, the sanctioning body has to evaluate the specific and individual circumstances. However, only if the circumstances indicate that the departure of the athlete from the required conduct under the duty of utmost care was not significant, the sanctioning body may ... depart from the standard sanction.

CAS 2009/A/2012, at ¶ 27 (quoting CAS 2005/C/976 & 986, at ¶ 75; CAS 2007/A/1370 & 1376, at ¶ 72).

90. The Panel concludes that Mr. Robinson cannot establish that he bore No Significant Fault or Negligence where he failed to raise any question regarding the nature of the substance Mr. Wright put into his drink. In CAS 2008/A/1488, the Panel held that “[t]o allow athletes to shirk their responsibilities under the anti-doping rules by not questioning or investigating substances entering their body would result in the erosion of the established strict regulatory standard and increased circumvention of anti-doping rules” (CAS 2008/A/1488, at ¶ 17).
91. In CAS 2005/A/847, the Panel concluded that the athlete had satisfied his burden to establish that he had acted with No Significant Fault or Negligence by establishing that he had ingested a mislabeled nutritional supplement. Specifically, the Panel concluded that:
- “[t]he Appellant did not know that the nutritional supplement contained the prohibited substance until the adverse findings were made. Furthermore, neither the packet itself nor the leaflet with the packet stated that the product contained a prohibited substance. The athlete therefore did not fail to take the clear and obvious precautions which any human being would take in consuming a food or, in this case a nutritional supplement, namely the reading of the package labelling or the accompanying product description and instructions for use. His direct inquiry with the distributor of the product falls within this category of a precaution. **Had he not taken these precautions, his conduct would indeed constitute “significant fault or negligence”.***
- CAS 2005/A/847, at ¶ 17 (emphasis added).
92. Similarly, in CAS OG 04/003, the Panel rejected an athlete’s argument that she bore No Significant Fault or Negligence with respect to the Prohibited Substance found in pills prescribed to her by her doctor because the athlete had failed personally to investigate whether a “prohibited substance was present within ... tablets before they were ingested” (CAS OG 04/003, at ¶ 5.11). The Panel reasoned that “[i]t would put an end to any meaningful fight against doping if an athlete was able to shift his/her responsibility with respect to substances which enter the body to someone else and avoid being sanctioned because the athlete himself/herself did not know of that substance” (*Id.* at ¶ 5.12).
93. Mr. Robinson admitted at the hearing before the Disciplinary Panel that he did not ask Mr. Wright whether the substance described to him as “Vitamin B-Complex” contained any Prohibited Substances. Nor did he consult with his high school’s head coach, team doctor or anyone else before ingesting the substance. This admission stands in stark contrast to Mr. Robinson’s acknowledgement that he is aware of his personal responsibility to ensure that the substances he puts into his body are not prohibited (*See* Transcript of the January 29, 2014 Hearing before the Disciplinary Panel at 88). Accordingly, although Mr. Robinson was aware that another individual had placed an unknown substance in his drink, he voluntarily chose to ingest that substance and therefore must bear the consequences arising from his failure to exercise the required duty of care.
94. While Mr. Robinson had not yet reached the age of nineteen and was still in high school when the anti-doping rule violation occurred, his age alone cannot be the basis for finding that he did not act with significant fault or negligence. Mr. Robinson was already an elite athlete competing in national competitions and was, by his own admission, fully aware of his anti-doping responsibilities. In this circumstance, the Panel finds that Mr. Robinson has not met his burden

to establish that he acted with No Significant Fault or Negligence. Accordingly, the decision of the Appeals Panel affirming the Disciplinary Panel's determination that Mr. Robinson acted with No Significant Fault or Negligence is set aside.

C. Substantial Assistance

95. Another potential ground for reducing a period of ineligibility is that the athlete has provided "Substantial Assistance" in discovering or establishing an anti-doping rule violation by another Person. Article 10.5.3 provides, in part:

*The Jamaica Anti-Doping Disciplinary Panel or Jamaica Anti-Doping Appeals Tribunal may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body **which results in the Anti-Doping Organization discovering or establishing an anti-doping rule violation by another Person** or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another Person. After a final appellate decision, the Jamaica Anti-Doping Disciplinary Panel or Jamaica Anti-Doping Appeals Tribunal may only suspend a part of the applicable period of Ineligibility with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport (emphasis added).*

96. JADCO contests Mr. Robinson's assertion that his counsel contacted JADCO and provided it with sufficient information to establish that he provided Substantial Assistance within the meaning of Article 10.5.3. At the hearing, however, Mr. William Panton, counsel for Mr. Robinson, credibly testified that he spoke to Mr. Lackston Robinson, counsel for JADCO, on the telephone and provided JADCO with important information regarding Mr. Wright, [...], that Mr. Wright was terminated by Calabar, no longer returns phone calls or text messages [...].
97. For reasons unknown to the Panel, it appears that JADCO chose not to act upon the information provided to it by Mr. Panton at all. The Panel was not made aware of any facts that would lead it to believe that JADCO attempted to bring anti-doping charges against or commence an investigation of Mr. Wright relating to the allegations made against him by Mr. Robinson. In fact, the Panel was not made aware of *any attempt* by JADCO even to contact Mr. Wright or the school at which Mr. Wright is now employed.
98. The Panel finds JADCO's failure to act difficult to explain, especially given its express conclusion that the substance provided by Mr. Wright was indeed the likely source of the SARM S-22 in Mr. Robinson's sample (*See* Transcript of the April 14, 2014 Hearing before the Disciplinary Panel, at 3 (quoting submissions filed by JADCO: "[JADCO] accepts that [Mr. Robinson] has established, on a balance of probability, how the prohibited substance entered his body. [JADCO] is prepared to accept this because of the peculiar facts and circumstances of the case ...")) Indeed, it borders on the inexplicable that JADCO – the entity charged with overseeing anti-doping efforts in Jamaica – would not seek to follow up on credible information concerning Mr. Wright's whereabouts, [...].

99. Nevertheless, even if JADCO had conducted an investigation of Mr. Wright, the Panel cannot conclude that the information provided by Mr. Panton on Mr. Robinson's behalf, without more, would have led to the discovery or establishment of an anti-doping rule violation. The information provided by Mr. Panton on behalf of Mr. Robinson – including that Mr. Wright was terminated from his coaching position at Calabar, that he no longer answers Mr. Robinson's phone calls, [...] – while perhaps enough to raise suspicion, is hardly sufficient, standing on its own, to establish an anti-doping rule violation by Mr. Wright.
100. Even where an athlete provides an anti-doping organization with “*as much assistance as he reasonably could under the circumstances,*” Substantial Assistance is not established where that “*assistance [does] not lead to the discovery or establishing any anti-doping rule violation by any person*” (CAS 2008/A/1461 & 1462, at ¶ 44).
101. Accordingly, the Panel holds that Mr. Robinson has not met his burden to establish that he provided JADCO with Substantial Assistance as defined by the JADCO Anti-Doping Rules.

D. Applicable Period of Ineligibility

102. Because Mr. Robinson failed to establish that he (a) bore No Fault or Negligence, (b) bore No Significant Fault or Negligence, or (c) provided Substantial Assistance, the Panel concludes that a two-year period of ineligibility applies.

1. Commencement Date of the Applicable Period of Ineligibility

103. Article 10.9.1 of the JADCO Anti-Doping Rules provides:

Except as provided below, the period of Ineligibility shall start on the date of the hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed.

104. Because the Panel finds that the decision of the Appeals Panel (affirming the decision of the Disciplinary Panel that Mr. Robinson acted with No Significant Fault or Negligence) must be set aside and a two-year period of ineligibility imposed, the Panel concludes that the “*date Ineligibility is ... imposed*” for the purposes of Article 10.9.1 shall be the date of this Award.

2. Credit for the Period of Provisional Suspension

105. By letter dated July 11, 2013, under the heading “*Provisional Suspension and Hearing*”, JADCO informed Mr. Robinson that he was “*suspended from all competition with immediate effect*”, and would be advised of a hearing to be scheduled before the Disciplinary Panel.
106. The JADCO Anti-Doping Rules contemplate that an athlete be given credit towards the period of ineligibility for any period of provisional suspension served by the athlete. (*See* JADCO Anti-Doping Rules, Art. 10.9.2 (“*Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served*”).

107. However, an athlete shall only be given credit for the period of the provisional suspension insofar as that provisional suspension was actually “respected” by the athlete. (See JADCO Anti-Doping Rules, Art. 10.9.5 (“If a Provisional Suspension is imposed **and respected** by the Athlete, then the Athlete shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed”)).
108. Article 10.9 of the JADCO Anti-Doping Rules does not provide guidance as to what it means to “respect” a provisional suspension. However, when read in conjunction with Article 10.10.1, which prohibits an athlete from competing in certain competitions during his period of ineligibility – i.e., after a final decision has been imposed (and not during a period of provisional suspension) – the Panel concludes that participation in competitions organized by a “national level *Event organization*” is a failure to respect the provisional suspension.
109. Article 10.10.1 of the JADCO Anti-Doping Rules expressly prohibits athletes, while ineligible to compete, from taking part in “an NOC or National Federation Team, **Competition or activity ... authorized or organized by any Signatory, Signatory’s member organizations, including a National Sports Federation or a club or other member organization of a Signatory’s member organization, including a National Sports Federation, or in Competitions authorized or organized by any professional league or any international or national level Event organization**”.
110. Here, it is not contested that Mr. Robinson competed in events authorized or organized by the NCAA and NJCAA during his period of provisional suspension. Specifically, Mr. Robinson competed in ten events from January through May 2014 (See July 21, 2014 letter from William Panton to the JADCO Executive Director). The NCAA is the national governing body of collegiate sports responsible for overseeing competitions and tournaments in which colleges and universities compete throughout the United States. The NJCAA is the national governing body of junior college athletics which, like the NCAA, is responsible for overseeing competitions and tournaments in which junior colleges compete throughout the United States. Hence the NCAA and NJCAA easily meet the definition of “national level *Event organization[s]*”, and by competing in events authorized or organized by those bodies, Mr. Robinson failed to respect his provisional suspension.
111. It is true that for a period of approximately six months (from July 2013 until January 2014), Mr. Robinson did respect the provisional suspension and refrained from competing. But, as we read Article 10.9.5 of the JADCO Anti-Doping Rules, an athlete’s obligation to respect a provisional suspension in order to receive credit for that period of ineligibility applies to the provisional suspension as a whole and not merely to a portion of it. Accordingly, even though Mr. Robinson respected approximately half of the provisional suspension, he did not respect it in its entirety and the Panel therefore concludes that he cannot receive credit for the provisional suspension.
112. Based on the foregoing, the Panel concludes that Mr. Robinson’s two-year period of ineligibility will commence upon the issuance of this Award without any reduction for his provisional suspension.

E. Disqualification of Results Obtained by Mr. Robinson

113. WADA also asks the Panel to disqualify any results obtained by Robinson beginning on June 16, 2013 until the date of this Award. Article 9 of the JADCO Anti-Doping Rules 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.

114. Additionally, Article 10.8 of the JADCO Anti-Doping Rules states that:

[i]n addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9 (Automatic Disqualification of Individual Results), all other competitive results 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.

115. With respect to any results obtained by Mr. Robinson in NCAA and NJCAA-sanctioned competitions, the Panel concludes it does not have the authority to order non-signatories to the WADA Code – such as the NCAA and NJCAA – to disqualify results in their competitions obtained by athletes during a period of provisional suspension. Unless an organization has agreed, by adoption of the WADA Code or otherwise, to arbitrate anti-doping disputes before CAS or to be bound by the results of those arbitrations, the Panel has no basis on which it could interfere with any determinations of such organization as to the conduct or results of its own competitions.
116. Accordingly, the Panel concludes that results obtained by Mr. Robinson from June 16, 2013 until the date of this Award are disqualified, but only insofar as those results were obtained in events sanctioned, organized or authorized by organizations bound by the WADA Code.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The decision rendered by the Jamaica Anti-Doping Appeals Tribunal dated September 21, 2014 is set aside.
2. Mr. Damar Robinson is declared ineligible to compete for a period of two years, which shall commence on the date of the issuance of this Award.
3. Any results obtained by Mr. Damar Robinson in events sanctioned, organized or authorized by organizations bound by the WADA Code from June 16, 2013 until the date of this Award are disqualified.
4. (...).
5. (...).