BEFORE THE AMERICAN ARBITRATION ASSOCIATION ("AAA")

COMMERCIAL ARBITRATION PANEL

AAA CASE NO. 01-16-0005-1873

UNITED STATES ANTI-DOPING AGENCY, **Claimant** **and** **TONY BLAZEJACK,** **Respondent.**	**CORRECTED FINAL AWARD**

WE, THE UNDERSIGNED ARBITRATORS ("Panel"), having been designated by the above-named parties, and having been duly sworn and having duly heard the proofs, arguments, submissions, evidence, and allegations submitted by the parties, and after an in person evidentiary hearing held on April 25, 2017, in Seattle, Washington, do hereby render the Panel's full award as follows:

I. INTRODUCTION

1.1 This case involves an anti-doping rule violation charged against a masters athlete in the sport of track cycling. The athlete tested positive for the anabolic agent Clenbuterol, a non-specified substance on the Prohibited List of the World Anti-Doping Agency ("WADA") at the time his sample was collected. Though the Panel does not believe the athlete is a cheater, the athlete was unable to prove by a balance of probability the circumstances that lead to the positive test result so the Panel was unable to reduce his sanction below four (4) years under the applicable rules.

II. THE PARTIES

2.1 The United States Anti-Doping Agency ("USADA" or "Claimant") is the independent anti-doping agency for Olympic and Paralympic sports in the United States recognized as such by the United States Olympic Committee ("USOC") and conducts drug testing, investigates anti-doping rule violations, manages results, and adjudicates anti-doping rule violation disputes. Claimant was represented at the hearing by Jeffrey Cook, Esq., Director of Legal Affairs of USADA, and William Bock, Esq., USADA's General Counsel.

2.2 The Respondent, Tony Blazejack ("Respondent" or "Mr. Blazejack") is a masters athlete in the sport of track cycling. He was represented at the hearing by Howard Jacobs, Esq. and Lindsay Brandon, Esq. of the Law Offices of Howard L. Jacobs. The Respondent won national titles in both the sprint and time trial disciplines at the 2016 Masters Track National Championships in Indianapolis for riders between 35 and 39 years old. After winning the time trial championship on August 9, 2016, the Respondent was selected for doping control.

III. JURISDICTION

3.1 There was no challenge to jurisdiction, no objection to the composition of the Panel, and all parties participated fully in the proceedings. As a member of USA Cycling, Mr. Blazejack voluntarily submitted himself to the jurisdiction of this Panel for anti-doping disputes. Accordingly, jurisdiction is proper here.

IV. PROCEDURAL HISTORY

4.1 On September 2, 2016, Mr. Blazejack was notified by USADA of an adverse analytical finding for Cenbuterol in his August 9, 2016 sample. Mr. Blazejack requested that his "B" sample also be tested.

4.2 On October 7, 2016, USADA confirmed the presence of Clenbuterol in Mr. Blazejack's "B" sample, a non-specified substance and anabolic agent.

4.3 On October 14, 2016, Mr. Blazejack was granted an extension to submit his written materials to USADA's Anti-Doping Review Board ("ADRB").

4.4 On October 21, 2016, Mr. Blazejack submitted a response to the ADRB, in which he discussed *inter alia*, possible sources for his positive test. This included an exhaustive list of foods that Mr. Blazejack consumed, as he was aware there have been cases of meat tainted with Clenbuterol.

4.5 On November 4, 2016, Mr. Blazejack was formally charged with an antidoping rule violation.

4.6 On November 28, 2016, by and through his attorney, Mr. Blazejack requested a hearing to contest the 4-year sanction sought by USADA against him.

4.7 On December 15, 2016, Mr. Blazejack provided Paul Scott of Korva labs several supplements which he had used in the period of time leading up to the race. These included only the supplements for which he still had the bottles. As Mr. Blazejack testified, he used some supplements in the months leading up to the race which he no longer had access to. The Supplements that were tested are as follows:

-Do Vitamins Pure Pump (lot #1604035, exp. 05/18);
-Pro Lab Beta Alanine Powder (lot #2063752, exp. 06/17);
-Bulk Supplements Creatine Powder (no lot number).

4.8 On December 20, 2016, Korva labs reported that none of the supplements provided by Mr. Blazejack were contaminated with Clenbuterol.

4.9 On December 20, USADA submitted a discovery request to Mr. Blazejack.

4.10 On or about February 10, 2017, Mr. Blazejack provided responses to USADA's discovery requests via e-mail. On February 28, 2017, he provided his amended responses via e-mail.

4.11 On February 2, 2017, Mr. Blazejack submitted to a polygraph exam, which confirmed that he was truthful about not knowingly taking any substance containing Clenbuterol and not having ever intentionally ingested Clenbuterol.

4.12 On February 13, 2017, a preliminary hearing was held in this matter by telephone. The Panel entered its Procedural Order No. 1 on February 24, 2017.

4.13 On February 24, 2017, the Panel issued a revised scheduling and procedural order, Procedural Order No. 2, at the request and upon the agreement of both parties. In this instance Mr. Blazejack was acting *in pro per*.

4.14 On February 28, 2017, Mr. Blazejack requested that this matter be decided on the papers and on March 2, 2017 USADA objected, requesting an in person hearing instead. After a brief telephonic and further preliminary hearing, the Panel determined to leave Procedural Order No. 2 intact, moving forward with an in person hearing subject to seeing where things stand after the parties' hearing briefs were submitted.

4.15 Subsequently, both parties submitted hearing briefs, and Mr. Blazejack was represented in that process by Mr. Jacobs.

4.16 On April 25, 2017, an evidentiary hearing was held in this matter before the Panel in Seattle, Washington.

4.17 The evidence was closed subsequently and the parties agreed to the Panel issuing this award on the date set forth below.

V. THE FACTS

5.1 Below is a summary of the relevant facts and allegations based on the Parties' written and oral submissions, pleadings, and evidence adduced in these proceedings. Additional fact and allegations found in the Parties' written and oral submissions, pleadings, and evidence may be set out, where relevant, in connection with the legal analysis below. While the Panel has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, it refers in its Award only to the submissions and evidence it considers necessary to explain its reasoning. The fundamental facts are not in dispute here.

The Underlying Facts

5.2 Tony Blazejack is 35-year-old American Masters Track Cycling athlete who just won his first two national age-group championships in his division. Though he has avidly cycled as an amateur road racer since 2007, around four years ago, friends encouraged him to give the velodrome a try.

5.3 Mr. Blazejack fell in love with the sport and began to spend more time at the track. In or around 2013, Mr. Blazejack became more involved with the Marymoor Velodrome (now the Jerry Baker Memorial Velodrome) in Redmond, Washington, especially with its new rider development and youth program. There, he met the program director for the velodrome.

5.4 When a night manager position became available in 2015, the program director encouraged Mr. Blazejack to apply for the position. Working as a paralegal, Mr. Blazejack took on this second job as an opportunity to spend more time at the track.

5.5 In 2016, the position became available for the Velodrome's Youth Director. Mr. Blazejack accepted the position and left his full-time job as a paralegal, fully embracing cycling as a career, through coaching and development. Mr. Blazejack also took the opportunity to obtain his Level-3 (or entry level) USA Cycling Coaches License. Throughout this time, Mr. Blazejack became a well-known and well-respected member of the cycling community.

5.6 Having significantly improved his times as he learned to race on the velodrome, Mr. Blazejack elected to compete his first eligible year at the 2016 Masters Track National Championships in Indianapolis. On August 6, 2016, Mr. Blazejack flew to Milwaukee, Wisconsin to meet his coach and mentor Jon Fraley, and the two subsequently drove to the race together on August 8, 2016 where they met Mr. Blazejack's friend and fellow racer Dr. Ken Dong.

5.7 Though Mr. Blazejack admitted to not feeling his best while preparing for Nationals, he raced well and won the Time Trial event (or "Kilometer" as Mr. Blazejack referred to in his statement to USADA, *infra*) with a time of 1:09.112. Right after the race, Mr. Blazejack was selected by USADA for testing.

5.8 This was the very first time Mr. Blazejack had ever been tested by USADA. When asked to declare his substances, having felt exhausted from racing, he misread the instructions and only included items that he had used that day [2 scoops of "Pure Pump Powder" on August 9, 2016].

5.9 Mr. Blazejack submits that the process of obtaining his license was fairly easy and that he received virtually no anti-doping education as part of his licensing requirement beyond warning about the dangers of supplements. The "Steps to Becoming a USA Cycling Coach" can be found at http://www.usacycling.org/steps-to-becoming-a-coach.htm. Mr. Blazejack has not renewed his license as a result of this pending matter with USADA.

5.10 On August 12, 2016, Mr. Blazejack competed in and won the Sprint event in his division. He was not tested by USADA following this event.

The Stipulated Facts

5.11 The parties entered into a stipulation of uncontested facts and issues, which provided in pertinent part as follows:

> *"The United States Anti-Doping Agency ("USADA") and Tony Blazejack, stipulate and agree for purposes of all proceedings involving USADA urine specimen number 1587607 as follows:*
> *1. That the USADA Protocol for Olympic and Paralympic Movement Testing ("Protocol") governs all proceedings involving USADA urine specimen number 1587607;*
> *2. That the mandatory provisions of the World Anti-Doping Code (the "Code") including, but not limited to, the definitions of doping, burdens of proof, Classes of Prohibited Substances and Prohibited Methods, sanctions, the Protocol, the International Cycling Union ("UCI") Anti-Doping Rules, and the United States Olympic Committee ("USOC") National Anti-Doping Policies are applicable to any matter involving the USADA urine specimen number 1587607;*
> *3. That USADA collected the urine sample designated as USADA urine specimen number 1587607 at the USA Cycling Masters Track National Championships on August 9, 2016;*
> *4. That USADA sent urine specimen number 1587607 to the World Anti-Doping Agency ("WADA") accredited laboratory in Salt Lake City, Utah (the "Laboratory") for analysis;*
> *5. That USADA's collection of the sample and the chain of custody for USADA urine specimen number 1587607 was conducted appropriately and without error;*
> *6. That the Laboratory's chain of custody for USADA urine specimen number 1587607 was conducted appropriately and without error;*

7. That the Laboratory, through accepted scientific procedures and without error, determined that both the A and B Sample of USADA urine specimen number 1587607 contained clenbuterol;
8. Clenbuterol is a Prohibited Substance in the class of Anabolic Agents on the WADA Prohibited List, adopted by both the Protocol and the UCI Anti-Doping Rules;
9. That Mr. Blazejack did not challenge the Provisional Suspension imposed on September 2, 2016, barring him from competing in any competitions under the jurisdiction of UCI, USA Cycling and the USOC, or any clubs, member associations or affiliates of these entities, until his case is deemed not to be a doping offense, he accepts a sanction, he fails to contest this matter, or a hearing has been held and a decision reached in this matter;
10. That so long as he does not participate in any competition or prohibited activity during his period of provisional suspension, the time served under the Provisional Suspension will be deducted from any period of ineligibility that Mr. Blazejack might receive beginning on September 2, 2016, the date the Provisional Suspension was imposed;
11. That Mr. Blazejack understands that in accordance with Section 13 of the Protocol, he has the right to a review by a Panel of the independent Anti-Doping Review Board (the "Review Board") of his urine specimen number 1587607, and that the Review Board concluded there was sufficient evidence of an anti-doping rule violation to proceed with the adjudication process; and
12. That, based on the foregoing, Mr. Blazejack acknowledges that he has committed his first anti-doping rule violation."

The Submissions of Mr. Blazejack

5.12 Mr. Blazejack submits the following arguments:

a. That Mr. Blazejack did not take any prohibited substances;

b. That Mr. Blazejack may have suffered his positive test as the result of contaminated meat or supplements; and

c. That under UCI ADR 10.2, Mr. Blazejack should be permitted to establish the lack of intention, for purposes of reducing the sanction from four years to two years, without having to establish how the prohibited substance entered his system.

The Submissions of USADA

5.13 USADA submits the following arguments:

a. That Mr. Blazejack has the burden of proof to establish that he did not

ingest the anabolic agent intentionally, which requires the Panel to evaluate the circumstances that led to the positive test;

b. That meat consumption and supplement contamination are not plausible or likely sources of the Clenbuterol in Mr. Blazejack's sample;

c. That the appropriate sanction length is four years starting September 2, 2016, the date the provisional suspension was accepted, with results disqualified from August 9, 2016.

VI. APPLICABLE RULES

6.1 The applicable and relevant rules under the UCI Anti-Doping Rules ("UCI ADR") include the following (these are consistent with analogous provisions of the World Anti-Doping Code ("WADC"):

"The following constitute Anti-Doping Policy Violations:

* * *

2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample.*

2.2 *Use* or *Attempted Use* by an Athlete of a Prohibited Substance or a *Prohibited Method*

* * *

3.1 Burdens and Standard of Proof

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, the standard of proof shall be by a balance of probability.

* * *

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 Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4 10.5 or 10.6:

10.2.1 The period of *Ineligibility* shall be four years where:

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

10.2.2 If Article 10.2.1 does not apply, the period of *Ineligibility* shall be two years.

10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Riders who cheat. The term therefore requires that the Rider or other Person engaged in conduct which he or she 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 Rider 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 Rider can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

* * *

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

* * *

10.5.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.5.1

If a *Rider* or other Person establishes in an individual case where Article 10.5.1 is not applicable that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of Ineligibility may be reduced based on the Rider or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility

otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight years.

* * *

10.11 Commencement of *Ineligibility* Period

Except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

* * *

10.11.3 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

10.11.3.1 If a *Provisional Suspension* is imposed and respected by the *Rider* or other *Person*, then the *Rider* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If a period of *Ineligibility* is serviced pursuant to a decision that is subsequently appealed, then the Rider or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal." (emphasis underlined added).

VII. ANALYSIS

The Merits and Period of Ineligibility

7.1 The key, and really only, question for the Panel is whether Mr. Blazejack has established that he did not intentionally dope for purposes of UCI ADR 10.2, without being able to prove specifically how the prohibited substance Clenbuterol entered his system.

7.2 In this regard, Mr. Blazejack argues that if the drafters of the WADC had wanted to require an athlete to establish how the prohibited substance entered the athlete's system to establish lack of intention to violate the anti-doping rules then it would have provided so specifically, as was done for the definitions of "no fault or negligence" and "no significant fault or negligence". In support of this position, Mr. Blazejack directs the Panel to consider the following language from a recent law journal article:

> "*The 2015 Code does not explicitly require an Athlete to show the origin of the substance to establish that the violation was not intentional.* While the origin of the substance can be expected to represent an important, or

> even critical, element of the factual basis of the consideration of an Athlete's level of Fault, in the context of Article 10.2.3, *panels are offered flexibility to examine all the objective and subjective circumstances of the case and decide if a finding that the violation was not intentional is warranted.* To illustrate this difference, we refer to the Contador award. In this award, the CAS panel accepted on a balance of probability that the Prohibited Substance in the Athlete's system originated from contaminated supplements, rather than the Athlete's theory of meat contamination. However, since the cyclist neither established which particular supplement was contaminated nor the circumstances surrounding the contamination, the panel found that the fault related reductions could not apply for lack of sufficient precision regarding the origin of the substance, and the sanction remained a 2-year period of Ineligibility. *When it comes to a finding that a violation was not intentional, by contrast, if the panel accepts that the Athlete did not intend to cheat and finds that the most probable pathway of ingestion was inadvertent, applying a 4-year period of Ineligibility for failure to establish the origin of the substance stricto sensu would inevitably raise proportionality concerns.*" (emphasis added).

Rigozzi, Haas22, Wisnosky, Viret, *Breaking down the process for determining a basic sanction under the 2015 World Anti-Doping Code*, Intl. Sports Law J (2015) 15:3-48.

7.3 Mr. Blazejack also directs the Panel to consider the case of *Fiol v. FINA* (CAS 2016/A/4534) at its paragraph 37 where it states:

> "The Panel finds the factors set out in paragraph 35 [that establishment of the source of the prohibited substance in an athlete's sample **is not** a *sine qua non* of proof of absence of intent] more compelling than those set out in paragraph 36 [that the source of the prohibited substance in an athlete's sample **is** a *sine qua non* of proof of absence of intent]. In particular, it is impressed by the fact that the FINA DC, based on WADC 2015, represents a new version of an anti-doping Code whose own language should be strictly construed without reference to case law which considered earlier versions where the versions are inconsistent. Furthermore, the 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 demeanor, but also his character and history.... 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 an athlete must pass to discharge the burden which lies upon him." (emphasis and inserts added).

7.4 Mr. Blazejack argues that the Panel should consider the history of Clenbuterol contamination in supplements and meat. For this proposition, Mr. Blazejack relies on the

CAS cases of *WADA v. Hardy* (CAS 2009/A/1870) involving a contaminated supplement and *UCI & WADA v. Contador & RFEC* (CAS 2011/A/2386) involving contaminated meat. Mr. Blazejack has also "submitted evidence that suggests the possibility that the hamburger he consumed from a food truck prior to his competition could have contained clenbuterol-contaminated meat." Blazejack Hearing Brief at 4.3.2.1.

7.5 Mr. Blazejack also requests the Panel to consider character evidence from his acquaintance Mr. Dong to support Mr. Blazejack's contention that he did not intentionally take Clenbuterol. Mr. Blazejack also requests that the Panel consider the results of his polygraph examination where he was questioned on his use or non-use of Clenbuterol.

7.6 It goes without saying, and the Panel is certain that Mr. Blazejack would agree, that the only real evidence submitted in this case is Mr. Blazejack's word that he did not intentionally consume Clenbuterol. His supplement testing was inconclusive on this point, having come back with no positive results for Clenbuterol contamination, and his contaminated meat theory was built on a very slim reed of supposition, particularly after the Panel considered the evidence submitted by the food truck in question that it purchases its meat from Costco, and that Costco refuted Mr. Blazejack's assertion of Mexican sourced/potentially contaminated meat, through the submission of evidence. Mr. Blazejack's only response was that he called someone (not specifically identified) in the butcher department at the local Costco who told him that Costco purchases meat from Mexico and other places.

7.7 The Panel though willing to believe that Mr. Blazejack did not cheat, needs more than theories about contaminated meat or supplements. Mr. Blazejack needs to give the Panel some evidence which constitutes a probable source of the positive result. The circumstances where that evidence is to be solely the athlete's denial of intent would be very unusual.

7.8 The Panel agrees with *Fiol* that there is a doorway through which an athlete might pass on the issue of establishing lack of intention for purposes of a reduction from four years to two years, but that doorway is very narrow indeed. For example, if Mr. Blazejack was able to establish that the meat in question was from Mexico and there was sufficient documentary evidence about contamination of meat from Mexico with Clenbuterol, then the Panel might be able to accept this as a plausible explanation to escape the harsh effects of the four years base sanction rule, even without Mr. Blazejack definitively establishing the source of the Clenbuterol. But here there was no such connection or sufficient evidence.

7.9 Similarly, the character evidence offered is the kind of character evidence offered in every case and essentially always falls along the lines of, "I know this person well, they are serious about their training and the fight against doping, and from what I know of this person there is no way they would intentionally dope." This type of evidence is simply not probative absent some other specific evidence to support this claim.

7.10 The Panel does not find the polygraph evidence particularly helpful in this regard. Without delving into the admissibility or legal significance of polygraph exams in

the US or under Swiss law (as encouraged by USADA), the Panel is of the view that while the polygraph results here apparently corroborated Mr. Blazejack's testimony with respect to his claim of unintentional ingestion of Clenbuterol, the weight the Panel gives to the results was negligible as there was no supporting evidence regarding the specifics of the polygraph exam, such as the credentials of the examiner or the methodology used. The evidence was unconvincing.

7.11 It simply was not established by a balance of probability that the ingestion of the Clenbuterol was unintentional. The Panel does not believe that Mr. Blazejack was a cheater and would have welcomed evidence to support that belief. Unfortunately, under the existing rules, that belief alone is insufficient; the Panel's hands are tied to issue a sanction of four years ineligibility.

Sanction Start Date

7.12 The parties agree that Mr. Blazejack's sanction should start on the date he accepted the provisional suspension herein, on September 2, 2016.

7.13 USADA requests that Mr. Blazejack's results on the date of his positive test should be annulled under UCI ADR Section 9; the Panel agrees. USADA also requests that Mr. Blazejack's results after August 9, 2016, the date of his positive test, be disqualified in accordance with the UCI ADR equivalent of Article 10.8 of the World Anti-Doping Code, which requires, among other things, that, unless fairness dictates otherwise, "all other competitive results of the Rider obtained from the date a positive Sample was collected . . . 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." Mr. Blazejack takes no position on this in his submissions. In view of the fact that Clenbuterol is an anabolic agent the performance enhancing effects of which could be seen in subsequent events, it might be reasonable to cause the loss of Mr. Blazejack's results after August 9, 2016. However, Mr. Blazejack was tested again on August 12, 2017, and that test was negative. Accordingly, the Panel is of the view that Mr. Blazejack's results between his positive test on August 9, 2016, and his acceptance of his provisional suspension on September 2, 2016, not be annulled but shall be maintained.

7.14 With respect to the issue of the sanction start date, the Panel is of the view that given the fact that Mr. Blazejack almost immediately accepted the provisional sanction, and that the parties agree on the start date, the sanction start date should be September 2, 2016.

VIII. AWARD

8.1 On the basis of the foregoing facts and legal analysis, this Panel renders the following decision and award:

(a) Respondent has committed an anti-doping rule violation under UCI ADR 2.1.

(b) The following sanction shall be imposed on Respondent:

(i) A forty-eight (48) months, or four years, period of ineligibility commencing September 2, 2016, including ineligibility from participating in and having access to the training facilities of the United States Olympic Committee Training Centers or other programs and activities of the USOC and NGBs including, but not limited to, grants, awards or employment pursuant to the USOC Anti-Doping Policies only during the period of ineligibility;

(ii) No loss of results between August 10, 2016 and September 1, 2016, inclusive; and

(iii) Loss of results on August 9, 2016.

(c) The parties shall bear their own attorneys' fees and costs associated with this arbitration.

(d) The Administrative fees and expenses of the American Arbitration Association and the compensation and expenses of the Arbitrators shall be borne entirely by USADA and the USOC.

(e) This Award is in full settlement of all of the claims and counterclaims submitted to this Arbitration. All claims not expressly granted herein are denied.

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(f) This Award may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute together one and the same instrument.

IT IS SO ORDERED, DECIDED AND AWARDED.

Dated: July 14, 2017

Jeffrey G. Benz
Arbitrator/Chair

Hon. James Murphy (Ret.)
Arbitrator

Maidie Oliveau
Arbitrator