

CONFIDENTIAL

- **Summary or relevant facts**
- **Full Reasoning for the agreement**
- **Agreement between Parties**

In accordance with Article 7.10.1 of the IFF Anti-Doping Rules

Summary or relevant facts

Name of athlete: Mr Kittipong Somngam	Sample Number: 4160556
Date of birth: 15.5.1996	Sample Collection Date: 26.1.2018
National Federation: Thailand Floorball c/o Thailand Hockey Association	
Type of test: In competition - World Floorball Championships 2018 Qualifications Asia	
Prohibited substances: Sibutramine	
2015 Prohibited List: Sibutramine is included in group S6 – stimulants	
Specified substance: Yes	

- In January 2018 Mr Kittipong Somngam (hereinafter referred as the “Athlete”) participated in the World Floorball Championships 2018 Qualifications Asia. The athlete was selected for testing, and the A and B sample number 4160556 was collected from the athlete. The A and B samples were transferred to the WADA accredited laboratory of Seoul. The laboratory could not analyse the sample before the end of March due to the Olympic and Paralympic Games taking place in Korea.

- The laboratory of Seoul notified IFF on 30 March 2018 that the sample analysis produced an adverse analytical finding for the prohibited substance Sibutramine which belong to class S6 of the WADA prohibited list (Stimulants).

- The Athlete was notified through the Athlete’s National Federation of the adverse analytical finding on 5 April 2018. In this communication the Athlete was offered the opportunity to request the B sample analysis, to request a hearing, to accept a voluntary provisional suspension pending the resolution of the case and to provide the justifications for the adverse result.

- On 9 April 2018 the Athlete’s National Federation informed IFF to have received the correspondence and having been in contact with the Athlete, forwarding all correspondence to the Athlete.

- On 24 April the Athlete transmitted his justifications attesting that the adverse analytical finding was due to taking diet pills one month before the event. The athlete did not request the B sample analysis within the deadline communicated in the notification of the adverse finding and he waived the right for hearing. The athlete admitted the violation and stated to have purchased diet pills online in order to lose some weight. He attested that he was not aware of that the diet pills included a Prohibited Substance. The athlete did not want to cheat, and stated that it was not intentional. He further stressed that he did not take the diet pills to enhance performance, and that he was truly sorry for his unintentional mistake.

2 Full Reasoning for the agreement

- According to Article 10.2, the period of ineligibility imposed for the violation of Article 2.1 shall be four years where:
 - 10.2.1.1 The anti-doping rule violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.
 - 10.2.1.2 The anti-doping rule violation involves a Specified Substance and IFF can establish that the anti-doping rule violation was intentional.
- IFF evaluated whether or not the violation can be regarded as intentional and the IFF does not believe that it could be established that the violation is intentional.
- In accordance with Article 10.2.2 if Article 10.2.1 does not apply, the period of Ineligibility shall be two years. However, this period of Ineligibility is subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6.
- Article 10.4 (elimination of the period of ineligibility where there is no fault or negligence) cannot apply since the athlete did not check what was in the diet pills. According to the 2.1.1 of the IFF Anti-Doping Rules: "It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples."
- Based on Article 10.5 (reduction of sanction based on no significant fault or negligence). This article is potentially applicable in the present case. The athlete's violation involves a specified substance. Based on Article 10.5.1.2 "Where the Anti-Doping rule violation involves a Specified Substance, and the Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Athlete's or other Person's degree of Fault." In order to decide whether this article may apply; IFF has evaluated the overall circumstances of the case. The athlete took the diet pills one month before the competition. The athlete was not aware that the diet pills included a prohibited substance. On the other hand, the athletes are always responsible for the intake, and the athlete did not verify the ingredients of the diet pills. Based on those considerations IFF believes that article 10.5 can apply since the athlete established no significant fault, however the athlete degree of fault is not irrelevant and therefore IFF believes that a 9-month period of ineligibility is the most appropriate eligibility period. As the laboratory was closed for 2 months and the process delayed because of that, the IFF believes the ineligibility period should commence from the date of the testing, i.e. 26.1.2018.
- IFF notes that, to the best of its knowledge, there is no prior anti-doping rule violation recorded against the athlete.

AGREEMENT BETWEEN PARTIES

In the matter of the adverse analytical finding related to sample, which was collected from Mr Kittipong Somngam on 26 January 2018 at the World Floorball Championships 2018 Qualifications Asia, **the parties** (Mr Kittipong Somngam **"The Athlete"** and IFF) **agree on the following:**

1) Anti-Doping Rule Violation:

The athlete acknowledges to have committed an Anti-Doping rule violation of Article 2.1 of the IFF Anti-Doping Rules.

2) Ineligibility Period:

The athlete and IFF agree that the applicable period of ineligibility is **9 months** (from 26 January 2018 until 26 October 2018). In order to determine the period of ineligibility the article 10.2 and article 10.5 have been applied (Reduction of the Period of Ineligibility based on no-significant fault).

3) Start of ineligibility period:

As there was substantial delay in the process due to the Seoul laboratory not being able to analyse the sample due to the Olympic and Paralympic Games before the end of March, the start of the ineligibility shall be the sample collection date, 26.1.2018.

4) Status during Ineligibility

Article 10.12.1 in IFF Anti-Doping Rules, Prohibition Against Participation During Ineligibility

"No Athlete or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorised anti-doping education or rehabilitation programmes) authorised or organised by IFF or any National Federation or a club or other member organisation of IFF or any National Federation, or in Competitions authorised or organised by any professional league or any international or national level Event organisation or any elite or national-level sporting activity funded by a governmental agency.

An Athlete or other Person subject to a period of Ineligibility shall remain subject to Testing."

Article 10.12.2 in IFF Anti-Doping Rules, Return to Training

"As an exception to Article 10.12.1, an Athlete may return to train with a team or to use the facilities of a club or other member organisation of IFF's member organisation during the shorter of: (1) the last two months of the Athlete's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed."

The athlete and IFF agree that the athlete can return to train with a team during the last two months of the Athlete's period of Ineligibility. The athlete can train with the team starting from **26 August 2018.**

5) Right of Appeal

This agreement will constitute the decision for this case. Consequently, it will be communicated to the parties with right of appeal in accordance with Article 13.2.3

Signature of the Athlete:

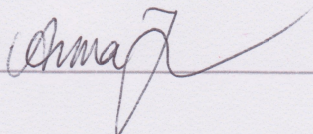
Kitti Pong Somngam

Date:

28 / 4 / 61

Signature of IFF Anti-Doping Manager:

Anna Jacobson



Date:

3.5.2018