



## INTERNATIONAL HOCKEY FEDERATION

**THE DISCIPLINARY COMMISSIONER**

**REFERRAL 1/2018**

**RESPONDENT:**

**Kumar Subramiam**

**DATE OF REFERRAL: 16 January 2018**

**JURISDICTION FOR REFERRAL: FIH Statutes and the FIH Anti-Doping Rules**

### **DISPOSAL DECISION**

#### **Introduction**

1. This Referral relates to an alleged violation of the FIH Anti-Doping Rules ('ADR') by the Respondent, Kumar Subramiam ('KS').
2. Sufficient details of the circumstances and the subsequent Charge against KS were set out in the formal Notice of Charge issued on 12 December 2017, a copy of which was annexed to the formal Referral document dated 16 January 2018.
3. Pursuant to ADR Article 8.1.1, the case had been referred to the FIH Disciplinary Commissioner ('the DC') and thereafter the DC co-opted two persons, Lorenza Mel and Olivier Ducrey, to form a Hearing Panel. The DC also issued preliminary Directions requiring further statements of fact and experts' reports.
4. ADR Article 7.10.1 is in the following terms:

**"7.10.1** Agreement between parties

At any time during the results management process the *Athlete* or other *Person* may agree with FIH on the *Consequences* which are either mandated by the *Code* or which the FIH Anti-Doping Administrator or its delegate considers appropriate where discretion as to *Consequences* exists under these Rules and the *Code*. The agreement shall state the full

reasons for any period of *Ineligibility* agreed upon, including (if applicable) a justification for why the discretion as to *Consequences* was applied.

Such agreement shall be deemed to be a decision made under these Anti-Doping Rules within the meaning of Article 13. The decision will be reported to the parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.2 and shall be published in accordance with Article 14.3.2.”

5. By email on 16 April 2018, the DC was informed that the parties had reached agreement for the purposes of ADR Article 7.10.1, and it was also requested that the DC confirm that the terms agreed by the parties are consistent with the ADR and the WADA Code. Annexed to the email was a draft of the Reasons why the FIH had reached the agreement, and also a draft of the Order, by way of sanction, that had been agreed. Annexed to this Decision are the Reasons produced by FIH which, for the purposes of this Decision, this Panel has considered.
6. The DC decided, in view of the request for confirmation made by the parties, that all three members of the Hearing Panel, rather than only the DC, should consider the agreement that had been reached between the parties, and the reasons for the agreement. Accordingly, this Disposal Decision is made by all the members of the Hearing Panel.

### **Conclusion**

7. The Panel members have considered the agreement reached and the Reasons for the agreement and confirm that, in their view, the agreement reached pursuant to ADR Article 7.10.1 is consistent with the ADR and the WADA Code.

### **Decision under the ADR**

8. The following is the Decision to be recorded as made under the ADR:
  1. At the request and with the consent of the parties, who have reached agreement on the resolution of these proceedings in accordance with Article 7.10.1 of the FIH Anti-Doping Rules, these proceedings are hereby terminated.

2. KS shall serve a period of ineligibility of **six months commencing on 16 October 2017 and ending at midnight on 15 April 2018.**
3. During his period of ineligibility, KS's status will be as set out under ADR Art 10.12.1, i.e., he may not *'participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by FIH or any National Association or a club or other member organization of FIH or any National Association, or in Competitions 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'*. FIH ADR Article 10.2.2 permits the Player during the last six weeks of the period of ineligibility to return to training with a team or to use the facilities of a club or member organisation of the FIH (or FIH member).
4. This Decision is not an order or award of the Hearing Panel, but the Hearing Panel has reviewed the terms agreed by the parties and confirms that they are consistent with the provisions of the FIH ADR and the World Anti-Doping Code.
5. There shall be no shifting of the arbitration costs, including the costs incurred by each party.

#### **Publication**

9. In accordance with ADR Article 14.3.2, this decision will be publicly reported, including by being posted on the FIH's website.

#### **Acceptance by KS**

10. In accordance with ADR Article 7.10.1, KS has accepted the foregoing consequences for his anti-doping rule violation specified by the FIH and has expressly waived his right to have the consequences determined by the Hearing Panel at a hearing.

#### **Rights of appeal**

11. In accordance with ADR Article 7.10.1, this decision *'shall be deemed to be a decision made under these Anti-Doping Rules within the meaning of Article 13'* for the purpose of triggering the appeal rights set out in that Article.
12. Further to ADR Article 13.2.3, each of WADA and the Anti-Doping Agency of Malaysia (**ADAMAS**) has a right to appeal against this decision to the CAS, in

accordance with the procedure set out at ADR Article 13.7.

13. As part of this resolution of the matter, KS has waived his right to appeal against or otherwise challenge any aspect of this Decision (both as to the finding that he has committed an anti-doping rule violation and as to the imposition of the consequences set out above), whether pursuant to ADR Article 13.2.1 or otherwise. However, if an appeal is filed with the CAS against this decision either by WADA or ADAMAS, KS will be entitled (if so advised) to exercise his right of cross-appeal in accordance with ADR Article 13.2.4.

Gordon Nurse (FIH Disciplinary Commissioner)  
Lorenza Mel  
Olivier Ducrey  
17 April 2018