

Sport Ireland and Harry McGovern

Reasoned Decision of Sport Ireland

The following is the reasoned decision of Sport Ireland pursuant to Article 7.4.2 of the Irish Anti-Doping Rules (“**Rules**”) and Article 7.6 of the World Anti-Doping Code (“**Code**”). It concerns anti-doping rule violations (“**ADRVs**”) committed by Mr Harry McGovern (the “**Athlete**”) and records the Consequences¹ (sanctions) which apply.

1. Background and Facts

- 1.1 The Sample provided by the Athlete in In-Competition Testing on 3 October 2021 was analysed by the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Cologne, the Deutsche Sporthochschule Köln Institut für Biochemie (the “**Laboratory**”).
- 1.2 On 27 October 2021, Sport Ireland received a report from the Laboratory identifying the presence of two Prohibited Substances or their Metabolites or Markers – this is known as an Adverse Analytical Finding. One of the Prohibited Substances was cocaine. The other was a Prohibited substance for which the Athlete subsequently received a retroactive TUE which was consistent with the Use of the Prohibited Substance and so does not constitute an ADRV.
- 1.3 On 8 November 2021, Sport Ireland notified the Athlete that he was alleged to have committed the following ADRVs in respect of cocaine:
 - 1.3.1 Article 2.1 - “*The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample*”; and
 - 1.3.2 Article 2.2 - “*Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method*”.
- 1.4 The Athlete admitted the violation and sought to establish that the ingestion or Use of cocaine occurred Out-of-Competition and was unrelated to sport performance, which would entitle him to a reduced ban of 3 months pursuant to Article 10.1.4.1 of the Rules.
- 1.5 After an exchange of correspondence and the provision of sworn statutory declarations, including by the Athlete, Sport Ireland accepted that the Athlete had established an entitlement to a 3 month ban. The Laboratory also confirmed that the concentration of cocaine and its metabolite benzoylecgonine found in the Athlete’s Sample was not inconsistent with the information provided by the Athlete.
- 1.6 This reasoned decision could not issue and the process regarding the cocaine ADRVs could not conclude until the retroactive TUE process in respect of the other Prohibited Substance was finalised and it was determined there was no case to answer in this regard.
- 1.7 Following the granting of a retroactive TUE in respect of the other Prohibited Substance in May

¹ Capitalised terms used throughout this decision shall have the meaning given to them in the Rules.

2022, Sport Ireland sent the appropriate Acceptance of Consequences Form in respect of the cocaine ADRVs to the Athlete in June and the Athlete signed the form on 7 July 2022 and returned it to Sport Ireland.

2. Consequences

2.1 The applicable ban (period of Ineligibility) is 3 months. The Athlete was Provisionally Suspended on 8 November 2021 and having served 3 months, pursuant to Article 7.5.1.2 of the Rules, Sport Ireland lifted his Provisional Suspension on 14 February 2022.

2.2 The following sanctions (Consequences) are also imposed:

2.2.1 the Disqualification of the Athlete's results from 3 October 2021 until the date of his Provisional Suspension on 8 November 2021;

2.2.2 Sport Ireland shall Publicly Report details of the matter following its conclusion², including the sport, the violation in question, the name of the Athlete, the Prohibited Substance involved and the Consequences imposed.

2.3 A copy of this decision shall be sent to the Athlete, Motorsport Ireland, the FIA, WADA and the Irish Sport Anti-Doping Disciplinary Panel.

2.4 Pursuant to Article 13 of the Rules, the Athlete, the FIA and WADA have a right of appeal. Such an appeal must be made to Court of Arbitration for Sport within 21 days of the date of issuance of this Reasoned Decision, save where Article 13.2.6.1 of the Rules applies.

3. Summary

3.1 Sport Ireland issues this decision pursuant to Article 7.4.2 of the Rules.

3.2 For the reasons given above, Sport Ireland has issued this decision, which records that:

- The Athlete has committed a violation of Articles 2.1 and 2.2 of the Rules by virtue of the presence of cocaine in a Sample collected from him in In-Competition Testing on 3 October 2021 and the corresponding Use of cocaine which led to this positive test.
- A 3 month ban has been imposed on the Athlete pursuant to Article 10.1.4.1. This Athlete has already served this ban while subject to a Provisional Suspension and so is free to compete.

Dated the 15th of July 2022



Sport Ireland

² Article 15.4.