



Arbitration CAS 2017/A/5124 Tatyana Chernova v. International Olympic Committee (IOC), award of 4 December 2017

Panel: Mr David Rivkin (USA), President; Prof. Jens Ewald (Denmark); Mr Murray Rosen QC (United Kingdom)

Athletics (heptathlon)

Doping in the context of a “Re-test procedure” (turinabol)

Establishment of an ADRV based on the laboratory analysis of the athlete’s B sample

Lack of proof allowing the rebuttal of the presumption regarding the validity of the laboratory analysis

1. **Where the B1-Sample analysis is found to have satisfied the applicable International Standards for Laboratory (ISL), and where there has been no challenge to the validity of the B2-Sample analysis, with both the B1- and the B2-Samples sufficiently indicating the presence of a Prohibited Substance (turinabol), in satisfaction of the applicable ISL, an anti-doping rule violation (ADRV) is established. It is to be noted in this respect that the mere presence of a Prohibited Substance, irrespective of quantity, establishes an ADRV. The finding of an Adverse Analytical Finding (AAF) can therefore be confirmed based on the laboratory analysis of the athlete’s B-Samples.**
2. **Where the athlete does not meet his or her burden to rebut the presumption according to which the WADA accredited laboratory is presumed to have conducted the analysis in accordance with the ISL and other applicable technical documents, the finding of an ADRV can be based on the validity of the laboratory analysis of the athlete’s samples. Furthermore, a valid analysis is sufficient to support the finding of an ADRV.**

I. PARTIES

1. Ms. Tatyana Chernova (the “Athlete” or “Appellant”) is a Russian athlete specializing in heptathlon. The Athlete competed in the 2008 Olympic Games in Beijing (the “Games”), where she ranked third and was awarded a Bronze medal.
2. The International Olympic Committee (the “IOC” or “Respondent”) is the world governing body of Olympic Sports having its registered offices in Lausanne, Switzerland.

II. FACTUAL BACKGROUND

A. Introduction

3. This is a case with a single issue: namely, whether on 15 and 16 August 2008 the Appellant competed in the Games with a Prohibited Substance in her body.
4. The Appellant appeals a decision of the IOC Disciplinary Commission (the “Commission”) dated 19 April 2017 (the “Decision”). It found, pursuant to the IOC Anti-Doping Rules (“IOC ADR”), that the Athlete committed an anti-doping rule violation (“ADRV”) during the Games and consequently disqualified her results obtained in the heptathlon event, including the withdrawal of her medal, medallist pin, and diploma from the Games.

B. Background Facts

5. The following is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced at the hearing. Additional facts and allegations found in the Parties’ written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in its Award only to the submissions and evidence it considers necessary to explain its reasoning.
6. On 15 and 16 August 2008, the Athlete competed in the women’s heptathlon event at the Games. She finished third and was awarded a Bronze medal.
7. On 17 August 2008, the Athlete was selected for doping control, for which she provided a urine sample (A-Sample 1842775).
8. The Athlete’s A-Sample was analysed on-site during the Games by a World Anti-Doping Agency (“WADA”)-accredited laboratory in Beijing. The analysis of such sample did not result in an Adverse Analytical Finding (“AAF”) at that time.
9. Sometime thereafter, the IOC decided to conduct further analysis of the samples collected during the Games so as to possibly detect Prohibited Substances that were not identified by the analysis performed on the occasion of the Games.
10. At the conclusion of the Games, all of the samples collected during the Games were transferred to a WADA-accredited laboratory in Lausanne, Switzerland (the “Lausanne Laboratory”) for long-term storage. These samples were neither individually resealed nor transported in sealed containers, as that had not been required pursuant to the then-applicable (2008 version) of the International Standards for Laboratories (“ISL”).
11. In light of that fact, and in accordance with the provisions of the applicable ISL, the IOC determined that the re-analysis process would be conducted as follows:

- An initial reanalysis would be conducted on the remains of the A-Sample;
 - If such reanalysis indicated the potential presence of a Prohibited Substance, its Metabolites, or its Markers, a full confirmation analysis process would be conducted on the B-Sample, which would be split for purposes of the reanalysis into a B1- and a B2-Sample.
12. The remains of the Athlete's A-Sample were subject to initial analysis. Such analysis resulted in a Presumptive Adverse Analytical Finding ("PAAF") as it indicated the potential presence of Dehydrochloromethyltestosterone ("Turinabol"), a Prohibited Substance.
 13. On 11 July 2016, the IOC, through the Russian Olympic Committee, informed the Athlete of the PAAF and her right to attend the opening and splitting of the B-Sample into B1- and B2-Samples, the sealing of the B2-Sample, and the analysis of the B1-Sample.
 14. On 14 July 2016, the Athlete informed the IOC in writing that she would not attend the opening and splitting of the B-Sample, the sealing of the B2-Sample, and the analysis of the B1-Sample (the "Re-Test Procedure").
 15. On the same day – 14 July 2016 – the IOC informed the Athlete that the Re-Test Procedure would occur on 18 July 2016 at the Lausanne Laboratory.
 16. On 18 July 2016, the IOC informed the Athlete that the Re-Test Procedure would take place on 22 July 2016.
 17. On 22 July 2016, the Re-Test Procedure took place as scheduled. The Athlete did not attend in-person or through a representative. It was, however, attended by an independent witness, as required by the ISL.
 18. On 28 July 2016, the B1-Sample results reported the presence of Metabolites for Turinabol, which constitutes an AAF.
 19. On 29 July 2016, the IOC informed the Athlete of the AAF and the institution of disciplinary proceedings, and of her right to request and attend the opening of the B2-Sample and its analysis, which was to take place on 8 or 9 August 2016. The Athlete did not reply.
 20. On 10 August 2016, the IOC granted the Athlete an additional deadline to state whether she accepted the AAF and whether she requested the analysis of the B2-Sample, along with a copy of the laboratory documentation package.
 21. Later that same day – 10 August 2017 – the Athlete informed the IOC that she did not accept the AAF and requested analysis of the B2-Sample. She further stated that she would not attend the process in-person or through a representative. She also requested a copy of the laboratory documentation package.
 22. On 11 August 2016, the IOC informed the Athlete that the analysis of the B2-Sample would take place on 15 August 2016 at the Lausanne Laboratory.

23. On 15 August 2016, the Athlete's B2-Sample was opened and analysed in the presence of an independent witness.
24. On 19 August 2016, the B2-Sample results also reported the presence of Metabolites for Turinabol.
25. On 22 August 2016, the IOC notified the Athlete of the B2-Sample results. The IOC asked the Athlete whether she accepted the AAF and whether she requested the laboratory documentation package. The IOC also informed the Athlete of the possibility to present her defence in writing or in a hearing before the Commission.
26. On 25 August 2016, the Athlete informed the IOC that she did not accept the AAF and that she requested the documentation package. She further indicated that she would attend the hearing of the Commission and present a written defence.
27. On 11 November 2016, the IOC sent the laboratory documentation package, as well as additional related documents, to the Athlete.
28. On 12 December 2016, the Commission held a hearing on the Athlete's ADRV. The hearing was attended by both the Athlete (by video conference) and the IOC external legal counsel. Following the hearing, each party filed further submissions, including additional expert reports.
29. On 19 April 2017, the Commission rendered the Decision.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

30. On 9 May 2017, the Appellant filed her statement of appeal with the Court of Arbitration for Sport (the "CAS") in accordance with Article R47 *et seq.* of the Code of Sports-related Arbitration (the "Code"). In her statement of appeal, the Appellant nominated Dr. Jens Evald as arbitrator.
31. On 12 May 2017, the CAS Court Office opened this procedure and invited the Respondent to nominate an arbitrator.
32. On 15 May 2017, the Respondent nominated Mr. Alexander McLin as arbitrator. The Appellant challenged this nomination.
33. On 19 May 2017, the Appellant filed her appeal brief in accordance with Article R51 of the Code.
34. On 22 May 2017, Mr. McLin declined his nomination as arbitrator in these proceedings.
35. On 29 May 2017, the Respondent nominated Mr. Murray Rosen QC as arbitrator in place of Mr. McLin.

36. On 14 June 2017, the CAS Court Office, on behalf of the President of the Appeals Arbitration Division and in accordance with Article R54 of the Code, constituted the Panel as follows:

President: Mr. David W. Rivkin, Attorney-at-Law, New York, New York, USA
Arbitrators: Prof. Jens Ewald, Professor of Law, Aarhus, Denmark
Mr. Murray Rosen, QC, Barrister, London, United Kingdom

37. On 19 June 2017, the Respondent filed its answer in accordance with Article R55 of the Code.

38. On 17 and 23 August 2017, the Respondent and Appellant, respectively, signed and returned the order of procedure to CAS Court Office.

39. On 1 September 2017, a hearing was held at the CAS headquarters in Lausanne, Switzerland. The Panel was assisted by Mr. Brent J. Nowicki, Managing Counsel at the CAS, and joined by the following:

For the Appellant:

Mr. Hannu Kalkas, Counsel to the Appellant (by video)
Ms. Tatyana Chernova, Appellant (by video)
Dr. Douwe de Boer, Expert (in person)

For the Respondent:

Mr. Jean-Pierre Morand, Counsel to the Respondent (in person)
Professor Martial Saugy, Expert (in person)

40. At the beginning of the hearing, the Parties confirmed that they had no objection to the constitution of the Panel. At the conclusion of the hearing, the Parties confirmed that their right to be heard was fully respected. No further comments or objections were raised at the hearing.

IV. SUBMISSIONS OF THE PARTIES

41. The Appellant's submissions, in essence, may be summarized as follows:

- *First*, the Commission improperly considered or misinterpreted certain evidence before it. Specifically:
 - The Commission improperly considered the McLaren Report (Part II) because it is not relevant to the Athlete. The report, which relates to anti-doping violations by Russian athletes generally, does not name the Athlete, and covers the period from 2011 onward only.
 - The Commission improperly considered the fact that the Athlete had tested positive for Turinabol in 2009, and also misinterpreted her acknowledgment, in another case (the "ABP case"), that the test results were positive as "*a direct*

admission that she has been using that substance". The Appellant acknowledges that the 2009 test results were positive but contends that the results are not an admission of use in 2008, and she denies knowingly using any Prohibited Substance.

- The Commission unfairly questioned the credibility of the Athlete's expert witness because he disputed the validity of the analysis establishing the presence of Turinabol in the 2008 sample while also making an argument in the ABP case that relied upon the presence of Turinabol in the 2009 sample. The Appellant contends that the expert's opinions can be reconciled, and his credibility in the instant case thus should not be affected by the position he took in the ABP case.
 - *Second*, the results of the Lausanne Laboratory analysis are unreliable on two grounds: (i) the presence of a co-eluting peak in the B1-Sample required the Lausanne Laboratory to search for interfering compounds, as provided for in WADA Technical Document 2010IDCR ("TD2010IDCR"), which the Laboratory did not do; and (ii) the results of the analysis of the B1- and B2-Samples are not identical, in that there was a difference between the Samples with regard to the abundance of the ions indicating the presence of Metabolites of Turinabol.
42. In her appeal brief, the Appellant sought the following request for relief:
1. *The Appeal of Ms. Chernova is admissible.*
 2. *The decision rendered by the IOC's Disciplinary Commission BRT III-037 set aside.*
 3. *Ms. Chernova is granted an award for costs in full in this case.*
43. The Respondent's submissions, in essence, may be summarized as follows:
- *First*, the Commission considered, but did not base, its Decision on the elements contested by the Appellant. Rather, the Decision was based on the findings of the laboratory analysis, which under the IOC ADR were entirely sufficient to support the finding of an ADRV. The Commission merely considered these elements as supporting circumstantial evidence that "*comfort[ed]*" the analytical findings, and indicated as much in its Decision. Moreover, there is no limitation as to the type of evidence that can be used to establish an ADRV. In accordance with Article 3.2 of the IOC ADR, an ADRV can be established by any reliable means, including circumstantial evidence.
 - *Second*, the laboratory analysis was performed in accordance with the applicable ISL in force at the time of testing, and the Appellant has not established that any departure from those standards occurred. The procedure in TD2010IDCR that the Appellant contends should have been applied was superseded by WADA Technical Document TD2015IDCR ("TD2015IDCR"), which did not require further testing under the circumstances of this case. With regard to the differences between the abundance of ions indicating the presence of Metabolites of Turinabol in the B1- and B2-Samples, the differences were small and normal, and the measurements fell within acceptable ranges. In any event, such differences in quantity are irrelevant because under the IOC ADR, the mere presence of a Prohibited Substance is sufficient to establish an ADRV, and both the B1- and B2-Samples revealed the presence of Metabolites of Turinabol.

44. In its answer, the Respondent sought the following requests for relief:

- I. *The Appeal filed by Ms. Tatyana Chernova is dismissed.*
- II. *The IOC is granted an award for costs.*

V. JURISDICTION

45. Article R47 of the Code provides as follows:

An appeal against the decision of a federation, association or sports-related body may be filed with the CAS insofar as the statutes or regulations of the said body so provide or as the parties have concluded a specific arbitration agreement and insofar as the Appellant has exhausted the legal remedies available to him prior to the appeal, in accordance with the statutes or regulations of the said sports-related body.

46. The Appellant relies on Articles 12.2.1 and 12.2.2 of the IOC ADR. These Articles provide as follows:

12.2.1 In all cases arising from the Olympic Games, the decision may be appealed exclusively to the Court of Arbitration for Sport ("CAS") in accordance with the provisions applicable before such court.

12.2.2 In cases under Article 12.2.1, only the following parties shall have the right to appeal to CAS: (a) the Athlete or other Person who is the subject of the decision being appealed; (b) the relevant International Federation and other Anti-Doping Organisation under whose rules a sanction could have been imposed; and (c) WADA.

47. The Respondent does not object to the jurisdiction of the CAS and so agreed when signing the order of procedure.

48. In consideration of the foregoing, the Panel confirms that CAS has jurisdiction to decide this appeal.

VI. ADMISSIBILITY

49. Article R49 of the Code provides as follows:

In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or of a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. After having consulted the parties, the Division President may refuse to entertain an appeal if it is manifestly late.

50. The Appellant relies on Article 12.5 of the IOC ADR, which provides as follows:

12.5 *Time Limit for Filing Appeals*

The time to file an appeal to CAS shall be within twenty-one (21) days from the date of receipt of the decision by the appealing party.

51. The Appellant received the Decision on 19 April 2017. This appeal was filed on 9 May 2017.
52. The Respondent expressly confirms the admissibility of this appeal.
53. In consideration of the foregoing, the Panel confirms that this appeal is admissible.

VII. APPLICABLE LAW

54. Article R58 of the Code provides as follows:

The Panel shall decide the dispute according to the applicable regulations and the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law, the application of which the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.

55. The Appellant asserts that the IOC ADR are the applicable rules to be applied to the merits of her appeal because the Decision was rendered by the Commission on the basis of Rule 59.2.1 of the Olympic Charter and the IOC ADR applicable to the Games. The Respondent agrees, and further notes that since the Respondent is a Swiss association, Swiss law applies subsidiarily.
56. In consideration of the foregoing, the Panel confirms that the IOC ADR will apply to the merits of this dispute, with Swiss law applying in subsidiary. In accordance with Article 182, para. 2 PILA, the Code will govern all procedural aspects of this arbitration.

VIII. MERITS

57. As noted above, the Appellant contests the Decision on two grounds: (A) the reasoning employed by the Commission in reaching its Decision; and (B) the reliability of the laboratory analysis performed on the Athlete's B-Samples. The Panel address each in turn, beginning first with the reliability of the analysis of the Samples.

A. Reliability of the Laboratory Analysis of the Athlete's B-Samples

a) *Applicable Laboratory Standards*

58. Article 3 of the IOC ADR establishes the rules of proof in an ADRV hearing. Of relevance here is Article 3.2.1, which provides, in relevant part:

WADA-accredited laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete may rebut this presumption by establishing that a departure from the International Standard occurred, which could reasonably have caused the Adverse Analytical Finding. If the Athlete rebuts the preceding presumption by showing that a departure from the International Standard occurred which could reasonably have caused the Adverse Analytical Finding, then the IOC shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

59. Of further relevance is Section 1.0 of the ISL, which provides, in relevant part:

WADA will publish, from time to time, specific technical requirements in a Technical Document. Implementation of the technical requirements described in the Technical Documents is mandatory and shall occur by the effective date specified in the Technical Document. Technical Documents supersede any previous publication on a similar topic, or if applicable, this document. The document, in effect, shall be that Technical Document whose effective date most recently precedes that of Sample receipt date.

60. Section 1.0 further provides that, “[o]nce promulgated, Technical Documents become an integral part of the ISL”. Thus, per Article 3.2.1 of the IOC ADR, WADA-accredited laboratories are presumed also to have complied with the requirements of applicable Technical Documents.
61. One such Technical Document published by the WADA contains the identification criteria that WADA-accredited laboratories must use when testing samples for the presence or absence of Prohibited Substances. The Parties agree that the relevant Technical Document in force at the time the laboratory analysis was performed on the Athlete’s B-Samples is TD2015IDCR, which was effective as of 1 September 2015. The Parties further agree that TD2015IDCR replaced its predecessor, TD2010IDCR, which had been in effect from 1 September 2010.

b) Sufficiency of the Analysis of the B1-Sample

62. The TD2015IDCR provides, in relevant part, that “[i]t is not permissible, without a valid explanation, to collect more than the minimum required number of ions or transitions in SRM or SIM and select those with Relative Abundances within tolerance windows while ignoring other ions or transitions which would not meet the identification criteria. A valid explanation might be, for example, clear evidence that one of the primary established ions is being interfered by a partially co-eluting substance”.
63. For each of the B1- and B2-samples, four transitions were analysed by the Lausanne Laboratory. Each transition indicated the presence of two Metabolites (M2 and M3) of Turinabol. Pursuant to the standards enunciated in TD2015IDCR, a sample is considered to have tested positive if three transitions indicate the presence of a Metabolite.
64. The Appellant contends that, based on the appearance of what her expert, Dr. Douwe de Boer, described as a co-eluting peak in the fourth transition of the Athlete’s B1-Sample results, a full-scan spectrum of the fourth transition ought to have been performed. The Appellant points to no such requirement in the standards enunciated in TD2015IDCR, which does not in fact contain one; rather, she contends that the standards in TD2015IDCR contain a gap or lacuna and therefore the standards ought to have been supplemented by a provision of the

predecessor standards contained in TD2010IDCR. TD2010IDCR provides, in relevant part, that “[t]o ensure that the precursor and product ions are not arising from a co-eluting compound in the chromatogram, a full scan spectrum at the retention time of the peak(s) of interest shall be acquired”.

65. The Appellant’s expert Dr. de Boer stated that this provision is not in conflict with the TD2015IDCR standards—which he described as a “*simplified*” version of TD2010IDCR—and that therefore, “*this part of the previous version still may be considered to be valid and thus should be applied in this situation*”. At the hearing, he acknowledged that the Lausanne Laboratory had complied with the TD2015IDCR standards.
66. The Respondent’s expert, Professor Martial Saugy, concluded that the fourth transition does not contain a co-eluting peak, but rather a “*small ‘chromatographic shoulder,’*” and sufficiently indicates the presence of M2 and M3 Metabolites. Professor Saugy stated that the Lausanne Laboratory thus complied with the TD2015IDCR standards, and did not ignore a transition that did not contain the identification criteria. He further concluded that the positive identification of the Metabolites in the other three transitions, without the fourth, were sufficient to “*unequivocally establish*” the presence of the Metabolites of Turinabol in the B1-Sample.
67. The Parties’ experts thus have agreed that the Lausanne Laboratory complied with the TD2015IDCR standards. Although the Appellant suggests that those standards ought to have been supplemented with the TD2010IDCR provision regarding testing of co-eluting peaks, it has offered no authority to support a deviation from the provisions of the ISL, which makes clear that “*Technical Documents supersede any previous publication on a similar topic, or if applicable, this document*”. Further, the Appellant has not sufficiently established that the fourth transition did not meet the identification criteria such that the Panel could conclude that the Lausanne Laboratory impermissibly ignored the transition in contravention of TD2015IDCR standards. The Panel therefore concludes that the Appellant failed to rebut the presumption that a departure from the ISL occurred which could reasonably have caused the AAF.

c) *Difference Between the B1- and B2-Samples*

68. The Appellant also calls the results into question based on the fact that the analysis performed on the B1- and B2-Samples did not yield identical results. The Appellant does not indicate what departure from the ISL the Laboratory is meant to have taken in this regard that could reasonably have caused the AAF, nor has the Panel been able to identify any.
69. The Respondent acknowledges that the results are not identical, but its expert Professor Saugy contends that the difference between the abundance of ions indicating the presence of the Metabolites of Turinabol found in each Sample is “*very small and not significant,*” and can be explained by the fact that the analyses were performed on two different days. Moreover, all the results fall within the prescribed levels.
70. However, the Panel need not determine whether the difference is significant. As noted above, the Panel finds the B1-Sample analysis to have satisfied the applicable ISL standards, and there has been no challenge to the validity of the B2-Sample analysis. Both the B1- and the B2-

Samples sufficiently indicated the presence of Turinabol in satisfaction of the applicable ISL, and, as noted, an ADRV is established by the mere presence of a Prohibited Substance, irrespective of quantity. The Panel therefore confirms the finding of an AAF based on the laboratory analysis of the Athlete's B-Samples.

B. Reasoning of the Decision by the Commission

71. The Decision held that that an ADRV was established pursuant to both Article 2.1 and Article 2.2 of the IOC ADR.
72. Article 2.1, in relevant part, provides that *“the detected presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample shall constitute an anti-doping rule violation”*. The Commission determined that it was satisfied that the analytical results indicating the presence of Turinabol in the Athlete’s B-Samples were valid and properly established the presence of a Prohibited Substance. It thus straightforwardly concluded that an ADRV had been established.
73. Article 2.2 prohibits the use of a Prohibited Substance, stating, in relevant part, that *“[i]t is sufficient that the Prohibited Substance or Prohibited Method was used or Attempted to be used for an anti-doping rule violation to be committed”*. The Commission determined that an ADRV was established pursuant to Article 2.2 in consideration of the circumstances, including the fact that the laboratory analysis of the Athlete’s B-Samples had indicated the presence of Turinabol—results which, as noted, the Commission found to be valid.
74. In reaching its conclusion that an ADRV had occurred under Article 2.2, the Commission also considered the evidence that the Appellant contests was improperly considered or misconstrued. However, the Decision makes clear that, although the Commission considered such evidence, its determination that an ADRV occurred was based primarily on, and was sufficiently supported by, the laboratory analysis alone.
75. With respect to the McLaren report, the Decision notes that *“the Disciplinary Commission underlined that the report was indeed not related to the Athlete and, as such, could not permit to draw a conclusion in her respect”*. It further notes that *“[e]ven if [the report] is in itself not a sufficient element to draw specific conclusion, it can only bring comfort in regard of the finding of the Laboratory”*.
76. Similarly, with respect to the Commission’s consideration of the Athlete’s 2009 laboratory analysis results, and her argument in the ABP case concerning that analysis, the Decision notes that these elements merely *“reinforced”* the *“comfort of the Disciplinary Commission in reaching the conclusion that the analytical findings are valid and that the substance identified in her samples was oral turinabol”*.
77. Likewise, the Decision did not turn on the Commission’s assessment of the expert’s credibility. While the Commission found the Athlete’s expert’s positions to be *“troubling,”* it noted that *“[i]n any event the Athlete did not meet her burden to rebut the presumption according to which the WADA accredited laboratory is presumed to have conducted the analysis in accordance with the ISL and other applicable technical documents”*.

78. Because the Panel agrees that the laboratory analysis of the Athlete's samples was valid and sufficient to support the finding of an ADRV, the other evidence considered by the Commission is irrelevant to its conclusion that an ADRV was established under both Article 2.1 and Article 2.2, and the Panel thus need not opine on whether such evidence was properly considered or interpreted.
79. Finally, considering the Athlete's appeal does not raise an issue with regard to sanction if the Decision as to her ADRV is upheld, the consequences resulting from that ADRV, as found by the Commission, including disqualification and forfeiture of medals (as summarised above) are also upheld.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 9 May 2017 by Ms. Tatyana Chernova against the decision of the International Olympic Committee Disciplinary Commission dated 19 April 2017 is dismissed.
2. The decision rendered by the International Olympic Committee Disciplinary Commission on 19 April 2017 is upheld.
3. (...).
4. (...).
5. All other motions or prayers for relief are dismissed.