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# Decision of the Athletics Integrity Unit in the Case of Mr Reuben Kiprop Kipyego

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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. Mr Reuben Kiprop Kipyego (“the **Athlete**”) is a 27-year-old road 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).”*

## Whereabouts Failures

4. Rule 2.4 ADR sets out that the following shall constitute an Anti-Doping Rule Violation:

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<sup>1</sup> <https://worldathletics.org/athletes/kenya/reuben-kiprop-kipyego-14917915>

#### “2.4 Whereabouts Failures by an Athlete in a Registered Testing Pool

*Any combination of three missed tests and/or filing failures, as defined in the International Standard for Results Management, within a 12-month period by an Athlete in a Registered Testing Pool.”*

5. A Missed Test and a Filing Failure are defined in the International Standard for Results Management (“**ISRM**”) respectively as follows:

*“**Missed Test:** A failure by the Athlete to be available for Testing at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.*

***Filing Failure:** A failure by the Athlete (or by a third party to whom the Athlete has delegated the task) to make an accurate and complete Whereabouts Filing that enables the Athlete to be located for Testing at the times and locations set out in the Whereabouts Filing or to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete, all in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.” Any combination of three missed tests and/or filing failures, as defined in the International Standard for Results Management, within a 12-month period by Athlete in a Registered Testing Pool.”*

6. In short, an athlete violates Rule 2.4 of the ADR where he or she has any combination of three Missed Tests and/or Filing Failures within any twelve-month period, that period beginning on the day of the first relevant Missed Test/Filing Failure.

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

7. In this instance, the Athlete has had three Whereabouts Failures in the twelve-month period beginning on 8 September 2023, specifically:

- 7.1. a Missed Test, alternatively a Filing Failure, on 8 September 2023;

- 7.2. a Missed Test, alternatively a Filing Failure, on 5 January 2024; and

- 7.3. a Filing Failure on 12 March 2024;

8. The circumstances of each of these Whereabouts Failures are set out in detail below.

### A. WHEREABOUTS FAILURE ON 8 SEPTEMBER 2023

9. The Athlete’s Whereabouts information stated that he would be at an address in Kaptagat Kenya (“the **Kaptagat Address**”) on 8 September 2023 during his 60-minute timeslot between 08:00 and 09:00.

10. In summary, a Doping Control Officer (“**DCO**”) arrived at the Kaptagat Address at 08:00 on 8 September 2023 and was informed that the Athlete had returned home approximately two

weeks prior but was expected to return to the Kaptagat Address any day. The DCO concluded the attempt at 09:00.

11. On 20 September 2023, the AIU wrote to the Athlete requesting his explanation for an apparent Whereabouts Failure which occurred on 8 September 2023 by no later than 4 October 2023.
12. On the same day, 20 September 2023, the Athlete apologised and provided information about his location on 8 September 2023
13. Following review of the above, on 3 October 2023, the AIU wrote to the Athlete and confirmed the apparent Whereabouts Failure on 8 September 2023 against him. He was afforded the right to request an administrative review of that decision by no later than 17 October 2023 and advised that, if he failed to do so, the Whereabouts Failure would be confirmed against him as a Whereabouts Failure for the purposes of Rule 2.4 ADR.
14. No request for an administrative review was received by 17 October 2023.
15. Therefore, the AIU recorded a first Whereabouts Failure against the Athlete effective 8 September 2023.<sup>2</sup>

#### **B. WHEREABOUTS FAILURE ON 5 JANUARY 2024**

16. The Athlete's Whereabouts information stated that he would be at an address in Kapsabet, Kenya (the "**Kapsabet Address**") on 5 January 2024 during his 60-minute timeslot between 20:00-21:00.
17. In summary, a DCO arrived at the Kapsabet Address on 5 January 2024 at 20:00 and was informed by the landlord that the Athlete was no longer staying at that address. The DCO concluded the attempt at 21:03.
18. On 11 January 2024, the AIU wrote to the Athlete requesting his explanation for an apparent Whereabouts Failure which occurred on 5 January 2024 by no later than 25 January 2024.
19. No explanation was received by the given deadline (or at all).
20. Therefore, on 19 February 2024, the AIU wrote to the Athlete and confirmed the Whereabouts Failure on 5 January 2024 against him. He was afforded the right to request an administrative review of that decision by no later than 4 March 2024 and advised that, if he failed to do so, the Whereabouts Failure would be confirmed against him as his second Whereabouts Failure in the twelve-month period beginning on 8 September 2023 for the purposes of Rule 2.4 ADR.
21. No request for an administrative review was received by 4 March 2024.

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<sup>2</sup> This Whereabouts Failure was confirmed as both a Missed Test and a Filing Failure.

22. Therefore, the AIU recorded a second Whereabouts Failure against the Athlete effective 5 January 2024.<sup>3</sup>

### C. WHEREABOUTS FAILURE ON 12 MARCH 2024

23. The Athlete's Whereabouts information stated that his overnight accommodation address for 11 March 2024 would be in Lessos, Kenya ("the "**Lessos Address**")<sup>4</sup>.

24. In summary, based on the Athlete's specified overnight accommodation address for 11 March 2024, a DCO arrived at the Lessos Address on 12 March 2024 at 05:00 and was informed by a third party that the Athlete had left the Lessos Address and relocated to a different address.

25. On 20 March 2024, the AIU wrote to the Athlete requesting his explanation for an apparent Filing Failure which occurred on 12 March 2024 by no later than 3 April 2024.

26. No explanation was received by the given deadline (or at all).

27. On 10 April 2024, the AIU therefore wrote to the Athlete and confirmed the Filing Failure on 12 March 2024 against him. He was afforded the right to request an administrative review of that decision by no later than 24 April 2024 and advised that, if he failed to do so, the Filing Failure would be confirmed against him as his third Whereabouts Failure in the twelve-month period beginning on 8 September 2023 for the purposes of Rule 2.4 ADR.

28. No request for an administrative review was received by 24 April 2024.

29. Therefore, the AIU recorded a Filing Failure against the Athlete (effective 12 March 2024) as a (third) Whereabouts Failure.

## Disciplinary proceedings

30. On 27 May 2024, the AIU issued the Athlete with a Notice of Allegation of an Anti-Doping Rule Violation pursuant to Rule 2.4 based on his commission of three Whereabouts Failures in the twelve-month period beginning 8 September 2023 (as summarised above) and invited him to provide a detailed written explanation for the Rule 2.4 Anti-Doping Rule Violation alleged against him by 4 June 2024.

31. The Athlete did not reply within the given deadline.

32. On 12 June 2024, the AIU exceptionally extended the Athlete's deadline to reply to the Notice of Allegation until 18 June 2024. The AIU explained that it would proceed by issuing a Notice of Charge to the Athlete in the absence of any response by 18 June 2024.

33. No explanation was received by the given deadline (or at all).

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<sup>3</sup> This Whereabouts Failure was confirmed as both a Missed Test and a Filing Failure.

<sup>4</sup> In addition, the Athlete's whereabouts information specified a Regular Activity "Lessos Morning Run" from 06:30 to 08:30 on 12 March 2024.

34. Therefore, on 28 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 confirming that he was being charged with an Anti-Doping Rule Violation under Rule 2.4 ADR (“the **Charge**”) and that the Consequences included (i) a period of Ineligibility of two (2) years in accordance with Rule 10.3.2 ADR and (ii) disqualification of results on and since 12 March 2024. The AIU invited the Athlete to respond to the Charge confirming how he wished to proceed by no later than 12 July 2024.
35. On 1 July 2024, the AIU wrote to the Athlete to confirm that if he did not respond to the Notice of Charge, failed to challenge the AIU’s assertion of the Anti-Doping Rule Violation or the Consequences being sought, or request a hearing by 12 July 2024, then he would be deemed to have waived his right to a hearing, admitted the Anti-Doping Rule Violation and accepted the Consequences set out in the Notice of Charge.
36. The AIU also asked the Athlete’s Member Federation, Athletics Kenya, and the Athlete’s Authorised Athlete Representative to contact the Athlete so that he was aware of the Notice of Charge and the deadline for his response.
37. The Athlete did not reply by 12 July 2024 (or at all).
38. On 15 July 2024, the AIU therefore wrote to the Athlete noting that he was deemed to have waived his right to a hearing, admitted the Anti-Doping Rule Violation and accepted the Consequences set out in the Notice of Charge and confirmed that the AIU would issue a decision to conclude his case accordingly.

## Consequences

39. On the basis that the Athlete is deemed to have admitted the Anti-Doping Rule Violation under Rule 2.4 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
  - 39.1. a period of Ineligibility of two (2) years commencing on 27 May 2024 (the date of Provisional Suspension); and
  - 39.2. disqualification of the Athlete’s results since 12 March 2024, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and appearance money.

## Publication

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

## Rights of Appeal

41. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
42. Further to Rule 13.2.3 ADR, WADA and the Anti-Doping Agency of Kenya (“**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.

43. If an appeal is filed against this decision by WADA or ADAK, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 17 July 2024