Doping Hearing Panel Case Summary
LEE Yong Dae – 13 January 2014

SUMMARY OF THE JUDICIAL AWARD DELIVERED BY THE BWF DOPING HEARING PANEL, which met in Copenhagen, Denmark, on Monday 13 January 2014, in the case of LEE Yong Dae (KOR).

The Facts

Under the BWF Anti-Doping Regulations, the BWF maintains a Registered Testing Pool of International Level badminton players. Players on this list are required to provide "*Whereabouts Information*" in order for the BWF to conduct out-of-competition testing.

In 2013, LEE Yong Dae (KOR) accumulated a total of three (3) "*Apparent Whereabouts Failures*".

Article 7.5.3 of the BWF Anti-Doping Regulations *states that:*

"*Where, in any eighteen-month period, a Player in the BWF's Registered Testing Pool is declared to have three Filing Failures, or three Missed Tests, or any combination of Filing Failures or Missed Tests adding up to three in total, whether under these anti-doping regulations or under the rules of any other Anti-Doping Organisation, the BWF shall bring them forward as an apparent anti-doping regulation violation".*

A Doping Hearing Panel was constituted to hear this case on Monday 13 January 2014.

The Hearing / Relevant Regulations

The apparent Anti-Doping Regulation Violations in this case centred around Article 2.4 and Article 7.5.3 of the BWF Anti-Doping Regulations. The following Articles were also referenced in this case in relation to the apparent Anti-doping Regulation Violation:

- ***BWF Anti-Doping Regulations***: - Articles 3.1, 5.5.1, 5.5.2, 5.5.3, 5.5.4, 5.5.5, 7.5.1, 7.5.2, 8.1.3, 8.3, 10.3.3, 10.5.1 and 10.5.2.

- ***Requirements for International Standards for Testing***: - Articles 11.3.5, 11.4.3, 11.6.2 and 11.6.3.

The case file documents from each of the three (3) *Apparent Whereabouts Failures* were made available to the player for review (11 documents for each of the three cases).

Selected documents including signed statements from Badminton Korea Association and the player himself were provided to the player.

Merits

According to BWF Anti-Doping Regulations and the World Anti-Doping Code, the BWF had the burden of establishing that an Anti-Doping Regulation Violation had occurred.

The facts surrounding the three (3) Whereabouts Failures were confirmed by the relevant documents and at the time of each Whereabouts Failure, the failures were not disputed either by the player nor by the Badminton Korea Association (BKA). The letters from the BKA to the BWF dated 17 April 2013, 21 October 2013 and 29 November 2013 all concluded with the following statement:

"We, BKA and our players acknowledge our fault for this missed test. We would like to clean up the point that is arisen because of our careless mistake but it was not intentional evasion.
From now on, we do train more strictly our player to renewal and control their wherabout information in every condition so that they do their own obligation."

In the opinion of the Panel, the BWF had succeeded in establishing that LEE Yong Dae had committed an Anti-Doping Regulation Violation.

The Panel also made a recommendation that the Badminton Korea Association (BKA) should be fined for their failure to make diligent efforts to keep the BWF informed about their Players Whereabouts after receiving a requests for that information from the BWF (BWF Regulation 12.1 and 12.2.3).

Conclusion and Sanction

According to the BWF Anti-Doping Regulations, Article 10.3.3, violations of Article 2.4 (3 Whereabouts Failures – Filing Failures and/ or Missed Tests in 18 months) shall result in a period of *Ineligibility* of a minimum of one (1) year and a maximum of two (2) years based on the players degree of fault.

According to 10.5.1.the otherwise applicable period of *Ineligibility* shall be eliminated if the player establishes that he bears *no Fault or Negligence*.

On the basis of the material presented to the Panel at the hearing and additional written material and statements provided, the Panel concluded, that there were extenuating circumstances and that a period of *Ineligibility* of one (1) year was sufficient.

LEE Yong Dae was therefore sanctioned for a one year period of *Ineligibility* commencing on 23 January 2014 and ending at midnight on 23 January 2015.