

BETWEEN **DRUG FREE SPORT NEW ZEALAND**

 Applicant

AND **KHALID SLAIMANREL**

 Respondent

AND **NEW ZEALAND POWERLIFTING FEDERATION
INC**

 Interested Party

**DECISION OF TRIBUNAL
Dated 13 August 2010**

Hearing: by conference call on 12 August 2010

Attendances: Steve Lousich for New Zealand Powerlifting Federation
 (Inc)
 Paul David, counsel for Drug Free Sport New Zealand
 Graeme Steel and Jayne Kernohan for Drug Free Sport
 New Zealand
 Khalid Slaimanrel

Panel: Alan Galbraith QC, Deputy Chairman
 Carol Quirk
 Tim Castle

Registrar: Brent Ellis

1. This was an application for the imposition of a period of ineligibility under the Sports Anti-Doping Rule 14.3.1 brought by Drug Free Sport New Zealand on the grounds of a refusal by Mr Slaimanrel to undertake an in competition test on 28 November 2009. A provisional suspension order was made on 22 June 2010.
2. Both at the hearing of the provisional suspension application and this application Mr Slaimanrel accepted that he had refused to undertake a test. He told the Tribunal that he had only participated in the competition for fun and was not interested in continuing active participation in powerlifting.
3. As he had also told the Tribunal at the provisional suspension hearing, he did intend to continue to compete in bodybuilding and believed that any order as to ineligibility would not prevent him from doing so. The Tribunal again advises Mr Slaimanrel to take advice in respect to the impact of the order which this Tribunal makes on this application before participating in the activities of any other organised sporting body. The period of ineligibility ordered here will apply to any sporting body that is a signatory to the WADA Code.
4. Mr Slaimanrel confirmed that he understood that Drug Free Sport was asking for a period of ineligibility of two years to be imposed. After a question from a member of the Tribunal it was acknowledged on behalf of Drug Free Sport that there had been a period of delay between Mr Slaimanrel's failure to take a test and notification to Mr Slaimanrel that his breach was to be pursued before the Tribunal. Mr David acknowledged that a period of three months would fairly represent the period of delay which was the consequence of Drug Free Sport's consideration of other issues that could not be attributed in any way to default by Mr Slaimanrel.

5. The Tribunal accepts that the alleged violation is established, and indeed acknowledged by Mr Slaimanrel and that a period of two years' ineligibility would normally be applied as from the date of provisional suspension on 22 June 2010. However, the Tribunal has decided that the period of three months' delay in advising Mr Slaimanrel that his breach was to be pursued should be taken into account and accordingly the period of ineligibility which we now impose will expire on 22 March 2012.

DATED this 13th day of August 2010

A handwritten signature in black ink, consisting of a large, stylized initial 'G' followed by a long, horizontal, slightly wavy line.

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A R Galbraith QC
Deputy Chairman