Arbitration CAS ad hoc Division (O.G. Sydney) 00/006 Dieter Baumann / International Olympic Committee (IOC), National Olympic Committee of Germany and International Amateur Athletic Federation (IAAF), award of 22 September 2000

Panel: Justice Tricia Kavanagh (Australia), President; Prof. Richard McLaren (Canada); Mr. Richard Young (USA)

Athletics
Doping (nandrolone)
Removal of accreditation for the Olympic Games
CAS jurisdiction
Principle of res judicata
De novo *hearing*

1. **By reason of their commitment to the Olympic Movement and their participation in the Olympic Games, the IFs must be deemed to have subscribed to the arbitration clause in the Olympic Charter.**

2. **A *res iudicata* defense can only succeed if the parties and the subject matter of the new dispute are the same as in the former action.**

The Athlete Dieter Baumann was nominated by the German National Olympic Committee (the "NOC") to take part in the XXVII Olympic Games in Sydney. He was then accredited by the International Olympic Committee (IOC). However, the International Amateur Athletic Federation (IAAF) Arbitration Panel on 18 September 2000 placed him under a sanction of a two-year ban from competition for a doping offence and the IOC then removed his accreditation.

The Athlete seeks the following orders:

1. Set aside the decision of the IAAF dated 18 September 2000.
2. Set aside the decision of the IOC dated 20 September 2000 to cancel the accreditation of the Athlete.
3. Determine that the Athlete is eligible to compete in the Sydney Olympic Games.

The hearing was conducted on 21 September 2000, attended by the Athlete represented by Counsel, the IOC represented by its General Counsel, the IAAF represented by its Solicitor and the Secretary General of the IAAF and the NOC, represented by its Vice-President and legal Counsel.

The Deutscher Sportbund e.V. (the German Sports Association, the "DSB") held a without warning out of competition control test on 19 October 1999. The test was carried out on Mr. Dieter Baumann (the "Athlete") while he was at training. The analysis of the A-sample in the IOC laboratory in Kreischa showed the following result: 19-norandrosteron 23.2 ng/ml and 19 noretiocholanolon 5.1 ng/ml. The B-sample test was norandrosteron 20.7 ng/ml.

On 15 November 1999, the DSB arranged for another test to be carried out on the Athlete without giving warning. The analysis of the A-sample in the IOC laboratory Cologne shows the following result: 19 norandrosteron 24 ng/ml. The B-sample test was 26 ng/ml.

The Athlete was given a hearing before the Anti-Doping Commission of the Deutscher Leichtathletikverband e.V. (the "DLV"). On 19 November 1999, the Anti-Doping Commission of the DLV temporarily suspended the Athlete on the grounds of a suspected doping offence.

On 29 and 30 November 1999, employees of the IOC laboratory in Cologne took food substitutes and cosmetics from the Athlete's home for the purpose of examining them and to locate a possible source for the positive findings.

On 1 December 1999, an examination of a tube of toothpaste of the brand "Elmex" taken from the Athlete's house revealed that the toothpaste contained norandrostendion.

On 1 December 1999, an excretion test with a test person in the IOC laboratory in Cologne showed a positive finding in respect of nandrolon-metabolites after a specially prepared toothpaste containing norandrostendion had been used (Analysis of Prof. Dr. W. Schänzer, 2 December 1999).

On 2 December 1999, the Athlete reported the commission of an offence by persons unknown to the Tübingen public prosecutor's office. He claimed that his toothpaste had been manipulated. The public prosecutor's office commenced an investigation.

On 7 December 1999, while searching the Athlete's house the police found a tube of toothpaste of the brand "Signal" in a sport bag in the basement. An examination of it showed that the toothpaste contained norandrostendion.

On 30 May 2000, the Tübingen public prosecutor's office discontinued the investigative proceedings started by the Athlete on the basis that no criminal involvement by a third party could be established.

On 23 June 2000, the Rechtsausschuss (Legal Committee) of the DLV removed the Athlete's suspension on the grounds that the necessary suspicion for a doping offence did not exist.

On 13 July 2000, the Athlete was cleared by the Legal Committee of the DLV in respect of the doping suspicions.

On 11 August 2000, a "Notice of Referral to Arbitration and Statement of the IAAF" was received by the DLV.

In August 2000, the Athlete was nominated by the NOC as a member of the German Olympic Team.

On 30 August 2000, the Regional Court of Stuttgart granted an interim order against the IAAF on the application of the Athlete. Pursuant to such order the IAAF was prohibited under penalty of up to DM 500'000 for each breach from placing a competition ban on the Athlete until the end of the Olympic Games 2000 in Sydney. This was stated to be the case unless the strict liability rule under the IAAF Rules was not applied and the Athlete was heard by an arbitration panel.

On 13 September 2000, upon his arrival in Australia the Athlete was accredited and awarded the status of a participant admitted to the Olympic Games (Rule 49 with the Implementing Regulations of the Olympic Charter).

On 18 September 2000, the IAAF Arbitration Panel placed a ban on Dieter Baumann for a period of 2 years based on Rule 60.2 of the IAAF Rules. The dispute was between the IAAF and the DLV. The Athlete Dieter Baumann was not a party to the dispute. The Athlete was represented on the first day and gave evidence himself on the third day of the hearing. Neither of them were present on the second day of the hearing.

LAW

1. These proceedings are governed by the CAS Arbitration Rules for the Games of the XXVII Olympiad in Sydney (the "ad hoc Rules") enacted by the International Council of Arbitration for Sport ("ICAS") on 29 November 1999. They are further subject to Chapter 12 of the Swiss Private International Law Act of 18 December 1987 as a result of the express choice of law contained in Article 17 ad hoc Rules and of the choice of Lausanne, Switzerland, as the seat of the ad hoc Division and of its panels of Arbitrators, pursuant to Article 7 of the ad hoc Rules.

2. Article 17 of the ad hoc Rules requires the Panel to decide the dispute *"pursuant to the Olympic Charter, the applicable regulations, general principles of law and the rules of law, the application of which it deems appropriate"*.

3. According to Article 16 of the ad hoc Rules, the Panel has *"full power to establish the facts on which the application is based"*.

4. Article 18 of the ad hoc Rules requires the Panel to *"give a decision within 24 hours of the lodging of the application"*, subject to extensions by the President of the CAS ad hoc Division in exceptional circumstances. Such extensions were granted because the Athlete had requested that the hearing take place the day following his filing the application.

5. The IAAF raises a preliminary objection that the CAS is without jurisdiction to determine this matter, because it has not provided for CAS jurisdiction in its by-laws and because its Arbitration Panel has issued a final and binding determination on this dispute. After argument the Panel rejected the submissions as to jurisdiction and the IAAF withdrew from the hearing. However, the IAAF took up the suggestion of this Panel and an "observer" remained at the hearing and made comments at the invitation of the Panel.

6. The Panel understands the objection as encompassing both a defense of lack of jurisdiction and one of *res judicata* raised by the IAAF. It comes to the conclusion that both defenses are ill-founded for the reasons set forth in the following paragraphs.

7. This dispute is brought before the CAS ad hoc Division because the IOC has removed the Athlete's accreditation to the Games. The Athlete argues before us that the IOC has acted improperly in relying upon the decision of the IAAF's Council that its Arbitration Panel has found the Athlete to have committed a doping offence. Hence, the issue before CAS is whether the removal of the accreditation is well-founded or not.

8. The jurisdiction of the ad hoc Division over the Athlete is based on the entry form signed by all participants in the Olympic Games and on Rule 74 of the Olympic Charter (the "OC") In relevant part, the entry form reads as follows:

   "I agree that any dispute in connection with the Olympic Games, not resolved after exhaustion of the legal remedies established by my NOC, the International Federation governing my sport, the Sydney Organising Committee for the Olympic Games (SOCOG) and the IOC, shall be submitted exclusively to the Court of Arbitration for Sport (CAS) for final and binding arbitration in accordance with the Arbitration Rules for the Olympic Games in Sydney, which form part of the Code of Sports-related Arbitration.

   The CAS shall rule on its jurisdiction and has the exclusive power to order provisional and conservatory measures. The decisions of the CAS shall be final.

   In the interest of speedy and expert resolution of all disputes arising in connection with the Olympic Games, I hereby surrender any right I may have to commence proceedings in a court in relation to any such dispute or to file any appeal, review or recourse to any state court or other judicial authority from any arbitral award, decision or ruling issued by the CAS, in particular, without restricting the generality of the foregoing and for better and further assurance notwithstanding that such provisions have no applicability, I agree that neither party will have the right of appeal under 539 (1) (a) of such act."

9. The enforceability of the arbitration agreement was also examined and affirmed in the decision of *Raguz* dated 1 September 2000 of the Court of Appeal of New South Wales, Australia, where it was held "*the various documents signed by the … athletes and the … Federation of Australia constituted an interlocking arbitration agreement to submit potential disputes …. exclusively to arbitration, … before the Court of Arbitration for Sport in accordance with the Code of Sports-related Arbitration*".

10. The arbitration agreement in the entry form is further supported by Article 74 of the OC, which states:

"*Any dispute arising on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport, in accordance with the Code of Sports-related Arbitration.*"

11. Further, by filing an appeal with CAS the Athlete submits to that tribunal's jurisdiction by conduct.

12. The Panel considers that the lack of a CAS arbitration clause in the by-laws of the Federation has no bearing on its jurisdiction over the IAAF, because in connection with the Games such jurisdiction exists by virtue of Article 74 of the OC which is quoted above.

13. By reason of their commitment to the Olympic Movement and their participation in the Olympic Games, the IFs must be deemed to have subscribed to the arbitration clause in the OC. In support of this commitment we refer to Article 29 of the OC which states:

"*… As far as the role of the IFs within the Olympic Movement is concerned, their statutes, practice and activities must be in conformity with the Olympic Charter. Subject to the foregoing, each IF maintains its independence and autonomy in the administration of its sport.*"

and Article 30.1.4. states: "*the role of the IFs is to:*

(…)

establish their criteria of eligibility to the competitions of the Olympic Games in conformity with the Olympic Charter, and to submit these to the IOC for approval".

See also *Samoa National Olympic Committee and Sports Federation Inc. v/ International Weightlifting Federation* (SYD 002 – 12 September 2000).

14. As a member of the Olympic Movement whose mission it is to develop and protect that movement, and to ensure compliance with the OC in its home country, the German NOC is equally bound by Article 74 of such instrument (Articles 3, 4.1 and 31 OC).

15. When it enters an athlete for the Games, the NOC countersigns the entry form which contains the arbitration agreement set forth above. This is a further reason why the NOC is bound to arbitrate before CAS.

16. Further, the NOC has raised no objection against CAS's jurisdiction and has thus implicitly submitted to it.

17. For the sake of completeness on the issue, there is no question that CAS has jurisdiction over the IOC on the basis of Article 74 of the OC and of the first respondent's attendance at proceeding on the merits before this Panel.

18. A *res judicata* defense can only succeed if the parties and the subject matter of the new dispute are the same as in the former action. This is not the case here.

19. In the proceedings before the IAAF Panel, the Athlete was not made a party. He was heard as a witness, that is in different capacity than in this arbitration where he is a party. Moreover, the IOC which is the first Respondent in this case was not a party before the IAAF either, for the obvious reason that it had no involvement in the matter prior to its issuing an accreditation to the Athlete, which it later removed.

20. Furthermore, vis-à-vis the IAAF proceedings, the issues in dispute have now been expanded, since at present they primarily include the lawfulness of the IOC accreditation removal. As a result, this Panel finds that the matter before it has not been previously determined and that the *res judicata* defense does not lie.

21. Applicants to CAS are entitled to a *de novo* hearing of their cases. This point was emphasised by our Panel during the course of this hearing. In response, the Athlete advised the Panel that he elected to stand on the argument that the IAAF decision was a nullity. The Athlete's position is demonstrated by the following exchange:

Question by Mr. Young to the Athlete's Counsel:

"*How do you propose to deal with the numerous CAS cases that say that it does not matter that there were procedural irregularities before either the NOC, or the IF, because you have a right to* de novo *hearing before CAS, and that cures the irregularities?"*

Answer of the Athlete's Counsel:

"*That is undoubtedly correct, in the sense that we have a right to a* de novo *hearing, but if something is a nullity, then that is it. There is nothing to appeal, from our respectful submission. What we are doing today is, whilst there is theoretically a right to argue the matter* de novo*, we have chosen to take our stand on the submission that it is a nullity; and once that submission is dealt with, then the consequence of our submission is that what has been found to offend simply ceases to exist. We are not going to burden you with the biochemistry of the matter and one of the reasons for that is that time constraints would have make (sic) it impossible anyway*".

The President of the Panel responded to Counsel for the Athlete by noting that there were no time constraints on the parties' opportunity to present their evidence.

22. The Athlete's argument that the IAAF Panel's decision is a nullity is based on three grounds:

A. The IAAF's failure to follow its Rules for the referral to arbitration and;

B. The IAAF's failure to provide due process and;

C. The failure of the IAAF's Panel to consider uncontroverted evidence.

23. It is submitted that the IAAF Arbitration Panel decision amounts to a nullity because the IAAF did not hold a belief as required in Rule 21.3 (ii) that:

"*Where a member has held a hearing under Rule 59, and the IAAF believes that in the conduct or conclusions of such hearing the Member has misdirected itself, or otherwise reached an erroneous conclusion*".

24. This argument was also put to the IAAF Panel and rejected at paragraph 3 of their reasons.

25. The transcript of the proceedings before the IAAF Panel reveals that there was no distribution of the decision of the Legal Committee of the DLV in the meeting of the IAAF Council as to its disposition of Baumann case. The evidence before us by Professor Digel is to the effect that he made copies of this decision and distributed them to Council members at the meeting.

26. The transcript also reveals that Prof. Ljungqvist read the decision. The recommendations as to the dispositions of the Baumann case as well as other cases were sent to the Council members in a bundle. There was no individual discussion as to the cases at the Council meeting. However, Prof. Digel voted against the referral to arbitrate the Baumann case and one absentee vote at the Council meeting is also recorded.

27. This Panel finds that the IAAF made its referral to arbitration by having a proper belief in accordance with Rule 21.3 (ii). The oral evidence before us and the transcript of the IAAF Panel reveals that there were grounds to make such a referral. This Panel supports the conclusion of the IAAF Panel that there was a basis for their conclusion at paragraph 3 that the referral was proper.

28. The Athlete further alleges that the proceedings before the IAAF Panel were a nullity due to a number of procedural irregularities in the formation and conduct of the arbitration Panel under the IAAF Rules.

29. A number of IAAF Rules become relevant:

- Rule 21.3 (ii) which is quoted in paragraph 23.

- Rule 59 states:

  "*1.* …

  2. The athlete shall be suspended from the time the IAAF, or, as appropriate, an Area or a Member, reports that there is evidence that a doping offence has taken place. Where doping control is the responsibility of the IAAF Rule 58.1, the relevant suspension shall be imposed by the IAAF. Where doping control is the responsibility of an Area or a Member, the National Federation of the athlete shall impose the relevant suspension. If, in the opinion of the IAAF, a National Federation has failed properly to impose a suspension, the IAAF may itself impose that suspension

  3. A matter submitted by the IAAF Council to the arbitration Panel must be conducted in accordance with Rule 23 - "Procedures and Powers of arbitrators."

- Rule 23 states:

  "1. …

  2. …

3. The notice of referral must be accompanied by a statement setting out in detail all of the facts and matters which the Area Group Association, Member or Athlete, or which the President (on behalf of the Council or Congress) wishes the Arbitrators to consider before making a decision

…

6. The Chairman shall by notice in writing within two weeks of receipt of the notice from the General Secretary:

…

(iii) send a copy of the Statement enclosed with the Notice of Referral to all of the other relevant parties, who shall submit to the Chairman (or to a Senior Arbitrator appointed by the Chairman) within four weeks, a detailed Statement of Response, setting out all the facts and matters which they in turn wish the Arbitrators to consider before they reach a decision. This Statement, or these Statements in Response, shall be sent by the Chairman or by the Senior Arbitrator to the other two Arbitrators, the party which, or who, referred the matter to the Panel and the other relevant parties, within two weeks after receipt".

30. In accordance with these procedural Rules the following steps were taken:

a) A notice of dispute between the IAAF and the DLV was executed dated 10 August 2000.

b) A statement by the IAAF in support of its reference to arbitration was prepared dated 10 August 2000.

c) On 12 August 2000, the President of the Arbitration Panel wrote to both parties setting out a timetable for the Statement of Response and said:

"*Since IAAF and DLV exclusively are parties to this arbitration proceedings DLV is requested to co-ordinate the relevant activities of the athlete concerned."*

d) The Athlete conceded at the hearing of this Panel he had received the statement of the IAAF by mid August 2000.

e) On 30 August 2000 the Athlete obtained the order against the IAAF referred to above.

f) When the Athlete's solicitor served this order on the IAAF on 7 September 2000, they responded on the same day by fax as follows:

"…Although you have sent us a copy of a document purporting to be such an order by fax, our legal advisers have advised that this does not constitute proper service of the Order and therefore the IAAF is at not presently subject to any injunction.

Consequently, the hearing of your client's case remains scheduled to take place before the Arbitration Panel on 14 and 15 September in Sydney. As the DLV should have informed you, your client has the right to attend to make representations, call witnesses, examine documentation and cross-examine the witnesses called by the IAAF, as if he were a party to the proceedings.

If you require any further information about IAAF Arbitration Panel hearings, such as the procedure to be followed or copies of previous decisions, please do not hesitate to contact me".

g) The following day a similar communication was sent by the IAAF re-iterating the above points.

31. In accordance with the timetable set by the IAAF Panel, the DLV filed their Statement of Response on 8 September 2000.

32. The Athlete arrived in Australia on 13 September 2000. He was given the DLV Response and the Supplementary IAAF Response the day before the hearing.

33. The hearing of the IAAF Arbitration Panel was conducted over 3 days on 14, 15, 16 September 2000.

34. Dr. Michael Lehner, Counsel for the Athlete attended on the first day. The Athlete's evidence before us was that his Counsel then absented himself while the rules were argued. The IAAF panel, in their decision states:

"*Dr. Michael Lehner, Counsel for the Athlete was in attendance on the first day but was absent for the second and third days of the hearing*".

35. The Athlete attended on the third day and gave evidence in the case presented by the DLV.

36. The Athlete submits the decision of the IAAF Panel is a nullity. He submits he was not given 28 days notice in accordance with Rule 23 (6); he was required to travel around the world for his IAAF hearing; he was not made a party to a dispute the resolution of which would affect his entire career and reputation; further he received some documents as late as a day before the hearing and he was denied the opportunity to be heard at the IAAF hearing.

37. We reject these submissions. Evidence reveals the Athlete received the IAAF statement by mid August insufficient time for him to seek injunctive relief in the Court of Stuttgart to stop the IAAF "*from placing a competition ban on the applicant [athlete] until the end of the Olympic Games in Sydney … unless the strict liability rule is not applied and the applicant is tried by a Court of Arbitration*". Further we find the correspondence referred to above, makes clear the Athlete was given every opportunity to be heard at the arbitration panel hearing. The IAAF invited him to participate fully in the hearing to present evidence and argument. The fact that he elected not to be heard on his own behalf or to call evidence was a matter between him and his legal advisers.

38. While it is usual for an IAAF arbitration to be heard in Monaco, it was heard in Sydney where the Athlete was, at the time, as an accredited member of the German NOC Team of athletes for the Olympic Games. Modern modes of communication such as video conferencing, interpreter services were all available in Australia had the Athlete made call upon them to assist in the presentation of evidence had he so elected. We find the Athlete, in all the

circumstances, was allowed due process and there cannot, therefore, be a finding based on allegations of procedural irregularities that IAAF panel's decision is nullity.

39. The third branch of the Athlete's argument that the IAAF Panel decision is a nullity rests on the claim that the Panel ignored uncontroverted evidence including Mr. Baumann's oral testimony and certain factual findings of the DLV Legal Committee. To prevail in this argument, the Athlete must establish two points. First, he must demonstrate that significant uncontroverted facts were ignored by the IAAF Panel. Second, he must show that these facts would properly have changed the outcome when considered in light of the correct legal framework for the case. This second test implicates the substantial disagreement between the IAAF and the Athlete over the role the doctrine of strict liability should play in this case. Because we find the Athlete's arguments fail to meet the first requirement, we need not base our decision on the strict liability issue. Indeed the Athlete's Counsel did not seek to have the Panel do so.

40. This Panel has carefully considered the various points raised by the Athlete both through the arguments of his Counsel and through his written submissions. It appears to us that all of his arguments are also encompassed within the DLV Legal Committee decision. Accordingly, we proceeded to compare the DLV Legal Committee decision with the IAAF Panel decision to identify whether there were significant uncontroverted facts which the IAAF Panel had not addressed. That comparison, with some additional comments by us, is set forth below:

a) *Possible failure to refrigerate samples between collection and the receipt of the samples at the laboratory.* This argument is addressed in paragraph 15.1 of the IAAF decision. In summary, all parties agree that the handling of the Athlete's samples had no impact on the validity of the laboratory positive test results. The Panel is not persuaded by the Athlete's argument that the subsequent bacterial deterioration of the samples impeded the Athlete's defense. The point of the subsequent testing of the samples (which could not be performed because of bacterial degradation) was to demonstrate that norandronstendion contaminated toothpaste could have caused the positive urine tests. This point was conceded by Prof. Schänzer whose statement was subsequently used by the IAAF before the IAAF Panel.

b) *The analysis of the Athlete's blood sample indicates that the route of norandronstendion administration was buccal.* The IAAF Panel addresses this point in its paragraph 15.2. The IAAF submitted evidence in the statement of Prof. Hemmersbach to the effect that the same results would be obtained through doping with sublingual (under the tongue) preparations of norandronstendion which can easily obtained by athletes.

c) *The analysis of the Athlete's pubic hair performed by Dr. Kintz.* The IAAF Panel addressed this argument in its paragraph 15.3. The IAAF Panel was not persuaded by the hair analyses as exculpatory evidence, nor are we. Previous CAS decisions have disregarded hair analyses in doping cases (See TAS 98/214 *B. v/ IJF* at p. 19). The wisdom of this approach is reflected both in the substantial disclaimers set forth in Dr. Kintz's report and in the obvious shortcomings of hair analysis in this case. The hair analysis from this

Athlete, which purported to detect doping in the previous 8-12 months, was negative for norandrostendion when it has been accepted by all parties that this Athlete was in fact exposed to norandrostendion on numerous occasions during the relevant time frame.

d) *The significance of polygraph evidence*. The IAAF panel addressed this evidence in paragraph 15.4. In previous decisions CAS has declined to consider polygraph evidence (see TAS 96/156 *F. v/ FINA* at § 14.1.1.2). The IAAF panel was justified in not giving weight to this evidence.

e) *The Athlete could not be so stupid as to risk detection with buccal administration of norandrostendion when to do so would have had no performance enhancing effect and when the Athlete was faced with the strong possibility (particularly on 5 September 1999) that he would be drug tested.* The Panel did not specifically address these points nor do we feel that it was required to do so. As to the first point, it has never been a requirement in establishing a doping violation that a performance enhancing effect be demonstrated. (See e.g. Olympic Movement Anti-Doping Code Chapter II, Article 4(4)). As to both points, the record book of positive doping cases is filled with athletes who took unreasonable risks. As the CAS Panel in *M. & M. v/FINA* noted "*it can indeed be surmised that those who use prohibited substances are by definition risk takers*." (TAS 99/A/234 § 10.17.)

f) *The Athlete lacked the technical knowledge to contaminate the two toothpaste tubes himself.* The DLV Legal Committee reasoned that if the Athlete were responsible for contaminating the toothpaste tubes, he would necessarily have acted alone to avoid exposing himself to blackmail. This is simply speculation by the DLV Legal Committee which the IAAF Panel was not compelled to address.

g) *The credibility of the Athlete's personal testimony and the IAAF's failure to cross-examine him*. Counsel for the Athlete argued that his best point was the strength of the Athlete's testimony. The Athlete certainly presented himself to this Panel as well spoken and sincere. However, in the considerable experience of this Panel it is a rarity when an athlete using drugs gives him or herself away with compromising testimony or demeanor. As stated in *M. & M. v/FINA* (§ 10.17): "*It is regrettable that the currency of such denial is devalued by the fact that it is the common coin of the guilty as well as of the innocent. Oral testimony as to innocence, however impressively given, cannot trump scientific evidence as to guilt*". The Panel attributes no great significance to the fact that the IAAF chose not to attempt to prove the Athlete's evidence lacked credibility through skillfull cross-examination.

Accordingly, as the CAS Panel having found it has jurisdiction to hear this application, rejects the submissions of the Applicant that the IAAF Arbitration Panel decision is a nullity. It follows that the IOC action in relying upon the IAAF decision, to remove the accreditation of the Athlete, is valid.

The CAS ad hoc Division rules:

The application is dismissed.