

BEFORE THE AMERICAN ARBITRATION ASSOCIATION
North American Court of Arbitration for Sport Panel

Justin Gatlin)
)
 Claimant,)
)
 v.)
)
 United States Anti-Doping Agency,)
)
 Respondent.)

AAA No. 30 190 00546 01

USADA'S POSITION ON SANCTIONS

Under USADA's Protocol for Olympic Movement Testing ("USADA Protocol") the sanctioning rules of the relevant international federation are to be applied in USADA hearings. In this matter, the International Association of Athletics Federations ("IAAF") Rules apply. IAAF Sanctioning Rules provide that 1) in accordance with IAAF Rule 60 (2)(a)(i), a two-year suspension will be imposed for a first offense involving the prohibited substance amphetamine and 2) in appropriate circumstances the athlete may then seek to have the two year suspension reduced through an appeal to the IAAF Council for early reinstatement.

USADA believes that, consistent with the USADA Protocol, this Panel should impose the two year suspension specified in the IAAF Rules and then give the IAAF Council the opportunity to be the first body to consider early reinstatement as is also provided in the IAAF Rules. USADA has been advised by the IAAF that the IAAF Council would consider early reinstatement of Mr. Gatlin.

USADA acknowledges that if Mr. Gatlin is not satisfied with the decision of the IAAF Council then he must thereafter be given the opportunity to have the length of his sanction

considered on the merits by an independent review body (either this AAA/CAS Panel or CAS in Lausanne). USADA does not oppose Mr. Gatlin's position on this Panel retaining jurisdiction pending the outcome of the IAAF Council.

USADA understands that Mr. Gatlin will be filing a reinstatement request with the IAAF Council immediately following the hearing in this matter. USADA will not oppose and does not anticipate taking a position on Mr. Gatlin's request for early reinstatement. This approach suggested by USADA is both faithful to the text of the IAAF Rules and retains the opportunity for CAS review of sanctions.

Respectfully submitted,



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