



## Decision

by

the FIBA Disciplinary Panel established in accordance with  
Section H.7.8.3 of the  
Internal Regulations governing Doping Control  
in the matter

**Michael Fraser**  
**(born 28 June 1984)**

**("the Player")**  
(Nationality: Canada)

**Whereas**, the Player underwent a doping test on 8 May 2008 in Gmunden (Austria) after the semi-final match of the Austrian Men's League between Allianz Swans Gmunden and Raiffeisen Panthers Fürstfeld.

**Whereas**, the analysis of the Player's sample was conducted at the Laboratory of Seibersdorf (Austria) which is a WADA-accredited laboratory. The sample showed the presence of metabolites of cannabis in excess of 15 ng/ml (level reported: 163+/-34 ng/ml).

**Whereas**, the Player did not request an analysis of the B sample.

**Whereas**, on 21 October 2008 the Player and his Agent, Michael Hart, were heard via telephone conference by a FIBA Disciplinary Panel composed of Mr. Antonio Mizzi, President of FIBA's Legal Commission and of Dr. Heinz Günter, Vice President of FIBA's Medical Commission. Ms. Cendrine Guillon, FIBA Anti-Doping Officer and Dr. Dirk-Reiner Martens, FIBA Legal Advisor were also in attendance.

**Whereas**, the Player

- did not contest the result of the test;
- admitted that he smoked marijuana;
- argued that he had no intention to enhance his performance,
- stated that since the start of ineligibility imposed by the Austrian Basketball Federation on 17 July 2008, he was unable to play professional basketball; and
- affirmed that he had committed no previous anti-doping-rule violation.

Now, therefore the Panel takes the following (Art. H.7.8.3.1 FIBA Internal Regulations hereafter "IR"):

## **DECISION**

**A period of three months ineligibility, i.e. from 17 July 2008 to 16 October 2008, is imposed on Mr. Michael Fraser.**



### **Reasons:**

1. The Player has committed an anti-doping-rule violation pursuant to H 7.2.1.1. of the IR since a prohibited substance (cannabinoids) listed in WADA's Prohibited List (in force since 1 January 2008) under letter S8 was found in his urine sample. This fact remained uncontested.
  
2. WADA's Prohibited List identifies cannabinoids as a Specified Substance, for which, according to H 7.8.2.2. of the IR, in the event that the Athlete can establish that the use of such substances was not intended to enhance his sport performance, the period of ineligibility is as follows
  - First violation: At a minimum, a warning and reprimand and no period of ineligibility for further Events, and at a maximum one (1) year's ineligibility.
  - Second violation: Two (2) years ineligibility
  - Third violation: Lifetime ineligibility
  
3. In view of the fact that
  - the Player represented to have used marijuana only for personal reasons and not in order to improve his athletic performance;
  - the Player has expressed his regret for the violation committed.



4. Based on previous practice, the Panel holds that, in the absence of exceptional circumstances, it is appropriate to impose on the Player a sanction of three months.
5. The Panel deems fair pursuant to Art. H.7.8.2.7 IR that the period of ineligibility is to start on 17 July 2008, as he was unable to play and did not play professional basketball since that date.
6. As a result, the above sanction has already expired and the Player is eligible to play immediately.
7. This decision is subject to an Appeal according to the FIBA Internal Regulations governing Appeals as per the attached "Notice about Appeals Procedure".

Geneva, 23 October 2008

On behalf of the FIBA Disciplinary Panel

Antonio Mizzi  
President of the Disciplinary Panel