

BETWEEN DRUG FREE SPORT NEW ZEALAND

Applicant

AND KURT ALLAN

Respondent

AND SOFTBALL NEW ZEALAND

Interested Party

**DECISION
DATED 16 APRIL 2013**

Hearing: 15 April 2013 by telephone conference

Tribunal: Alan Galbraith QC (Deputy Chairperson)
Chantal Brunner
Ron Cheatley

Present: Chris Patterson, counsel for Kurt Allan
Paul David, counsel for Drug Free Sport New Zealand
Kristin Farrell, Drug Free Sport New Zealand

Registrar: Brent Ellis

1. The charge by Drug Free Sport New Zealand (DFS) was a violation of Rule 3.1 of the Sports Anti-Doping Rules 2012 (SADR) as a result of Kurt Allan's positive test to D-methamphetamine and D-amphetamine in competition at the Men's Final of the National Fastpitch Softball Championships on 9 December 2012. He was provisionally suspended by another division of the Tribunal on 10 January 2013.
2. The substances detected are non-specified substances prohibited in competition under s6. Stimulants (a: Non-Specified Stimulants) of the 2012 WADA Prohibited List.
3. Mr Allan admitted the violation. The period of ineligibility (suspension) for this violation is two years under SADR 14.2. Mr Allan has been represented during the process by Mr Patterson. Mr Allan initially filed a Form 2 Notice on 20 February 2013 seeking to be heard in relation to sanctions. Subsequently Mr Allan advised, through Mr Patterson, that he did not wish to present a case on sanctions and would abide by the decision of the Tribunal.
4. Accordingly a two year period of ineligibility under SADR 14.2 (in terms of SADR 14.10.1) must be imposed. Mr Allan was provisionally suspended on 10 January 2013 and the two year period of ineligibility will run from that date (SADR 14.9.3).
5. Mr Allan is disqualified from any individual results in the National Fastpitch Championships. If any team results are affected the consequences are a matter for any applicable rule of the sport.
6. During the period of ineligibility Mr Allan may not participate in any capacity in a competition or activity authorised or organised by Softball New Zealand or a softball club or in any similar activities in any other sport which is a signatory to the Rules.

Dated: 16 April 2013



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A R Galbraith QC
(Deputy) Chairperson