

Anti-Doping Disciplinary Panel

J.L.N Stadium, Gate No. 10 Hall No.103
1st Floor, Lodhi Road, New Delhi 110 003
Telefax: 011-24368274

To,

Date: 07.10.2022

Mr. Mickey Menenzes

Email: - mickymenezes87@gmail.com

Subj: Decision of the Anti-Doping Disciplinary Panel Case No.-215.ADDP.2022

NADA Vs. Mr. Mickey Menenzes

The order containing the decision of the Anti-Doping Disciplinary Panel dated 07.10.2022 in respect of final hearing of the above case held on 30.09.2022 is enclosed.

Please note that according to Article 13.2.2 of Anti-Doping Rules of NADA 2021, **the time to file an appeal to the National Anti-Doping Appeal Panel shall be twenty-one (21) days from the date of receipt of this decision by the appealing party.** The appeal may be filed at the abovementioned address.

Also please note that according of Article 10.7.1- (**Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations**)- Any period of Ineligibility imposed may be partially suspended if you assist NADA in uncovering and/or establishing an ADRV by another Athlete or Athlete Support Personnel pursuant to Article 10.7.1 ADR. Further, the athlete is subjected to doping control test during the ineligibility period, therefore, athlete is required to update his residential address as and when changed.

Copy of the NADA Anti Doping Rules 2021 may be downloaded from NADA website at the following link:-www.nadaindia.org/en/anti-doping-rule-of-nada

The receipt of this communication may be acknowledged.

Encl: 04 sheets.

(Yasir Arafat)
Law Officer

Copy forwarded together with the copy of the order containing the decision of the Anti-Doping Disciplinary Panel for information and action deemed necessary:

1. World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
2. Secretary General, Athletics Federation of India, A-90, Naraina Industrial Area, Phase-1, near PVR cinema, New Delhi- 110028.
3. International Association of Athletics Federations, 17, Rue Princesse Florestine BP 359, MC 98007, Monaco.
4. National Anti-Doping Agency, J.L.N Stadium, Gate No. 10 Hall No.103, Lodhi Road, New Delhi 110003.

IN THE CHAMBER OF ANTI DOPING DISCIPLINARY PANEL
Jawaharlal Nehru Stadium, 1st Floor, Hall No. 103
Lodhi Road, New Delhi – 110003
Telefax: 011-24368274

In the Matter of **Mr. Mickey Menezes Coach of Ms. Kirti Bhoite** for the violation of Article 2.8 & 2.9 of NADA ADR, 2021.

Factual Background:

1. That on May 12, 2022 the National Anti-Doping Agency (NADA) has reported an anti-doping rule violation against the Coach Mr. Mickey Menezes for Administration of the Prohibited Substance to the Athlete and Complicity.
2. The Coach was immediately suspended to impart any coaching/training activities and from participating as a Coach/Athlete Manager in all competition, Events and other activities that are organized, convened or authorized by any other Signatory's member organization or a club or other member organization of a Signatory's member organization or in Competition authorized or organized by any professional league or any International or National Level Event Organization or any elite or National level sporting activity funded by a governmental agency.
3. The Athlete vide its reply dated 30.09.2022 explain that he has given the training to the Athlete Ms. Kirti Bhoite at Yashwant Nagar, SAI Centre, and Arnala Beach in Virar privately.
4. Further, he has explained that he has recommended supplements to the parents of the trainees and purchase those supplements for the athletes on payment basis. He has purchase supplements such as proteins, amino acids, energy drinks and pre-workouts.
5. It is further explained that the Supplier informed him that that a new product is available with him which is beneficial for sprint events and is also completely dope free. He had given the supplements and another product to the Athlete Ms. Kirti Bhoite. He was under bonafide belief that the product was dope free. He was given assurance by the supplier about that.
6. It is further explained that he was also under a shock when he knows about the positive test of Kirti. The supplier changed his statement and said that the product gets washed

out in 10 days or so. The supplier has changed his statement that it was completely dope free and was for gaining strength.

7. It is further explained that he was under the belief that the product he had purchased was dope free and that is why he administered it to the Athlete Ms. Kirti. He was only intending to give her supplements which were dope free and only to enhance her strength through these supplements. His intention was never to cheat or let Kirti cheat in sports. He would be the last person to even think about that.
8. It is further said that he was duped by the supplier. And his mistake was that he believed supplier without ensuring that the products were dope free.
9. It is further said that he does not have any fixed income or job and he earn from training the athletes. Not even once, any athlete training under him has been found positive in dope-test. In the case of Ms. Kirti, it was the fault of the supplier, who had misled him in buying a product which was not dope free. Therefore, he is innocent and do not bear any fault in this case. He had no intention to give a supplement which was not dope free to Ms. Kirti or to any other athlete.
10. Lastly, it is said that he totally repents his action on this issue. he apologies to Ms. Kirti and her family. He further apologies to NADA that he has made a mistake. The Maharashtra Athletics Association has already punished him. His income from coaching has stopped. he requests NADA not to take any action since he have already been punished. he does not deserve double punishment for his mistake.
11. The hearing was held virtually on 30.09.2022 by the Hearing Panel constituted under ADR, 2021. The hearing was attended by Mr. Yasir Arafat, Law Officer of NADA. The Coach did not appear before the hearing panel. We had already given adequate opportunity to appear before this panel or filing the written reply, if any, for defense in connection to Anti-Doping Rule Violation Case.

Submissions of NADA

12. The Coach Mr. Mickey Menenzes acknowledge that he used to recommended supplements such as protein, amino acids, energy drinks and pre workouts. It is also acknowledged that he has given an injection namely "Propionate" to the Athlete. The report of Maharashtra Athletics Association (MAA) concludes with affirmation that the

Coach understood if the Athlete performs well at a national level, he would be benefited.

13. The Coach Mr. Mickey Menezes is a former Athlete and must be aware of Anti-Doping Rules.
14. The Anti-Doping Rules cast the duties on the Athlete Support Personnel to be knowledgeable of any comply with the Anti-Doping Rules.
15. The Coach conduct was in an anti-doping rule violation and he intentionally violate the Anti-Doping Rules. He must be punished in accordance with the Rules.

Observations and Findings of the Panel

After hearing the parties at length and having considered all documentary and having considered the written / oral submissions the Panel observes as under:

16. In the present case, the Panel examine the CAS judgments and found that the Athlete or Other Person who has committed an Anti-Doping Rule Violation can not shift their responsibility on to a third parties. That would be all too simple and would completely frustrate all the efforts being made in the fight against doping.
17. Legal principle of “Ignorantia juris non excusat” a plea of a person that he was unaware of law may not escape the liability for violating that law merely because he was unaware of the supplements/Injection given by the supplier.
18. We also find that the injection was administered at a time when the Athlete is participating in Khelo India Youth Games, 2020.
19. In view the above taken as a whole, it is established that the Coach Mr. Mickey Menezes has committed an ADRV in order to gain undue advantages from the performance of his trainee Ms. Kirti Bhoite the Athlete.
20. Once a violation of anti-doping rules has been established, Sanctions on Individuals as provided under Article 10 of the Anti-Doping Rules 2021 must ensue. Athlete is liable for sanctions under Article 10.3.3 read with Article 10.12, an ineligibility for a period of 4 years and a fine of rupees fifty thousand Rs. 50,000/- both.

21. The Panel holds that Mr. Mickey Menenzes Coach is liable for sanctions under Article 10.3.3 an ineligibility for a period of 4 years commence from the date of Provisional Suspension i.e., 12.05.2022 to impart coaching/training activities as a Coach/Athlete Manager in all competition, Events and other activities that are organized, convened or authorized by any other Signatory's member organization or a club or other member organization of a Signatory's member organization or in Competition authorized or organized by any professional league or any International or National Level Event Organization or any elite or National level sporting activity funded by a governmental agency.
22. We also direct that under Article 10.12 a fine of Rs. 50,000 to recover the cost associated with the Anti-Doping Rule Violation.

Dated 07.10.2022



Dr. Bikas Mehdi
Member



Ms. Charu Pragya
Chairperson



Mr. Kalyan Chaubey
Member