



**Arbitration CAS 2019/A/6612 Bralon Taplin v. Caribbean Regional Anti-Doping Organization (Caribbean RADO), award of 18 May 2020**

Panel: The Hon. Hugh Fraser (Canada), Sole Arbitrator

*Athletics (400-meters)*

*Doping (evading sample collection)*

*Burden of proof of an anti-doping organization to establish that the asserted anti-doping violation was committed  
ADRV committed by evading sample collection*

1. According to art. 3.1 of the Caribbean Region Anti-Doping Rules (CRADR), the relevant anti-doping organisation shall have the burden of establishing that an Anti-Doping Rule Violation (ADRV) has occurred. The standard of proof shall be the comfortable satisfaction of the relevant hearing panel, bearing in mind the seriousness of the allegation which is made. Where these ADR place the burden of proof upon the Athlete or other Person alleged to have committed an ADRV to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.
2. According to art. 2.3 of the CRADR, an ADRV is committed by evading sample collection or without compelling justification, refusing or failing to submit to sample collection after notification as authorized in applicable ADR. However, the ADRV consisting of evading a doping control does not require a notification.

## **I. PARTIES**

1. Bralon Taplin (the “Appellant” or “Athlete”) is an athletics athlete specializing in the 400-meter sprint event. He is a former United States High School champion in the 400-meters. He is a citizen of Grenada, as well as the United States, and in 2013 elected to compete internationally for Grenada. He was a finalist in the 400-meters at the 2016 Olympic Games in Rio de Janeiro, Brazil.
2. The Caribbean Regional Anti-Doping Organization (the “Respondent” or “RADO”) is the regional anti-doping association responsible for pursuing charges of alleged anti-doping rule violations in accordance with the World Anti-Doping Code (“WADC”). RADO is made up of 17 different countries in the Caribbean who delegate their results management to the Respondent.

## II. FACTUAL BACKGROUND

### A. Background facts

1. Below 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 Sole Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the parties in the present proceedings, he refers in his Award only to the submissions and evidence he considers necessary to explain his reasoning.
2. On 10 April 2019, the Athlete arrived in Grenada in advance of the Grenada Invitational Athletics Competition which was to be held on 13 April 2019.
3. The Athlete's mother, Contina Griffin, arrived in Grenada on 12 April 2019 and that evening, he and his mother, along with his cousin, Jamie Alexander, a resident of Grenada, went out for dinner. The Athlete states that during this dinner he made plans with Mr Alexander to go out into the town once Mr Taplin's race had concluded on the 13 April 2019.
4. On 13 April 2019, the Athlete took a shuttle from his hotel to the Kirani James National Stadium arriving there at approximately 5:00 p.m. He then proceeded to get a massage, watch some of the early races, and commence his warmup on the warm-up track just outside the main stadium.
5. Once it was time for the Athlete to head towards the track for his 400-meter event, he placed his backpack, outer warm-up clothing, warm-up shoes, headphones, and two cell phones in a basket that was held by a young volunteer.
6. Although he had two cell phones with him, the Athlete maintains that his cell service had been cut off while he was in the U.S. due to non-payment of his Sprint account, and he could therefore only communicate by WiFi using certain Apps, when his cell phone was connected to the internet.
7. The Athlete's race began at 7:55 p.m. on 13 April 2019. He won his 400-meter event with a time of 44.92 seconds which was the fourth fastest in the world at that point.
8. The Athletics competition was broadcast live on ESPN2 and the Appellant's race was captured along with the celebrations of the jubilant Grenadian audience at the stadium.
9. Following the race, the Athlete was interviewed by Jill Montgomery, a reporter with ESPN. He then shook hands and posed for pictures with several individuals before going to the podium on the infield to take part in the awards ceremony.
10. The Athlete was then congratulated by the Grenadian Minister of Sport, and photos of him with the Sport Minister were taken by the Press Secretary to the Prime Minister of Grenada.

11. After this round of photographs, the Athlete was then interviewed by Shere-Ann Noel, a Grenadian television reporter.
12. After conducting two more interviews with print reporters near the exit area, the Athlete was called back towards the infield to be photographed with Sport Minister Cox and Kirani James, Grenada's first and only Olympic medalist, the person after whom the stadium was named.
13. At different times after his race, the Athlete laid down on the ground in an attempt to recover from his race and the emotional aftermath.
14. The chaperone who had the responsibility of notifying the Athlete that he was required to undergo a drug test, maintained that he approached the Athlete and identified himself, after which the Athlete asked for an opportunity to retrieve his belongings. The chaperone stated that the Athlete then disappeared and could not be located at the stadium.
15. The Chief Doping Control Officer (DCO) arranged for an announcement to be made over the Public Address System at the stadium, requesting that the Athlete attend at the Medical Room. The Athlete never appeared at the Medical Room.
16. The next event after the men's 400-meter 'A' race, was the men's 200-meter 'B' event, set to begin at 8:10 p.m.
17. The Athlete's girlfriend, TyNia Gaither, is a 200-meter sprinter who resides in the U.S. and competes for the Bahamas. She was scheduled to run in the women's 200-meter sprint at the Grenada Invitational at 8:20 p.m.
18. The Athlete did not stay to watch his girlfriend's race. He left the stadium after retrieving his belongings and met his cousin, Jamie Alexander, who drove the Athlete to the Radisson Hotel.
19. Mrs Gaither won her 200-meter race and was approached shortly thereafter by a chaperone who informed her that she had been selected for a doping control test. Mrs Gaither asked if she could complete an interview first and she was given permission to do so.
20. After Mrs Gaither completed her media obligations, she signed her Doping Control Form and walked with the chaperone to retrieve her gear before proceeding to the Doping Control Room.
21. As Mrs Gaither was completing her Doping Control form after providing her urine sample, officials in the Doping Control Room learned that Mrs Gaither was the Athlete's girlfriend.
22. Mrs Gaither was then informed that the Doping Control officials were looking for Mr Taplin and she was asked to contact the Athlete to try to locate him. Mrs Gaither then advised them that the Appellant's phone had no mobile service and he could only receive calls if he was on WiFi.
23. Mrs Gaither stated that she tried to call the Athlete, but she was not successful in reaching him.

24. Mrs Gaither then took a shuttle back to the Radisson hotel to get changed and celebrate her victory at the after party being held for the competitors.
25. While getting ready to go to the party, Mrs Gaither received a call from Mr Taplin who mentioned that he was with his cousin. Mrs Gaither testified that the phone that the Appellant was using then cut out and she never had the chance to tell him that Doping Control Officers wanted to test him.
26. After leaving her room to go down to the Athlete's after party in the hotel, Mrs Gaither observed that two male Doping Control Officers were waiting in the lobby. The DCO's had gone to the Athlete's hotel to try to find him there. They had taken the necessary testing kit with them in order to potentially administer the doping tests at the hotel. The officers asked Mrs Gaither if she had spoken to the Athlete and she explained the brief phone conversation that had taken place before the call was disconnected.
27. Mrs Gaither did not speak to the Appellant for the rest of the night.
28. At approximately 1:00 a.m. on 14 April 2019, the Doping Control Officers left the hotel, not having located the Athlete.
29. The Athlete left Grenada on a 9:00 a.m. flight on 14 April 2019. The flight was bound for Trinidad. While in Trinidad awaiting the next flight to Miami, before going on to his home in Houston, Texas, the Athlete had several conversations with individuals in Grenada, including with the head of the Local Organizing Committee of the Grenada Invitational, about the feasibility of his returning to Grenada on the next flight to have the drug test completed.
30. The Athlete did not return to Grenada, and on 20 August 2019, he was notified that he was being charged for intentionally evading sample collection on 13 April 2019 at the Grenada Invitational.
31. On 25 September 2019, the Athlete received his Notice of Provisional Suspension from the Caribbean RADO.

## **B. Proceedings before the Caribbean Regional Anti-Doping Panel**

32. By letter dated 25 September 2019, from the Caribbean RADO to the Athlete, the Athlete was notified in accordance with Article 7.9.3 of the ADR that he was Provisionally Suspended with immediate effect from "*all Competitions, Events or other activities that are organized, convened, authorized or recognized by the Caribbean RADO pending full resolution of the ADRV charge*".
33. The letter of 25 September 2019 also outlined that the Athlete would be given an opportunity for an expedited final hearing.

34. In a further letter of 29 September 2019, from the Caribbean RADO to the Athlete, the Athlete was informed that pursuant to Article 13.2.1 of the ADR, *“in cases rising from participation in an International Event or in cases involving international-level Athletes, the decision may be appealed exclusive to CAS”*.
35. The letter of 29 September 2019 also informed the Athlete that an expedited hearing, either provisional or final, would not reasonably be able to take place prior to 1 October 2019 and that the date of the expedited final hearing would follow, together with further directions.
36. By letter dated 10 October 2019 from the Caribbean RADO to the Athlete, the Athlete was informed that the hearing would take place on 18 October 2019.
37. The hearing proceeded on 18 October 2019 by video and telephone conference.
38. The evidence presented by the Caribbean RADO consisted of a supplementary report dated 15 April 2019 signed by Lead Doping Control Officer, Joel Johnson; a typed report prepared by Doping Control Officer Samantha Dickson and signed by her on 23 September 2019; and a typed statement, undated and signed by Chaperone, Errington Bowen.
39. Mr Joel Johnson, Mr Errington Bowen and Mrs Samantha Dickson took part in the hearing by video conference.
40. The Athlete’s evidence consisted of statements from his mother Contina Griffin and his girlfriend TyNia Gaither.
41. The Panel heard oral testimony from the Athlete, as well as Mrs Griffin, Mrs Gaither and Mr Fitzroy Francis, the athlete’s coach.
42. In its decision dated 7 November 2019, the Panel found that the evidence given by the Athlete that no one spoke to him other than fans and the media and that no one followed him or accompanied him to the stadium after the race was not credible.
43. Furthermore, the Panel was persuaded by Mrs Dickson’s version of events and having due regard to her significant experience as both a Chaperone and Doping Control Officer, found her to be very credible in giving her testimony.
44. The Panel was comfortably satisfied having regard to all the reliable and corroborated evidence, that the Athlete sought to evade the Chaperone and Doping Control Officer in order to avoid the formal notification requirement of having to sign the Caribbean RADO Notification Form as proof of his notification.
45. The Panel concluded, therefore, that they were comfortably satisfied that the material aspect of the evasion limb of the ADRV as found in Article 2.3 of the ADR was proven by the Caribbean RADO and the Athlete was, therefore, guilty of the offence of evading sample collection.

46. In conclusion, the Caribbean RADO decided as follows:

*“10.1 The Provisional Suspension of the Athlete was effective from September 29, 2019 and there has been no evidence presented to the Panel that the Athlete has not respected such Provisional Suspension. Accordingly, the Athlete’s period of ineligibility for having committed the ADRV commences from September 29, 2019, until midnight on September 29, 2023.*

(...)

*10.2.1 Pursuant to Article 9 ADR, any individual results obtained by the Athlete since the date of the violation are hereby disqualified with all resulting Consequences, including forfeiture of any medals, titles, points and prizes.*

*10.2.2 Additionally, pursuant to Article 10.8 ADR in addition to the automatic Disqualification of the results in the event, under Article 9, all other competitive results of the Athlete obtained from the date of the ADRV on April 13, 2019 (whether In-Competition or Out-of-Competition) or other anti-doping through the commencement of the Provisional Suspension shall also be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes”*

(the “Appealed Decision”).

### III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

49. On 27 November 2019 the Appellant filed his Statement of Appeal in accordance with Articles R47 *et seq.* of the Code of Sports-related Arbitration (the “Code”) against the Appealed Decision. In his statement of appeal, the Appellant noted the Parties’ agreement that this matter be referred to Hon. Hugh Fraser as Sole Arbitrator.
50. On 20 January 2020, following agreed-upon extensions of time, the Appellant filed his Appeal Brief in accordance with Article R51 of the Code.
51. On 5 February 2020 the CAS Court Office, on behalf of the President of the Appeals Arbitration Division, confirmed the appointment of Hon. Hugh Fraser, Judge in Ottawa, Canada, as Sole Arbitrator.
52. On 20 and 21 February 2020, the Appellant and Respondent, respectively, signed and returned the Order of Procedure.
53. On 24 February 2020, the Respondent filed its Answer in accordance with Article R55 of the Code.
54. On 27 and 28 February 2020, a hearing was held in St. George’s, Grenada at the offices of the Grenada Olympic Committee. The Sole Arbitrator was present and joined by the following:

- For the Appellant:
  - Bralon Taplin (Athlete);
  - Matthew Kaiser (Counsel);
  - Philip Bildner (Law Student);
  - TyNia Gaither (Witness);
  - Contina Lynn Griffin (Witness, by telephone);
  - Asa Guevara (Witness, by Skype);
  - Jamie Alexander (Witness).
  
- For the Respondent:
  - Tyrone Marcus (Counsel);
  - Sasha Sutherland (Executive Director, RADO);
  - Samantha Dickson (Witness);
  - Joel Johnson (Witness);
  - Errington Bowen (Witness);
  - Ryan Joseph (Witness);
  - Dexter Mitchell (Witness);
  - Adrian Lorde (Witness, by Skype);
  - Patrick Werleman (Observer).

55. At the outset of the hearing, the Parties confirmed that having jointly selected the Sole Arbitrator, they had no objection to his appointment. At the close of the hearing, Parties confirmed that they had received a fair hearing and had been given the opportunity to fully present their cases.

#### **IV. SUBMISSIONS OF THE PARTIES**

##### **A. The Appellant's submissions**

56. The Appellant submits that the Caribbean RADO cannot meet its burden to prove to the comfortable satisfaction of the hearing Panel that it notified the Athlete on 13 April 2019 that he had been selected for a doping control test.
57. In essence, the Appellant submits that he was never notified by anyone from the Caribbean RADO that he had been selected for a doping control test and that video and photographic evidence, as well as the testimony from the Appellant's witnesses, corroborates his recollection of what happened on the night of 13 April 2019.
58. The Appellant asserts that if the chaperone, Errington Bowen, or the Doping Control Officer, Samantha Dickson, had been near the finish line or had in fact chaperoned Mr Taplin as they claim, someone in that area would have seen them, or they would have been recorded on camera or captured on film by someone.
59. The Appellant maintains that the story presented by the Caribbean RADO is a set of disjointed and contradictory statements made by Mr Bowen, Mrs Dickson and Mr Joel Johnson, the lead

Doping Control Officer, on the night in question. The Appellant notes that the three aforementioned officials differ over many facts such as who filled out the Doping Control Form that night, where the Doping Control Form was located, as well as the details surrounding the Athlete's notification, and the details explaining how the Appellant intentionally evaded the chaperone.

60. The Appellant highlights the fact that Mr Bowen claimed that the "*evasion*" happened in a washroom, whereas a washroom was not mentioned in any other report, while Joel Johnson's report is the only one that mentions the idea that a second exit doorway was used.
61. The Appellant submits that the Doping Control officials at the Grenada Invitational followed inconsistent procedures by waiting 15 minutes after the Appellant's race before the DCO signaled the chaperone to approach the Athlete, whereas Mrs Gaither was approached and notified immediately after her race and prior to her conducting any interviews.
62. The Appellant maintains that he is an experienced athlete who has been tested at least 50 times in his career, always with a negative result, and he would never have jeopardized his entire career and the income stream that he uses to take of his family by intentionally evading a doping control test.
63. The Appellant submits that his witnesses, Mr Guevara and Mr Farinha, both confirmed that the locker room where everyone congratulated him after his race, had only one way of entering and one way of exiting.
64. The Appellant further submits that after he retrieved his belongings from the locker room, he left in his wet warm-up clothes and did not ask Mr Bowen for an opportunity to change his clothes as Mr Bowen claims.
65. As stated earlier, the Appellant re-iterates that as he headed to the parking lot to find his cousin, no one from the Caribbean RADO approached him to advise him that he was required to be tested.
66. The Appellant also submits that contrary to the International Standard for Testing and Investigations ("ISTI") requirements, he was not promptly informed about the possible Failure to Comply in writing or given any opportunity to respond to the allegation of a Failure to Comply prior to being charged.
67. Furthermore, the Appellant maintains that the Caribbean RADO did not prove that it had authority to collect a sample from him or that it had validated the identity of the athlete that it had approached following the conclusion of the 400-meter 'A' race and that the said athlete was the Appellant.
68. The Appellant asserts that a charge of evasion mandates that the Caribbean RADO prove that his state of mind was to intentionally avoid Mr Bowen and to not submit to the doping control test. He argues that "*intent*" as commonly used for other World Anti-Doping Code violations,



*“is meant to identify those Athletes who cheat” and “requires that the Athlete (...) engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk”.*

69. The Appellant submits, therefore, that it is not sufficient for the Caribbean RADO to simply argue that he evaded notification because he did not sign the doping control form or simply enter a room and leave without the doping control official. Instead, the Caribbean RADO must establish to the comfortable satisfaction of the Sole Arbitrator, that the Athlete is a cheater who intentionally and purposefully decided to leave the stadium without being drug tested on the night of 13 April 2019.
70. The Appellant asserts that the version of events maintained by the Caribbean RADO never happened and the organization, as represented by its officials, are making up a story to cover for their failures. The Appellant adds that the numerous inconsistencies in the statements given by Messrs. Johnson and Bowen along with Mrs Dickson, are evidence of a concocted story.
71. The Appellant cites the CAS case TAS 2018/A/5865 as supporting his submission that it is not the Athlete’s burden to prove that he was never notified, rather the burden falls on the anti-doping organization to prove to the comfortable satisfaction of the hearing panel that the Athlete intentionally evaded a doping control test.
72. The Appellant also submits that the sole legal issue before this Panel is whether the Athlete intentionally evaded sample collection on 13 April 2019 and any subsequent notifications are irrelevant since they are all related to the 13 April 2019 test.
73. The Appellant maintains that without any evidence that he intentionally evaded Mr Bowen, the Sole Arbitrator cannot impose a sanction of more than two years.
74. The Appellant further submits that pursuant to Article 10.11.1 of the Caribbean RADO ADR, because the Caribbean RADO took four months to charge him with an anti-doping violation and failed to follow proper ISTI protocol when investigating his alleged Failure to Comply with the sample collection, the Sole Arbitrator has the discretion to commence the sanction as early as the date of sample collection.
75. In his final submission, the Athlete states that it is unfathomable to him that anyone would accuse him of committing an anti-doping rule violation, let alone one involving intentional evasion.
76. The Appellant’s Appeal Brief asks the CAS to grant the following relief:
  1. *Uphold his appeal;*
  2. *Set aside the 7 November 2019 Caribbean RADO Anti-Doping Panel decision because the Caribbean RADO cannot meet its burden to prove that Mr Taplin has violated Article 2.3 of the World Anti-Doping Code;*

3. *Declare Mr Taplin immediately eligible to compete;*
4. *Order any other relief to Mr Taplin that this Panel deems to be just and equitable including an award of fees and costs in part or in whole.*

## **B. The Respondent's submissions**

77. The Respondent submits that it is well established that the burden of proof lies with the relevant anti-doping organization to establish to the comfortable satisfaction of the hearing panel that the asserted anti-doping rule violation (ADRV) was in fact, committed.
78. The Respondent further submits that in accordance with Article 2.3 of the Caribbean RADO Anti-Doping Rules 2014 (ADR), the Sole Arbitrator must be comfortably satisfied that the Appellant evaded sample collection; or refused to submit to sample collection and did so without compelling justification; or failed to submit to sample collection and did so without compelling justification.
79. The Respondent asserts that it has met its Article 2.3 burden and notes that the evasion element of the Article 2.3 ADRV does not require a notification.
80. The Respondent submits that if the Appellant's contention that the Chaperone Bowen and DCO Dickson both lied is valid, the question must be asked as to why the Caribbean RADO and its agents, including persons of the same nationality as a hometown hero, would concoct and fabricate such a story.
81. The Respondent continues this submission by questioning what the possible motivation could be for the umbrella doping regulator for the entire Caribbean to conduct a doping mission in Grenada using Grenadian doping control personnel, involving planning, premeditation and fabrication of a scenario in order to destroy the name, reputation, and career of one of their own countrymen who enjoyed national hero status.
82. The Respondent asks this Panel to make a finding similar to that of the Panel in the case CAS 2004/A/718 that when an accused person or someone closely connected to them gives evidence, it must be received "*with a grain of salt*" or "*with caution*", and therefore the testimony from the Appellant's girlfriend and mother should be considered in that light.
83. It is submitted by the Respondent that the Appellant has not produced any evidence whatsoever to connect the Respondent's officials to a sinister plot or conspiracy to ruin his career in the manner alleged by him.
84. The Respondent submits that the contrary ought to be found by this Panel, in that the evidence speaks to the integrity and professionalism of the DCO and chaperones, that, notwithstanding the fact that the athlete involved was one of their own, they nevertheless upheld the high standards of doping control procedure.

85. The Respondent highlights the finding in 2004/A/718, that the offence of evasion does not require notification. Therefore, even if the Respondent had failed to notify the Appellant, the charge could still be made out and is made out given the Appellant's conduct subsequent to notification, when he asked permission to gather his belongings but then escaped from the presence of Mr Bowen.
86. The Respondent further submits that there is no merit to the Appellant's argument that the Respondent could not prove that it had the authority to collect a sample from him or that they had validated his identity after the 400-meter 'A' race had concluded. The Respondent observes that the Appellant's dual citizenship includes his Grenadian nationality, he had raced in Grenada before, and he would be easily identified due to his stature as a hometown hero and successful international athlete.
87. The Respondent observes that two key documents, namely the Letter of Agreement and the Mission Order leave no doubt that the Respondent had the authority to collect a urine sample, not only from the Appellant, but in fact, from any athlete taking part in the Grenada Invitational.
88. More specifically, the Respondent submits that the RADO Member Signatory is Grenada and that country did in fact delegate doping control authority to the Respondent, first on 20 August 2014 and then renewed on 2 June 2019. The Respondent notes furthermore that the Notice of Charge dated 20 August 2019 also expressly stated that the Respondent had Results Management Authority.
89. In response to the Appellant's submission that neither the chaperone Bowen nor the DCO Dickson were ever captured on camera or film, the Respondent submits that it is anti-doping regulatory best practice for DCOs and chaperones to avoid being seen on camera. The Respondent notes that the nature of the role of the DCO and chaperone calls for discretion due to the confidential nature of their responsibilities.
90. The Respondent also maintains that the video footage presented by the Appellant is limited to a particular vantage point and the fact that someone is not caught on camera does not necessarily equate to the fact that the person was not present where they claimed to be.
91. It is further submitted that the burden of proving the absence of Mr Bowen and Mrs Dickson rests with the Appellant and that the standard of proof is on a balance of probability.
92. With regard to the Appellant's contention that the Respondent failed to comply with mandatory provisions of the International Standard for Testing and Investigations, specifically that he was neither promptly informed in writing about the possible Failure to Comply or given any opportunity to respond to the allegation before being charged; the Respondent submits that it is practically impossible to inform any person of anything if they have evaded your presence.

93. The Respondent adds that despite the best efforts of the chaperone Bowen to keep the Appellant in full view as is required by the ISTI, the Appellant requested to go elsewhere and eventually disappeared.
94. The Respondent submits that they have adhered to both the spirit and the letter of the ISTI, adding that even if the Appellant could prove a departure from the ISTI on the part of the Respondent, the Appellant would also have to connect such departure factually to his evasion.
95. The Respondent maintains that the alleged inconsistencies in the statements given by the Respondent officials can be easily explained. The Respondent states that the lead DCO Joel Johnson did not contradict Mrs Dickson by saying that the particular Doping Control Form had been destroyed; but rather he suggested that in situations where an athlete does not sign the Doping Control Form, the form can sometimes be destroyed because it is too sensitive a document to leave unattended.
96. The Respondent observes that the lead DCO Joel Johnson, had collected the Doping Control Form from Mr Bowen and Mrs Dickson and as the evidence in this proceeding indicates, the form was secured by Johnson himself in a cabinet at the NADO office in Grenada.
97. On the issue of the different approaches to Notification for the Appellant and for Mrs Gaither, the Respondent submits that there is a rational and sensible reason for the difference in treatment. The Respondent observes that the Appellant is a national hero who was running on home soil at a prestigious local track and field meet in a sprint event that Grenadians would have a particular fondness for given the success of their gold medal runner, Kirani James.
98. The Respondent also submits that after the convincing win by the Appellant in the 400-meter race, many in attendance wanted to share in the celebrations, including the Grenadian Minister of Sport, as well as media personnel. This resulted in requests for interviews, autographs and greetings of many kinds.
99. The Respondent further submits the chaperone Bowen and DCO Dickson demonstrated commendable wisdom and discretion in allowing the Appellant to celebrate with the various well-wishers, including the Minister of Sport, and to conduct media interviews.
100. The Respondent adds that although Mrs Gaither won her 200-meter event, she was not a Grenadian and was a lesser known entity and was therefore more accessible to the Doping Control officials.
101. The Respondent admits that there was some delay in the issuing of the Notice of Charge but submits that it was not substantial or sufficient enough to invoke Article 10.11.1 of the CRADR which allows the period of ineligibility to begin from as early as the date when the sample should have been collected in ordinary circumstances.

102. The Respondent submits that the delay was necessary to ensure that all investigations were thorough and complete, given the high stakes of this particular case and the potential negative effect on the Appellant's career.
103. In its Answer the Respondent sought the following relief:
1. *That the appeal against the Appealed Decision be set aside.*
  2. *That the Appealed Decision be upheld and that the period of ineligibility of four years remain intact until its expiration on 28 September, 2023.*
  3. *That the Respondent receive a contribution to the fees incurred in defending this appeal.*

## V. JURISDICTION

104. 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 CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body”.*

105. The Athlete is an International-Level Athlete, therefore, he was entitled to appeal the decision of the Caribbean Regional Anti-Doping Organization Panel to the CAS, pursuant to Article 13.2.1 of the Caribbean ADR.
106. The Caribbean RADO acknowledges that the CAS has jurisdiction to hear this appeal by virtue of Article 13.2.1 of Caribbean RADO ADR.
107. Separately, the Parties confirmed jurisdiction in signing the order of procedure.

## VI. ADMISSIBILITY

108. 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 in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. When a procedure is initiated, a party may request the Division President or the President of the Panel, if a Panel has been already constituted, to terminate it if the statement of appeal is late. The Division President or the President of the Panel renders her/his decision after considering any submission made by the other parties”.*

109. The decision of the Caribbean Regional Anti-Doping Organization Panel was rendered on 7 November 2019. The Appellant filed his Notice of Appeal with the CAS on 27 November 2019. The Appeal was, therefore, filed on a timely basis and is admissible.

## VII. APPLICABLE LAW

110. Article R58 of the Code provides as follows:

*“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to 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 that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.*

111. Grenada is a signatory member of the Caribbean Regional Anti-Doping Organization and as such, the WADC for signature members of Anti-Doping Organizations are the “applicable regulations” in this case.
112. The Caribbean Region ADR (CRADR), which mirrors the WADC, therefore applies.

## VIII. MERITS

### A. Witness evidence

#### 1. *Bralon Taplin*

113. Mr Taplin testified that he started running track at the age of 13 after being bullied. He improved to the point where he won a Texas high school state championship in 2009. As his performances continued to improve he realized that he would have the opportunity to compete internationally. As a dual U.S./Grenadian citizen he made a choice to compete for Grenada believing that his chances of making the Grenadian team were better than that of the U.S. Track team with its ever present stable of outstanding 400-meter runners.
114. The Athlete testified that he was pretty happy with the race at the Grenadian Invitational. It was the 4th fastest in the world at that point. He recalled thinking to himself *“I can break the National record”*. After celebrating with the crowd, embracing the moment and conducting various interviews including with the Prime Minister of Sport, Mr Taplin stated that he then walked back into the stadium to look for the items that he had taken off prior to the race. He searched for his belongings in several different rooms, and as he was doing so he recalled being congratulated by several other athletes.
115. Mr Taplin was adamant that no one from the Caribbean RADO approached him after his race. He testified that he did not remain at the stadium to watch his girlfriend’s race which was set to take place at 8:20 p.m. but left the stadium after locating his belongings and got into a waiting

car being driven by his cousin Jamie Alexander. They drove straight to the Athlete's hotel room where he changed, took a shower and then headed out to various establishments for the evening. He stated that he and his cousin returned to the Radisson Hotel at around 3:30 a.m., they slept for a few hours and he woke up at around 7:00 or 7:30 a.m.. Mr Alexander drove the Athlete directly to the airport in order for him to catch a 9:00 a.m. flight to Trinidad and Tobago.

116. Mr Taplin testified that his mobile phone service had been cut off while he was in the United States and he could only communicate by phone when in a Wi-Fi zone using WhatsApp. He added that as a result of his inability to receive calls, he only learned as he was going to his seat on the plane in Grenada that "*people were looking for him*". This message was conveyed to him by his girlfriend Mrs Gaither as he passed her in the aisle of the airplane.
117. Upon arriving in Port of Spain, Trinidad, the Athlete recalled charging his phone at the airport and making calls to various individuals in Grenada to ascertain what was going on. He also spoke to his mother who he stated was "*bearing crazy things from people*".
118. Mr Taplin acknowledged in his testimony that discussions took place about whether he could return to Grenada to have a drug test conducted, but he maintains that in his conversation with Dexter Mitchell, the meet organizer, he was told explicitly by Mr Mitchell that he would have to pay the flight and hotel costs. The Athlete testified that he told Mr Mitchell that he was not going to pay for a return trip to Grenada as he could not afford to do so.
119. On cross-examination, the Caribbean RADO put to the Athlete that he was approached after the victory ceremony by a man who showed him an ID badge and indicated that he had been selected for a doping test. Mr Taplin testified that this did not happen and denied ever requesting of anyone that he be given an opportunity to go back and retrieve his clothes before going to the doping control room.
120. Mr Taplin also testified that he had only brief contact with his girlfriend that night, and it was on his cousin's phone. Before Mrs Gaither could inform him that people were looking for him, the call was dropped and there was no further communication between Mrs Gaither and Mr Taplin that evening.
121. Mr Taplin gave evidence that he was told by Dexter Mitchell in clear terms that the expense would belong to the Athlete if he were to come back to Grenada and that there was never any offer to have him return at the expense of the Local Organizing Committee of the Grenada Invitational. On cross-examination, the Athlete stated "*I couldn't have refused the offer if I didn't even get the offer*".
122. It was also put to Mr Taplin that he had been escorted by a protocol volunteer as he left the track. He denied that suggestion and maintained that he had never been approached by the chaperone Bowen and followed by the DCO Dickson and that he had not encountered either of those two individuals on the night of 13 April 2019.

123. In his closing statement at the end of the hearing, Mr Taplin stated that having his name drawn through the mud has been very difficult. He remarked that he has lost his contract, his home, his charitable involvements, and most of his friends. He added that he has been wrongly accused of evading a test and concluded by stating that he has never cheated and has never evaded a drug test.

## **2. *Contina Lynn Griffin***

124. She is the mother of the Athlete. She attests to the fact that Mr Taplin has taken his running very seriously. Mrs Griffin recalled taking a shuttle bus from the stadium and returning to the Radisson hotel after watching her son win his race. The next morning she was told by the front desk that someone in the lobby wanted to speak to her. She was then introduced to Samantha Dickson who showed her an Anti-Doping Organization identification badge. Also present according to Mrs Griffin were Dexter Mitchell, Veda Bruno and a woman named Karline.

125. Mrs Griffin learned at that time that her son was to have taken a doping test after his race, but that the test did not happen. She recalled that there was some confusion among the people at that meeting over what the next steps would be.

126. Mrs Griffin testified that she called Mrs Gaither's phone and told her what she had just learned. After flying back to her home in Texas, she sent a text message to her son. The text message mentioned that the drug chaperone had "*messed up*".

127. In her testimony, Mrs Griffin recalled that she watched her son's interview with the ESPN reporter on the big screen in front of the finish line and she left the stadium within five minutes of that interview. She acknowledged that she would not be able to see someone on the ground level of the stadium below the place where she was seated.

## **3. *Jamie Alexander***

128. Mr Alexander testified that he and Mr Taplin are like family and consider themselves "*cousins*". He has known the Athlete for over five years. He stated that when Mr Taplin is on the island, they see each other every day. He recalled watching the 400-meter race and then meeting the Athlete about fifteen minutes after the race had ended. They drove directly to the Radisson hotel where Mr Taplin changed his clothes.

129. Mr Alexander testified to a belief that Mr Taplin used Mr Alexander's phone to contact Mrs Gaither although he wasn't entirely certain whether the call was made on his phone or on Mr Taplin's phone using WhatsApp. He recalled waiting at the Radisson hotel on the night of 13 April 2019 for about thirty minutes while Mr Taplin changed. He and Mr Taplin then headed out for the evening, returning to the hotel around 3:00 a.m.



#### **4. Asa Guevara**

130. Asa Guevara competes in track internationally for Trinidad & Tobago. He is a professional athlete and was part of the gold medal winning 4 x 400-meter relay team at the World Relay Championships in Tokyo.
131. Mr Guevara stated that he once was a friend of Mr Taplin but no longer considers himself to be a friend. He finished fifth in the 400-meter 'A' race at the Grenada Invitational. He recalled that the race began around 7:55 p.m. After the race he went to the room where the bags and personal belongings were kept. He recalled that Mr Taplin came into the room and he congratulated him on his win. He believes that Mr Taplin was in the room for around five minutes.
132. Mr Guevara was asked in chief whether there was anyone with Mr Taplin when he came into the room. Mr Guevara answered, *"I really wasn't looking for anyone and to my knowledge there wasn't anyone else there. It was a little crowded at that time"*. He added, *"I would know a Doping Control Officer if I saw one. They usually have a pen and paper in their hands"*. Mr Guevara stated that he remained in the room recovering from his race for about ten minutes.
133. On cross-examination, Mr Guevara stated that he has known Mr Taplin since 2016, and at one point he had lived with Mr Taplin. Mr Guevara acknowledged that when you are recovering after a race, you aren't paying close attention to who is in the room. He added that after his fifth-place finish in the race, he would not have expected a Doping Control Officer to be looking for him, but in any event, he did not recall seeing anyone that might fit that description.

#### **5. Nathan Farinha**

134. Nathan Farinha is a professional Track athlete from Trinidad and Tobago. He competed in the 100-meter and 200-meter events at the Grenada Invitational finishing 5th in the 100 and 7th in the 200. He recalled watching Mr Taplin's race from the warm up area since the 200-meter 'B' final was being run right after the 400-meter 'A' final.
135. Mr Farinha testified that prior to his 200-meter 'B' race he saw an ESPN reporter interviewing Mr Taplin and once the 200-meter race had concluded, Mr Farinha went back to the same room where he had dropped his belongings off to retrieve them. He believes that he spent about five minutes in that room. He also recalled speaking to one of the competitors who had run in the 200-meter 'A' race. Mr Farinha stated that he did not see Mr Taplin in the hallway or in the locker room and did not see anyone from the 400-meter 'A' race.
136. On cross-examination, Mr Farinha acknowledged that he stayed with Mr Taplin at his home in Texas from May to June 2018 and returned to Houston in September of that year. Mr Farinha also agreed with the suggestion that from his vantage point he would not have been able to see someone with a clipboard. Mr Farinha also agreed with the suggestion from Respondent that he would not have been paying particular attention to the coming and going of other individuals when he was focused on his own race.

**6. TyNia Gaither**

137. TyNia Gaither was born in the Bahamas and grew up in North Carolina and Florida. She competes for the Bahamas and is the girlfriend of Bralon Taplin. She competed in the Grenada Invitational Women's 200-meter 'A' race in 2019. She testified that she watched Mr Taplin's 400-meter race, saw the crowd jumping up and down, and witnessed her boyfriend's celebration in front of the crowd. She recalled that the last that she saw of him that night was his interview on ESPN.
138. Mrs Gaither was asked to undergo a doping test after her 200-meter race and was given permission to conduct a media interview before accompanying a woman wearing a white shirt. The women's 200-meter race finished at 8:20 p.m. and after Mrs Gaither arrived at the medical room she signed the Doping Control Form. At some point when officials learned that she was Mr Taplin's girlfriend, they asked her where he was. Mrs Gaither testified that she advised them that he was staying at the Radisson Hotel and they told her they would be heading to that location.
139. Mrs Gaither testified that after she arrived at the hotel and was preparing to go to the after party, she saw the same two men who she had spoken to at the stadium, and they were now in the front lobby of the hotel. They asked her if she had spoken to Mr Taplin and she told them yes, but only briefly because the call had dropped.
140. Mrs Gaither stated that the next time she saw Mr Taplin was when he walked on to the plane bound for Trinidad and Tobago. She was already in her seat and as Mr Taplin walked to his seat she told him that people were looking for him. Mrs Gaither testified that Mr Taplin continued walking to his seat before she could say anything else. She added that upon arriving in Trinidad, she told him who had been looking for him and he became angry and said that he was going to charge his phone while they got something to eat.
141. Mrs Gaither testified that she witnessed Mr Taplin make some calls and at times he put the phone on speaker so that she heard parts of the conversations. She heard him speak to his mother, someone named Mrs Veda, as well as Dexter Mitchell. The one specific part of a conversation that Mrs Gaither recalled hearing was when Mrs Veda (Bruno) said to Mr Taplin, "*don't worry about it, go home to Houston*".
142. Mrs Gaither was asked if it bothered her that Mr Taplin did not stay and watch her race. She answered in the negative because she didn't really care about the race since her hamstring had been bothering her and she was surprised to win.
143. Mrs Gaither also explained that she had tried to call Mr Taplin two times on WhatsApp in front of the people who were trying to reach him but it didn't work. She recalled being in her room getting ready to go to the after party when Mr Taplin called her. She was asked why she didn't try to call him back after the call was cut off. She replied that she knew that his phone was off and there was no point in calling if the call was not going to go through. She testified that she tried once to call back Jamie Alexander on his phone but was unsuccessful. She remarked that "*honestly I didn't think that it was that big of a deal (...) until he started to get on the phone calling people*".

144. Mrs Gaither testified that she has never been part of USADA training and at the time was not aware of the consequences of not being available for testing. She added that she realized the seriousness of the situation when she learned of the meeting that had been called with Mr Taplin's mother. She stated that when the word "*evading*" was used, she realized how serious the situation was.
145. Mrs Gaither added that she did not hear all of the telephone conversations at the airport in Port of Spain, Trinidad, because she was up and down ordering food and checking the departure gate for the next flight, but from the parts of the conversation that she was present for, she did not hear Dexter Mitchell say that Mr Taplin could pay for a return flight to Grenada and be reimbursed later. Mrs Gaither did, however, recall hearing Mr Taplin say to Dexter Mitchell, "*I don't have any money, I can't pay for it*".

## 7. *Dr Adrian Lorde*

146. Adrian Lorde is a medical doctor and Vice-Chairman of the Caribbean RADO. He was the Chairman of the Caribbean RADO for fourteen years. He has been involved with anti-doping since 1990 and has worked with WADA since that time.
147. Dr Lorde testified that the Caribbean RADO is made up of 17 different countries who delegate results management to the RADO. He was aware that the event organizer of the Grenada Invitational meet had submitted a request to the RADO for doping control for this event. He also confirmed that there was an Order request to provide an in-competition test for a period extending to 20 April 2019. He believed that four athletes were to be tested during the Grenada Invitational.
148. Dr Lorde stated that the Order request covered the sprint events which would include all sprints up to and including the 400-meters, as well as the hurdles. He noted that the DCO would have the leeway to test in any of those included events for male or female athletes.
149. Dr Lorde testified that the lead DCO would send a report to the office of the Caribbean RADO if a person did not submit to testing. Depending on the reason for the non-testing, Dr Lorde stated that a report would be sent to RADO to see if it could be corrected at that time or at some point in the future. He noted that the RADO has never had to dismiss a DCO, commenting that "*they are all well-trained and certified*".
150. Dr Lorde recalled that he was first made a Doping Control Officer in 1993. He also recalled that at the Olympic Summer Games in Athens in 2004 it took over an hour to notify an athlete in the 100-meter final because of press commitments, etc.. At that time the rule was one hour, but Dr Lorde states that at present, the practice is to notify the athlete in private as soon as possible after the event. He states that there is a zone where the athlete must pass and notification is done at that time.

151. Dr Lorde testified that he has seen the Doping Control Form which was submitted to the RADO office. He does not recall when he received the form. He confirmed that the Doping Control Form presented as an Exhibit in these proceedings was the one that was sent to the RADO office. He agreed that written in the box designated for Sport on the Form, are the words "*Track & Field*" and the Discipline is noted as "*Athletics*". Dr Lorde also agreed that Athletics involves more than just sprint events.
152. Dr Lorde noted that the name of the athlete was not on the form but stated that since the form was not signed by the athlete it was not unusual for the athlete's name to have not been written down. He also stated that at the end of the notification, the chaperone would put his or her name on the form and then have it signed by the athlete. He would not expect to see the chaperone's name on it, unless the athlete had completed the form.
153. Dr Lorde observed that a DCO would normally pre-fill the form. When asked why the chaperone did not pre-fill the form by placing their name on it prior to the athlete signing, Dr Lorde indicated that if a female athlete was notified by a male chaperone, there might need to be a change on the form or in another example, a chaperone might be called away at the last minute and need to be replaced by someone else, which would also require a change in the name of the chaperone.
154. Dr Lorde testified that there is no policy that requires chaperones to be observed and that it is not necessary for the witnessing DCO to be standing right next to the chaperone. He was asked on cross-examination by Mr Kaiser whether female athletes typically get chaperoned by female chaperones, and Dr Lorde replied that "*we are flexible and in the Caribbean one does not have to be of the same sex as the athlete to serve as a chaperone*". He also recalled that it was not usual for there to be a switch in chaperones at the last minute, and there would be no issue as long as a chaperone does not observe the voiding of an athlete of a different sex.
155. Dr Lorde testified as to best practices from his experience as a DCO by stating that you should identify yourself, ask for some identification from the athlete and advise the athlete of their rights and responsibilities. The athlete should then be asked to sign the Doping Control Form and he or she can have a representative accompany them. Dr Lorde added that the athlete should be escorted to the doping room to make sure that they do not void their urine or drink water from someone else's water bottle.
156. Dr Lorde agreed that it was important to record pertinent events on the documents. When questioned as to whether it was common practice to allow athletes to go to the bathroom before going to the Doping Control station, Dr Lorde answered, "*no, we discourage athletes from emptying their bladder before going for Doping Control, but I've seen it before*".
157. When questioned about whether a DCO might be captured on camera carrying out their duties, Dr Lorde explained that DCO's tend to be discreet and don't go on to the field of play or go to the direct line of vision where cameras are present.

158. Dr Lorde also stated that a chaperone could place their signature on the Doping Control form even before sample collection, but the witnessing chaperone should be the last person to sign the form.

**8. *Samantha Dickson***

159. Samantha Dickson is presently on the faculty of St. George's Medical School in Grenada. She retired from the Public Service of Grenada after a distinguished thirty-year career and has received a National Award from Grenada in recognition of her years of service to the country. Mrs Dickson became a doping control chaperone in 1992 and a Doping Control Officer in 2012. She observed that a DCO can be a chaperone but not *vice versa*. Mrs Dickson has received doping control training through USADA. Her last training was in 2016 or 2017.

160. Mrs Dickson testified that upon arriving at the Kirani James Stadium on 13 April 2019 at 5:00 p.m. she learned that four samples were to be taken that evening and she wanted to check the gender to see if the DCO's might have to split their duties. Eventually she was assigned responsibility for the men's 400-meter event. Mrs Dickson recalled being advised that a male chaperone, Errington Bowen, had responsibility for notification of the athlete being selected for testing. She understood that once Mr Bowen had notified the athlete and escorted him to the Doping Control room, her responsibility was to do the paperwork and ensure that the sample was taken to the operations desk.

161. Mrs Dickson stated that she watched the 400-meter 'A' race and saw Mr Taplin win it. She recalled that the atmosphere was jubilant but she and Mr Bowen had to control their emotions even though a Grenadian had won the event because they were on duty. Mrs Dickson testified that she watched the various interviews being conducted with the winner of the race as well as pictures that fans were taking at the backdrop near the stadium. Mrs Dickson recalled that Mr Bowen wanted to go forward to carry out the notification but she asked him to hold back in order for him to stay out of the view of the cameras and the media. She told Mr Bowen that she would give him a signal when it was time to approach Mr Taplin.

162. Mrs Dickson recalled that Mr Taplin was on the ground for a while and when he got up she gave a thumbs up signal to Mr Bowen that it was time to approach the athlete. She further recalled that after approaching the Athlete, Mr Bowen took a few steps walking towards the door entering the stadium. Mrs Dickson testified that Mr Bowen was carrying a clip board and she saw him gesture as if he was showing his identification to Mr Taplin. Mrs Dickson could not hear what was being said.

163. Mrs Dickson also stated that she saw Mr Taplin being escorted by a woman wearing an orange T-shirt that was worn by some of the volunteers, and that Mr Taplin, the chaperone and the volunteer in the orange shirt, who she assumed was a liaison officer, began walking towards the stadium. Mrs Dickson recalled closing the distance between herself, Mr Bowen, and the athlete, to about three paces behind. She testified that she observed Mr Taplin and Mr Bowen walk down the corridor behind the stadium, turn right into the Ceremonies Room and then come out of that room after a short time and continue to walk down the corridor. Mrs Dickson stated

that she turned in to the anti-doping room while Mr Taplin and Mr Bowen continued walking down the corridor.

164. Mrs Dickson testified that approximately fifteen minutes later she saw Mr Bowen who appeared a bit flustered when he told her that he had lost sight of the athlete. She added that Mr Bowen then offered to show her the room where he had lost sight of Mr Taplin.
165. Mrs Dickson testified that when she got to the room that Mr Bowen had led her to, she observed that there were three sets of doors in the room, a main double door to the lower right, a door to the left from where Mr Bowen entered, and a door that opens to a washroom. Mrs Dickson stated that after searching the rooms she and Mr Bowen agreed to meet at the DCO office where she reported the matter to Joel Johnson, the lead DCO that evening.
166. Ms Dickson testified further that after the unsuccessful attempts to locate the Athlete, she and the others left the stadium at around 11:00 p.m.. Mrs Dickson was advised by Joel Johnson that he would go to the athlete's hotel. Mrs Dickson recalled being kept abreast through group chat regarding the efforts to locate the athlete and early on the morning of 14 April 2019 she went to the airport and was advised that the athlete had already left the country.
167. Mrs Dickson then stated that she contacted Dexter Mitchell who asked her to meet him at the Radisson Hotel. Upon arriving at the hotel, Mrs Dickson recalls that she was directed to a conference room where two women were present, one of whom was the mother of Mr Taplin. She remembers explaining to the athlete's mother what the implications were if an athlete had missed a test.
168. Mrs Dickson testified that she heard Dexter Mitchell on the phone speaking to a number of people, one of whom was Mr Taplin and she heard Mr Mitchell say that "*we have bought the ticket for you and are making arrangements for you to return*". Mrs Dickson further testified that she understood from that conversation that the Local Organizing Committee of the Grenada Invitational was willing to pay for a ticket for Mr Taplin to return to Grenada. Mrs Dickson added that at no time did she hear Mr Mitchell say "*Bralon you have to pay your way back*".
169. On cross-examination Mrs Dickson confirmed that she did not interface with any other athlete that night and did not do any doping tests on 13 April 2019. She recalled that white, green or black are the three colours used by the anti-doping volunteers, and she was wearing her white shirt with the Caribbean anti-doping logo. She also stated on cross-examination that the DCOs have a picture identification, whereas the chaperones don't have a picture on their identification although they are encouraged to carry some form of photo i.d. with them should an athlete ask for such.
170. Mrs Dickson recalled that Joel Johnson was responsible for selecting the four events that would be subject to testing that evening. Mrs Dickson stated that she learned a half-hour to an hour before the 400-meter event that she was going to be responsible for the testing of the winner of that event. She noted that it has been her practice to maintain confidentiality and discretion

and considers it unprofessional to advertise the fact that a certain athlete had been chosen for anti-doping tests, or to be seen on camera notifying the athlete.

171. Mrs Dickson confirmed on cross-examination that she did not see any of TyNia Gaither's test procedure or notification. She also indicated in her testimony that she was aware that Mr Bowen had the Doping Control Form on his clipboard, although she could not say whether she saw the Letter of Authorization. Mrs Dickson also testified that she was aware that she would be testing the winner of the 400-meter race, but neither she nor Mr Bowen knew who was going to win the race.
172. Mrs Dickson testified that she could see the athlete, the liaison officer and Mr Bowen from a side profile. She could not hear what they were saying but recalled seeing Mr Bowen lift his i.d.. Mrs Dickson could not say whether Mr Taplin acknowledged Mr Bowen but they appeared to be in conversation from what she observed. She stated that she assumed that it was the notification that was being shown to the Athlete, because she saw Mr Bowen lift up his i.d. and show the clip board. Mrs Dickson recalled standing back and watching because it was not her job to assist in the notification.
173. Mrs Dickson is the President of the Grenada Red Cross and acknowledged that Mr Bowen had been a volunteer with the Red Cross who applied for the position of chaperone after the Red Cross reached out for volunteers to assist with the drug testing program.
174. Mrs Dickson testified that she is aware of Article 5.4.4 of the International Testing Standards which allows a chaperone or DCO to grant leeway to allow an athlete to conduct an interview or appear for victory ceremonies but she believed it was more appropriate to wait until those obligations had been completed before signaling Mr Bowen to commence the notification.
175. Mrs Dickson recalled that she had to walk quickly to keep up to Mr Taplin and Mr Bowen as they walked down the corridor. After she went into the anti-doping room and the two men continued walking down the corridor, she assumed that they would be returning to the doping control room shortly. She stated that after going into the doping control room she did not see the athlete again that evening.
176. Mrs Dickson testified that she arrived at the Radisson Hotel on the morning of April 14th at around 9:30 a.m. She remembers spending about one hour there. She also remembers someone questioning whether it was possible to do the test in Trinidad, but given the fact that the 14th of April was a Sunday, that option was not feasible.
177. Mrs Dickson testified that she did not know whether RADO was working on organizing a test in another country, but this situation was a first-time occurrence as long as she has been with Grenada anti-doping.

**9. Errington Bowen**

178. Errington Bowen is employed as a Warehouse supervisor in Grenada. He has also been a chaperone for Grenada anti-doping. He testified that he saw the end of the 400-meter race and was aware that they would be testing the winner. He recalled the excitement as the winner finished first on his home soil and was greeting everyone.
179. Mr Bowen testified that after Dickson gave him the thumbs up, he took that to mean “*we ready*”. He remembered approaching Mr Taplin, telling him that his name is Errington Bowen and showing him his chaperone identification.
180. Mr Bowen recalled that he was still in the Doping Control room when he heard the 400-meter runners being called out to the track and placed in order. He then took a position close to the finish line with Samantha Dickson, the DCO. He maintains that he placed himself in a position to intercept the Athlete. He recalled that he was wearing a white polo shirt with the logo, Grenada National Anti-Doping Organization (NADO). He then approached Mr Taplin, showed him the Doping Control Form along with the Rights and Responsibilities document. He testified that Mr Taplin then advised that he needed to get his garments. Mr Bowen added that there was another person alongside Mr Taplin but he can’t remember if it was a male or female accompanying him. Mr Bowen recalled that Mr Taplin slowed down a bit but did not come to a complete stop, saying that the needed to get his warmup clothes. Mr Bowen also recalled that he could see Mrs Dickson standing about six feet away looking at him as these events were unfolding.
181. Mr Bowen stated that he, the athlete and the third person first went to the “Ceremonies Room”, before going to another room where there were numerous friends who greeted him and were congratulating him. He recalled that Mr Taplin then said that he wanted to use the washroom and made a left turn. Mr Bowen testified that he asked Mr Taplin to go to the anti-doping room instead but a crowd of people gathered around the Athlete and he lost sight of him. He remembered trying to push his way through the crowd to no avail. He stated that he did not see Mr Taplin again that night.
182. Mr Bowen testified that part of the Doping Control Form had been filled out prior to his interaction with the Athlete. He received the form from Joel Johnson. Mr Bowen recalled filling out the part of the form that indicated the nationality of the athlete being tested, which was Grenadian, and the time of notification, indicated as 20:11.
183. Mr Bowen opined that if he presents his identification and documents, including the athlete’s rights, the athlete is then obligated to sign the form immediately upon such notification.
184. Mr Bowen stated that he remembered receiving the Athletes Rights Form from Mr Johnson, but did not recall seeing an Authorization to Test Form. He maintained that the rest of the green Doping Control Form would have been completed in the Doping Control room once the Athlete was present. Mr Bowen testified that he did not ask Mr Taplin for identification when he first encountered him because that would have been obtained in the Doping Control room when the Doping Control form was filled out and signed.



185. When cross-examined on his alleged interaction with Mr Taplin, Mr Bowen recalled that he, Mr Taplin, and the unidentified third person who was accompanying them walked into the Ceremonies room and quickly walked out again because the Athlete's belongings were not in that room. Mr Bowen stated that they then walked down the hallway and entered a second room where Mr Taplin was greeted by a number of other athletes. Mr Bowen testified that he asked Mr Taplin to accompany him to the doping control room but Mr Taplin replied that he needed to use the washroom.
186. Mr Bowen was asked if Mrs Dickson had any contact with the Athlete and Mr Bowen stated that he looked around and saw her following behind the trio, walking down the corridor. He added that Mrs Dickson did not acknowledge his presence within that time, but he was aware that she was following them until he saw her turn into the Doping Control room.
187. Mr Bowen testified that he completed his report a few days later at a meeting with the entire Anti-Doping team which took place at the Kirani James stadium. He recalled that the meeting lasted for about an hour and a half.
188. Mr Bowen testified that he searched for Mr Taplin for over two hours on the evening of 13 April 2019. He had a long distance to his home and was reliant on public transportation so he left the Doping Control Form at the office with Joel Johnson and Mr Johnson indicated that he would take over the search for Mr Taplin.

## **10. *Joel Johnson***

189. Joel Johnson is employed as a Senior Tax Inspector for the Ministry of Finance in Grenada. He is also the President of Grenada NADO and has been involved in anti-doping work for at least ten years. He received his anti-doping training through USADA and his last training session was approximately three years ago.
190. Mr Johnson testified that as the Chairperson for Grenada NADO he was to organize the taking of four tests at the Grenada Invitational. He stated that Caribbean NADO had given them a Mission Order specifying which events they were to test and the Mission Order that he had received specified 400-meters or less. His only role on 13 April 2019 was as a DCO. He recalled that an anti-doping room was prepared which was located in the 'B' area of the stadium. In order to select the placement of the person that was going to be tested, they placed numbers in a bag and someone drew the number for testing. Mr Johnson recalled that when that process was completed, the first-place position for the 400-meter race had been selected. Mr Johnson testified that the selection would not have changed, but he added that there is an overarching rule that if a record was broken that night, the record breaker could also be tested.
191. Mr Johnson recalled the noise and jubilation that took place after the Appellant won the 400-meter event. He was later notified by chaperone Bowen and DCO Dickson that they could not find one of the athletes who had been selected for testing. Mr Johnson testified that they knew that discretion was required and they commenced a search of the grounds and arranged for a

message to be sent to the media room for a public address announcement requesting that the athlete report to the medical room.

192. Mr Johnson testified that a worker was stationed close to the medical room but the Athlete did not appear. He identified the athletes' shuttle bus and requested that a chaperone stay close to the shuttle, but the Athlete was not seen. Mr Johnson recalled that he took the clipboard with the Drug Testing Form from Mr Bowen, packed up a complete drug test kit and headed for the Radisson Hotel with a view to conducting the test at the hotel so that they could all go home.
193. Mr Johnson gave evidence that the hotel would not tell him what room the Athlete was staying in but the hotel was able to call his room. The calls to the room went unanswered and Mr Johnson and Ryan Joseph, a Grenada RADO chaperone who had gone to the Radisson Hotel with Mr Johnson, remained in the hotel lobby until around 1:00 or 1:30 a.m. on the morning of 14 April 2019.
194. Mr Johnson testified that he was really hoping that they could contact the Athlete in order to have the test done. He recalled getting up at 5:00 a.m. the next morning in order to renew efforts to locate the athlete. He learned later in the morning that the Athlete was already *en route* to the United States.
195. On cross-examination Mr Johnson estimated that he had conducted approximately 50 doping tests and has been primary DCO on 20 to 25 missions. He recalled being inside the Doping Control room when the 400-meter event was taking place. He also recalled that Dr Sonia Johnson, another member of the Grenada RADO, was in the room with him most of the night. Mr Johnson testified that the RADO members were wearing their white anti-doping shirts with a logo on the front that said Grenada NADO or Caribbean RADO. The words "*No Doping in Sport*" were written on the back of the shirt. He also recalled giving Mr Bowen the Letter of Authority along with the Doping Control Form and the Rights and Responsibilities document.
196. Mr Johnson recalled that he could not find the Doping Control Form at the time of the first-instance hearing and that the form was later discovered in a sealed envelope in a locked cabinet in the Doping Control room at the stadium. Mr Johnson added that he could not recall where the form was when he was questioned about it at the first hearing, but searched the cabinet at the stadium and remembered that he had placed it there after the unsuccessful attempt to conduct the test at the hotel.
197. Mr Johnson testified that he completed and signed his report on 15 April 2019. He acknowledged that the Doping Control Form should have been attached to the supplementary report, while adding that Grenada RADO had never encountered a similar situation and having learned from the experience, he would make sure that the form was submitted in the future.
198. Mr Johnson noted that he was quite confident in the abilities of Mr Bowen and Mrs Dickson to carry out their duties adding that both are very experienced, having been with Grenada NADO since the beginning.

199. Mr Johnson confirmed that on most occasions, it is not practical to approach an athlete right after their race, but it is important to always keep the athlete in their vision. He indicated that Grenada NADO believes that the doping control process is something very private and they try to make the process as confidential as possible.
200. Mr Johnson believed that the Doping Control Form that he gave to Mr Bowen had portions of it pre-filled by Dr Sonia Johnson, including the name of the event being tested and the mission order number.
201. Mr Johnson stated that he did not go to the Radisson Hotel at 5:30 a.m. on the morning of 14 August 2019 but he did recall speaking to Veda Bruno, Secretary of the Grenada Olympic Committee, early that morning and she informed him that she had been in contact with Mr Taplin. Mr Johnson believed that a ticket was purchased by the Local Organizing Committee for Mr Taplin's return to Grenada and also believed that Dexter Mitchell was the person involved in the process of purchasing the ticket.
202. Mr Johnson testified that at the meeting with the other Doping Control officials which was held on the Tuesday after the Grenada Invitational, he explained what had happened and asked those in attendance to prepare for the fallout. He maintained in his testimony that the Grenada RADO officials *"had done their job to the T"*.

#### **11. Ryan Joseph**

203. Ryan Joseph is a Sergeant in her Majesty's prisons in Grenada. He has been an anti-doping chaperone for three years. He testified that after arriving at the stadium on 13 April 2019, he witnessed all the race positions for the events being tested being placed in a cup and then drawn in random fashion. It was his evidence that this was the first point at which the officials would know what position was being tested. Mr Joseph believed that there were no female chaperones available that evening.
204. Mr Joseph testified that he was the chaperone who gave the notification to TyNia Gaither that she was going to be tested. He recalled notifying Mrs Gaither after she had finished her race by approaching her just as she was headed to the Ceremonial room. He recalled that Mrs Gaither asked to be allowed to complete an interview and he allowed her to do so. Mr Joseph testified that he had introduced himself to Mrs Gaither by giving his name, showing her his National identification as well as the Grenada Anti-Doping Organization identification and the Doping Control Form. He recalled that Mrs Gaither signed the Doping Control Form that he had on his clipboard as they were entering the door to the corridor behind the stadium.
205. Mr Joseph further testified that after Mrs Gaither had collected her belongings they went to the anti-doping room where they were met by Dr Sonia Johnson, a Doping Control Officer. Mr Joseph stated that after introducing Mrs Gaither to Dr Johnson, he filled out the name, address, and time they entered the room and then handed the form over to Dr Johnson. Since the athlete was a female, Dr Johnson was the one who witnessed the collection of the urine sample.

206. Mr Joseph recalled that after he was called back in by Dr Johnson, he engaged in some small talk with Mrs Gaither and learned that her boyfriend was Mr Taplin. Mr Joseph states that as they were finishing their duties in the room, he learned from Mr Bowen that Mr Taplin could not be found.
207. Mr Joseph testified that at some point he became aware that Mrs Gaither was trying to reach Mr Taplin by phone. He observed her get on the shuttle bus as she was attempting to make a phone call. As the bus was pulling away, Mr Joseph saw Mrs Gaither throwing her hands up as if to say, "*I still can't find him*".
208. Mr Joseph added that he was one of the Doping Control officials who went to the Radisson Hotel to see if they could conduct Mr Taplin's test there. He believes that they waited in the hotel lobby until around 2:00 a.m. and although he saw Mrs Gaither again, Mr Taplin was not located that evening.

## **12. *Dexter Mitchell***

209. Dexter Mitchell is an entertainment promoter in Grenada and is the Chair of the Grenada Invitational Organizing Committee (LOC). He testified that in 2019, a sponsor provided an orange colored uniform for the volunteers who worked at the Invitational. Mr Mitchell stated that he did not become aware that there was any issue with Mr Taplin's whereabouts until the Sunday morning when he was called by Dr Frances Martin, the head of the medical sub-committee who indicated that there might be a problem locating Mr Taplin.
210. Mr Mitchell testified that he headed to the Radisson Hotel where he met Samantha Dickson, Karline Purcell and Mr Taplin's mother, Contina Griffin. Mr Mitchell recalled being informed at a meeting held in a conference room at the hotel, that Mr Taplin was to have been tested after his race, but the test could not be done and his whereabouts were still unknown. Mr Mitchell testified that his immediate reaction was to question why no one had contacted him the night before to apprise him of the situation.
211. Mr Mitchell testified that he then tried to reach Mr Taplin through WhatsApp and was successful. He stated that Mr Taplin told him that he was in Trinidad at the airport and he replied that the Athlete would have to come back. Mr Mitchell recalled that there was some discussion about who was going to pay and he assured Mr Taplin that the Local Organizing Committee of the Grenada Invitational was going to pay for the ticket and the ticket would be waiting for him at the airport in Trinidad. Mr Mitchell added that he received confirmation from the travel agent that the ticket was waiting for Mr Taplin. Mr Mitchell testified that Mr Taplin informed him that he was not going back to Grenada because he did not like how he had been treated in Grenada and felt disrespected.
212. Mr Mitchell admitted that in a text message between himself and Mr Taplin's mother, he indicated that they had messed up. Mr Mitchell explained in his testimony that based on the initial information that he had, he believed that Mr Taplin had not been escorted to the Doping

Control room to be tested and that the fault lay with the Grenadian anti-doping officials and in particular the chaperone.

213. On cross-examination Mr Mitchell stated that he had received confirmation that the ticket to bring Mr Taplin back to Grenada had been purchased but he could not say when it was purchased. He added that he was very clear that the LOC was going to buy the Athlete's ticket back to Grenada, but Mr Taplin replied that he had never had to fly back to a country to conduct drug testing and felt disrespected.

## **B. Discussion on the Merits**

214. The burden of proof in this matter lies with the relevant anti-doping organization to establish to the comfortable satisfaction of the Sole Arbitrator that the asserted anti-doping violation (ADRV) was in fact committed. Article 3.1 of the Caribbean Region ADR (CRADR) describes the obligation as follows:

*“The RADO-Member Signatory or its Delegate Organization shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the RADO-Member Signatory or its Delegate Organization has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability”.*

215. The ADRV in question in this case is defined in Article 2.3 of the CRADR which states that:

*“Evading Sample collection or without compelling justification, refusing or failing to submit to Sample collection after notification as authorized in applicable anti-doping rules”.*

216. The Sole Arbitrator has been presented with two diametrically opposed versions as to what took place at the Grenada Invitational on the night of 13 April 2019. The Appellant maintains that at no point after his race was he ever approached by chaperone Errington Bowen. He denies ever encountering Mr Bowen or the Doping Control Officer, Samantha Dickson, that evening. The Appellant states that there is no corroboration from any impartial witness to support any claim that he received notification to submit to sample collection. The Appellant submits that the Grenada RADO officials who state otherwise are a collection of friends now trying to cover up for something that went wrong.
217. The Respondent on the other hand maintains that the Appellant was properly notified by Mr Bowen, that the notification was witnessed by Mrs Dickson, that he left the stadium quickly in order to evade the chaperone and subsequently made himself scarce that evening in order to further avoid the collection process.

218. These are very serious allegations on both sides. If the Appellant is to be believed, it means that he went about his business after finishing his race on 13 April 2019, was never encountered by any Doping Officials and the Respondent witnesses have lied about the notification attempts, the consequence of which is that they have maliciously and dishonestly accused the Athlete of being a cheater.
219. If the Respondent is to be believed, then the Appellant has lied about never being approached by chaperone Errington Bowen and has wrongfully accused the Grenada RADO officials of concocting a story about their attempts to collect a sample from him.
220. In addition to his own testimony, the Appellant produced five other witnesses. Asa Guevara and Nathan Farinha were presented as independent witnesses. During the hearing it was noted that both Mr Guevara and Mr Farinha lived with the Appellant at his residence in Texas, a fact brought out on cross-examination. However, that does not mean that their testimony is tainted. More relevant for the consideration of the Sole Arbitrator is the testimony from both witnesses that although they did not see Mr Taplin in the company of the chaperone before or after completing their own races, they had no particular reason to be focused on Mr Taplin's activities for the approximately five minutes that they might have seen him. When asked, "*was there anyone with Bralon when he came into the room*", Mr Guevara stated, "*I really wasn't looking for anyone and to my knowledge there wasn't anyone else there*". Mr Farinha testified that "*going into the race, I was zoned into my race. I wasn't really paying full attention to everything else that was going on*".
221. The testimony of Jamie Alexander, the person who picked the Appellant up at the stadium and was then with him for the next twelve hours was of little assistance to this proceeding, except to confirm that the Athlete returned to the Radisson Hotel for just a few hours in the early morning of 14 April 2019 before leaving for the airport.
222. The testimony from TyNia Gaither, the Athlete's girlfriend was puzzling. Mrs Gaither testified that as she was completing her own doping test, she learned that Doping Control Officials were looking for her boyfriend to conduct a test on him. After returning to her hotel and changing for the after party, she encountered two of the same officials in the hotel lobby who she had met at the stadium. She told them that she had spoken to Mr Taplin very briefly but did not have a chance to tell him that these individuals who had a very important function to carry out had been looking for him.
223. Mrs Gaither testified that "*honestly, I didn't think it was that big of a deal*" at the time. She went off to the party and never made any further contact with the Appellant until he passed by her on the airplane as he was heading to his seat. It seems somewhat remarkable that both Mrs Gaither and Mr Taplin would be scheduled on the same Caribbean Airlines flight from Grenada to Trinidad and yet not encounter each other in the airport prior to departure. Had Mr Taplin been innocently oblivious to the fact that Grenada Doping Control officials were looking for him, Mrs Gaither could have alerted him to the situation prior to his leaving Grenada and he could have at least considered the option of remaining behind to make some inquiries about conducting the test.

224. It appears that Mrs Gaither did not see the wisdom in leaving a message for the Appellant at the hotel, or even at the airport in Grenada, but determined instead that she would break the news to him when they were on the ground in Port of Spain, Trinidad.
225. On the evidence presented by the Appellant, after completing his interviews, photos, and victory ceremony, he left the track by himself, located his belongings and left the stadium through a main entrance and into the parking lot where Jamie Alexander was waiting to take him to his hotel room before a night out on the town. The Sole Arbitrator and the Appellant, along with counsel for both parties went to the Kirani James Stadium on the first day of the hearing. That visit was helpful in orientating the Sole Arbitrator to the corridor that was mentioned by various witnesses as well as the means of ingress and egress for the stadium.
226. The Appellant was clearly in a hurry to leave the stadium once his race was completed and the post-race activities had concluded. One of his post-race interviews was with Jill Montgomery of ESPN. As part of his evidence, the Appellant indicated that Mrs Montgomery had taken a photo with him and the time on the photo was captured as 8:08 p.m. The Appellant's girlfriend, TyNia Gaither was scheduled to compete in the 200 meters at 8:20 p.m. The Appellant testified that he had predetermined with Mr Alexander that he would leave the stadium as soon as his race was over and so he had no intention of remaining for a few minutes to watch Mrs Gaither's run, a race that took less than 24 seconds to complete.
227. A number of Grenada NADO officials testified in this proceeding, and the Sole Arbitrator has found their evidence to be credible and trustworthy. The Appellant argued that the Respondent concocted a story, that they conspired to accuse him of evading a drug test in order to cover up their own inadequacies. The question remains as to why these officials would act in this manner. They testified sincerely as to how pleased they were to see a "*son of the soil*", a local hero, win one of the prestige events. The Appellant does not have to prove a motive to lie on the part of the Respondent, nevertheless this is a very serious allegation, that is unsupported by the evidence received in this hearing.
228. Errington Bowen is an uncomplicated, yet earnest, individual. He is proud of his role as a chaperone and understands his obligations. His account differed from that of the DCO on certain points but in the Sole Arbitrator's opinion, those differences were on more peripheral matters such as whether the Athlete had put his shoes on or had taken them off. The chaperone and DCO were steadfast in their testimony on the substantial issue that Mr Bowen discreetly approached the Athlete at an appropriate time after he had completed his interviews, photographs and victory ceremony, and that the notification of the athlete was witnessed by Samantha Dickson.
229. Samantha Dickson and Joel Johnson impressed the Sole Arbitrator as individuals who carried out their responsibilities in a very professional manner. Mr Johnson and Ryan Joseph packed up a testing kit and took it to the Appellant's hotel to provide him a further opportunity to provide a sample. Mrs Dickson got up early on Sunday morning, and went to the airport in Grenada before reporting for work that day. Mrs Dickson, Mr Johnson and Mr Joseph would have gotten little sleep on the night of 13 April 2019.

230. The Appellant's arguments that Mr Bowen and Mrs Dickson should have been caught on camera somewhere is not a persuasive one. Both Mr Bowen and Mrs Dickson explained that they have been trained to be as discreet as possible when carrying out their duties. Dr Lorde also testified that this is part of the training that these officials receive. They indicated that the notification could easily be carried out when the Athlete was on his way towards the inside of the stadium.
231. The Applicant has raised issues regarding the completion of the Doping Control Form. The Sole Arbitrator finds that this form could have been filled out with more precision. For example, the specific event of 400-meters should have been written on the form, rather than the word "*Athletics*". Also, the Doping Control Form should have been attached to the supplemental report that was sent to the Caribbean RADO. Mr Joel Johnson candidly admitted that the Grenada NADO has learned from this experience and would make sure that the form was submitted in the future.
232. However, none of these omissions are fatal to the Respondent's case. The Appellant argues that the Respondent's evidence indicates that they did not follow the WADA International Standard Testing and Investigation (ISTI) procedure, particularly as outlined in Article 5.4. of that document. The Respondent makes a compelling argument that it is virtually impossible for a chaperone to fully comply with the requirements of this Article if the Athlete is alleged to have evaded notification before the process could be completed.
233. Furthermore, as the CAS panel held in 2004/A/718, in reference to Article 2.3 of the applicable Anti-Doping Rules, "*this version of committing an anti-doping rule violation, that is, evading a doping control, does not require a notification. Therefore, there is no need for the Panel to express any conclusion on whether the notification of the Bucusu doping test was correctly performed by the IOC*". The same holds true in this case. Even if it were found that the notification was flawed, the charge of evasion could still be made out based on the Appellant's conduct thereafter.
234. In the present case, the Sole Arbitrator finds that the Appellant was given a first opportunity to provide a sample following his competition on 13 April 2019. A second opportunity to provide a sample would have been presented to him had he appeared at his hotel while the Grenada NADO officials were present. There was yet a third opportunity available to him while he was at the airport in Port of Spain, Trinidad, to return to Grenada to have the test done on 14 April 2019. The Sole Arbitrator acknowledges that the second and third opportunities are linked to the first attempt at notification and would not constitute three separate instances of attempts to evade.
235. The Sole Arbitrator finds that Dexter Mitchell, the chairman of the Grenada Invitational Organizing Committee made it clear to the Appellant in his phone conversation on 14 April 2019 that his committee would provide a ticket for him to return to Grenada to conduct the doping test at their expense. The Appellant's testimony that Mr Mitchell said the opposite and told him that he would have to return to Grenada at his own expense is not believed.



236. In summary, the Sole Arbitrator finds that the Respondent had the authority to collect a sample from Mr Taplin on the night of 13 April 2019 at the Grenada Invitational.
237. The Sole Arbitrator also finds that the evidence given by the Appellant that he was never approached, followed or accompanied by anyone from the Grenada NADO is incredible and implausible. It is determined, therefore, that the Appellant was properly notified but did not sign the Doping Control Form.
238. The Sole Arbitrator finds that the Respondent witnesses were honest, credible and trustworthy. Any suggestion that they conspired to make up this accusation of evasion has no merit. As Mr Bowen stated, *“we knew half an hour before the race that we were going to be testing the winner. We didn’t know who the winner was going to be”*. The Sole Arbitrator accepts the testimony of Mr Bowen, Mrs Dickson, Mr Johnson, and Mr Joseph that while they were pleased that a Grenadian had won the 400-meter event, they had to restrain themselves and carry out their duties in a professional manner.
239. The Sole Arbitrator finds that the aforementioned officials demonstrated a tremendous amount of professionalism and integrity. It is to their credit that they have held their heads high in the face of such a serious attack on their character.
240. For these reasons, the Sole Arbitrator having regard to all of the evidence accepted in this proceeding, is comfortably satisfied that the Respondent has met its burden and the Appellant is guilty of the offence of evading sample collection as stated in Article 2.3.
241. As a result, the Appellant’s appeal against the decision of the Caribbean Regional Anti-Doping Organization Panel is dismissed and the four-year period of eligibility is maintained. In accordance with Article 10.11.3 of the Caribbean ADR, the Appellant’s period of ineligibility is back-dated to 25 September 2019, which is the date on which the Appellant was provisionally suspended, and will continue to run until 24 September 2023.
242. Pursuant to Article 9 of the Caribbean ADR, any results obtained by the Appellant since the date of the violation are hereby disqualified, with all resulting Consequences, including forfeiture of any medals, titles, points and prizes.

## ON THESE GROUNDS

### **The Court of Arbitration for Sport rules that:**

1. The appeal filed by Mr Bralon Taplin against the Caribbean Regional Anti-Doping Organization on 27 November 2019 is dismissed.
2. The decision rendered by the Anti-Doping Panel of the Caribbean Regional Anti-Doping Organization on 7 November 2019 is confirmed.
3. (...).
4. (...).
5. All other motions or prayers for relief are dismissed.