



2017-2021

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CORNEL MARCULESCU

Mr. Gabriel Da Silva Santos
Rua fiandeiras 859 ap 42
04545005 São Paulo , SP
BRAZIL

Lausanne, 25 June 2019

RE: Adverse Analytical Finding

Dear Mr. Da Silva Santos,

Hereby, I must inform you that, in relation to an out-of-competition test conducted by FINA on 20 May 2019 in Saõ Paulo (BRA), the analytical report indicated the presence of **Clostebol** (Class S1.1.A Exogenous Anabolic Agents).

This constitutes a potential violation of the FINA Doping Control (DC) Rules, namely DC 2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample and/or DC 2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method. The potential Consequences regarding this alleged violation are stipulated in the FINA DC Rules 10 and 11.

In relation with the above, please observe the following FINA DC Rules:

DC 7.1.2 Upon receipt of an Adverse Analytical Finding, the DCRB or its designee shall conduct a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) based on the documentation submitted to FINA there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.

DC 7.1.3 If the review of an Adverse Analytical Finding under DC 7.1.2 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from

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the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, FINA shall promptly notify the Athlete, Athlete's Member Federation, Athlete's National Anti-Doping Organisation and WADA, in the manner set out in DC 14.1, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; (c) the Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or FINA chooses to request an analysis of the B Sample; (e) the right of the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the Athlete's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. If FINA decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete, Athlete's Member Federation, the Athlete's National Anti-Doping Organization and WADA.

DC 7.1.4 Where requested by the Athlete or FINA, arrangements should be made to analyse the B Sample. An Athlete may accept the A Sample analytical results by waiving the requirement for B Sample analysis. FINA may nonetheless elect to proceed with the B Sample analysis.

DC 7.1.5 The Athlete and/or his representative shall be allowed to be present at the analysis of the B Sample. If the Athlete cannot be present for the B Sample analysis at the scheduled date and time, the FINA Executive may appoint a surrogate representative to be present. Also a representative of the Athlete's Member Federation as well as a representative of FINA shall be allowed to be present.

Consequently, at this stage of the proceedings you are invited to indicate in writing whether:

- a) you accept the adverse analytical finding set forth in the laboratory report (in such a case the matter will be forwarded to the FINA Doping Panel who can conduct a hearing and will make a final decision in your matter);
- b) you request the analysis of the B sample.

The dates for the analysis of the B-sample must be arranged no later than ten (10) days from the receipt of this correspondence. Therefore, we kindly request you to provide to FINA Office as soon as possible various dates in order for us to confirm to the laboratory the different availabilities.

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The urine analysis was made at the following WADA-accredited laboratory:

Laboratoire de contrôle du dopage INRS - Institut Armand-Frappier
531, boulevard des Prairies
Laval, Quebec H7V 1B7
Canada
Tel: (450) 686-5442
Fax: (450) 686-5614

You will find attached the analytical report and the doping control form related to this test.

Sincerely,



Cornel Marculescu
Executive Director

Cc: - CBDA
- WADA
- ABCD

Annexes: - collection form (#A 3138612)
- laboratory report for sample A 3138612
- full documentation package for sample A 3138612
- FINA DC Rules