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# Decision of the Athletics Integrity Unit in the Case of Ms Judith Jerubet

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## Introduction

1. World Athletics has established the Athletics Integrity Unit (“**AIU**”) whose role is to protect the integrity of the sport of Athletics, including fulfilling World Athletics’ obligations as a Signatory to the World Anti-Doping Code (‘the “**Code**”). World Athletics has delegated implementation of the World Athletics Anti-Doping Rules (“**ADR**”) to the AIU, including but not limited to the following activities in relation to International-Level Athletes: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. Ms Judith Jerubet (“the **Athlete**”) is a 35-year-old marathon runner from Kenya.<sup>1</sup>
3. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

*“8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:*

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*
- (c) send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision).”*

## The Athlete’s Commission of an Anti-Doping Rule Violation

4. Rule 2 ADR sets out that the following shall constitute an Anti-Doping Rule Violation:

*“2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample”*

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<sup>1</sup> <https://worldathletics.org/athletes/kenya/judith-jerubet-14920964>

5. On 24 March 2024, the Athlete provided a urine Sample In-Competition at the 'Bank of China Wuhan Marathon' in Wuhan, China, which was given code 6529575 (the "Sample").
6. On 18 April 2024, the World Anti-Doping Agency ("WADA") accredited laboratory in Beijing, China (the "Laboratory") reported that the analysis of the Sample had revealed the presence of Triamcinolone acetonide (the "Adverse Analytical Finding").
7. Triamcinolone acetonide is a Prohibited Substance under the WADA 2024 prohibited List under the category S9 Glucocorticoids. It is a Specified Substance prohibited In-Competition when administered by any injectable, oral<sup>2</sup> or rectal route.
8. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management ("ISRM") and determined that:
  - 8.1. the Athlete did not have a Therapeutic Use Exemption ("TUE") that had been granted for the Triamcinolone acetonide found in the Sample; and
  - 8.2. there was no apparent departure from the International Standard for Testing and Investigations ("ISTI") or from the International Standard for Laboratories ("ISL") that could reasonably have caused the Adverse Analytical Finding; and
  - 8.3. there was no indication that Triamcinolone acetonide had been administered by a permitted route.
9. Therefore, on 2 May 2024, the AIU notified the Athlete of the Adverse Analytical Finding in accordance with Article 5.1.2.1 of the ISRM, including that the Adverse Analytical Finding may result in Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR.
10. The Athlete was also informed of her rights, *inter alia*, to request the B Sample analysis, to request copies of the laboratory documentation supporting the Adverse Analytical Finding. The AIU also requested that the Athlete provide an explanation for the Adverse Analytical Finding by no later than 9 May 2024.
11. The Athlete failed to respond by 9 May 2024.
12. Therefore, on 15 May 2024, the AIU wrote to the Athlete and extended the deadline for her to provide her explanation for the Adverse Analytical Finding until 17 May 2024.<sup>3</sup>
13. The Athlete failed to respond by the extended deadline of 17 May 2024.
14. The AIU therefore remained satisfied that the Athlete had committed an Anti-Doping Rule Violation as set out in the Rules.

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<sup>2</sup> Including oromucosal (e.g., buccal, gingival, sublingual).

<sup>3</sup> The AIU received confirmation from the Athlete's Authorised Athletes' Representative that the information would be transmitted to the Athlete.

15. On 7 June 2024, the AIU issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM, and informed her, *inter alia*, that the AIU remained satisfied that she had committed an Anti-Doping Rule Violation under Rule 2.1 ADR, that this Anti-Doping Rule Violation warranted a period of Ineligibility of two (2) years pursuant to Rule 10.2.2 ADR, and invited the Athlete to respond confirming how she wished to proceed with the Charge by no later than 21 June 2024. The AIU also notified the Athlete of the imposition of an immediate Provisional Suspension as of 7 June 2024.
16. The Athlete failed to respond by 21 June 2024 or at all.
17. On 3 July 2024, the AIU therefore wrote to the Athlete confirming that, due to her failure to respond to the Charge by 21 June 2024, she was deemed to have (i) waived her right to a hearing, (ii) admitted the Anti-Doping Rule Violation and (iii) accepted the Consequences specified in the Charge. The AIU informed the Athlete that it would issue a final decision in the matter confirming a period of Ineligibility of two (2) years against her.

## Consequences

18. This is the Athlete's first Anti-Doping Rule Violation.
19. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 ADR shall be as follows:

*"10.2.1 Save where Rule 10.2.4 applies, the period of Ineligibility will be four years where:*

- (a) The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.*
- (b) The anti-doping rule violation involves a Specified Substance or a Specified Method and the Integrity Unit can establish that the anti-doping rule violation was intentional. intentional.*

*10.2.2 If Rule 10.2.1 does not apply, then (subject to Rule 10.2.4(a)) the period of Ineligibility will be two years."*

20. Triamcinolone acetonide is a Prohibited Substance under the WADA 2024 Prohibited List under the category S9 Glucocorticoids. It is a Specified Substance prohibited In-Competition when administered by any injectable, oral<sup>4</sup> or rectal route.
21. The AIU has no evidence that the Anti-Doping Rule Violation was intentional and the period of Ineligibility to be imposed is therefore a period of two (2) years.

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<sup>4</sup> See footnote 2.

22. On the basis that the Athlete is deemed to have admitted the Anti-Doping Rule Violation under Rule 2.1 ADR, in accordance with Rule 10.2.2 ADR and the application of Rule 8.5.6 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
- 22.1. a period of Ineligibility of two (2) years commencing on 7 June 2024 (the date of Provisional Suspension); and
  - 22.2. disqualification of the Athlete's results on and since 24 March 2024, with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, prizes, prize money and appearance money.

## Publication

23. In accordance with Rule 8.5.6(b) ADR, the AIU shall publicly report this decision on the AIU's website.

## Rights of Appeal

24. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
25. Further to Rule 13.2.3 ADR, WADA and ADAK have a right of appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at Rule 13.6.1 ADR.
26. If an appeal is filed against this decision by WADA or ADAK, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 15 July 2024