

# Australian Olympic Committee Decision!

## [Explanations of abbreviations used herein](#)

My article contains verifiable facts as well as my personal opinions as they relate to the [AOC](#) and Equestrian Australia ([EA](#)) administration, systems and policies as evidenced by these bodies behaviour regarding team member selection for the Australian Dressage team in Rio 2016.

In the current climate where John Coates is being challenged by Danni Roche for the AOC presidency I would like the public to be made aware of the actions of these two organisations under their current management. In my opinion both organisations warrant a complete overhaul, a new chairman for the AOC is a good start. It is my understanding that EA has been instructed by the Fédération Equestre Internationale ([FEI](#)) to vote for John Coates, not Danni Roche.

Disclaimer: I provide this article as personal opinion as a rider for over 35 years and well connected in Dressage equestrian sports. The information provided herein is provided “to the best of my knowledge”.

This article does not intend discuss/ratify the identity of the person/s complicit in administering a [Controlled Medication to Remington](#) (a horse) at the Rotterdam Dressage competition, or how the substance got into the Remington’s system. I do not imply that I know who administered the substance. This issue is irrelevant to the subject matter I am covering and though related, is a separate matter and not under discussion herein.

I do not intend herein to impugn the reputation of Sue Hearn or make any assertions as to her guilt or innocence regarding her horses’ positive swab for [Meloxicam](#). I do

not know Sue Hearn, the rider that precipitated the AOC decision outlined below. My purpose here is to focus on the Rio Olympics selection procedures, protocols and actions of EA and the AOC.

It is an uncontested fact that the [FEI](#) did find Meloxicam in Remmington's blood swab taken at the FEI Rotterdam competition. The relevant facts regarding this specific issue are: under FEI rules Sue Hearn was the owner and rider of Remmington and therefore the [person responsible](#) for ensuring that no controlled substances were administered to her horse, Sue Hearn accepted the [FEI's administrative sanction](#) for this infringement.

The situation as I will outline, was a disaster for all concerned. In particular, for Maree Tomkinson who was the reserve rider who missed out on the Australian Dressage Team position retained by Sue Hearn. Maree is no more than an acquaintance of mine. I have no vested interests in this matter other than I love my sport of dressage and I am tired of the lack of transparency and abysmal management of equestrian sports by Equestrian Australia and the vested interests and cronyism demonstrated by EA and the **AOC**.

[Explanations of abbreviations used herein](#)

### **Why did the AOC under John Coates endorse a rider and horse combination as members of the Australian Dressage team at the Olympics in Rio, when the rider had not met the selection criteria EA had set?**

- Why did the AOC allow this rider, who was recently sanctioned by the FEI for her horse having a Controlled Substance (drug) in his system at an Olympic qualifying competition a mere 6 weeks out from the Rio Olympics, to compete

as a member of the Australian Dressage team at the Rio Olympics while a self-funded reserve combination who had met the selection criteria sat ready but ignored in Europe?

- Why bother with selection criteria? Is this the message we want to send to Olympic aspirants? Why bother with a [clean sports policy](#)?
- My issue here is not how the drug got into the horses system, this swab was taken at an EA nominated Olympic qualifying event held under FEI rules and the rider accepted the FEI sanction.

**EA and the AOC did not follow their own protocols with regard to this selection.** [Under FEI rules the score awarded to this combination was negated by the positive swab.](#) This meant that the alternate reserve Australian rider competing at this event achieved a higher score than the rider in question. Consequently, EA and the AOC should have endorsed the alternate reserve rider as the 4<sup>th</sup> Australian Dressage team member for the Rio Olympics. They didn't! Equestrian Australia's eventual explanation months later placed the blame for the final decision on the AOC; the AOC's own [statement on the matter upholds this](#) assertion.

### **SUMMARY- DRESSAGE TEAM MEMBER SELECTION** **FOR THE RIO OLYMPICS 2016**

Sue Hearn and her horse Remmington were one of 8 Equestrian Australia (EA) short listed combinations vying for the Australian Dressage Team selection at the 2016 Rio Olympic Games.

The EA final team selection process required that short listed combinations fund their own travel to Europe where the 8 combinations were to compete head to head at 2 qualifiers, 1 at Odense and 6 weeks later the other at Rotterdam. EA would make their final team member selection after Rotterdam. Bizarrely, Rotterdam was a mere 7 weeks out from the start date for the Rio Olympics!

The Short-list comprised:

- \* Lyndal Oatley and Sandro Boy 9. (Already in Europe, self funded)
- \* Kristy Oatley and Du Soleil. (Already in Europe, self funded)
- \* Mary Hanna and Boogie Woogie 6. (Already in Europe, self funded)

**Maree Tomkinson and Diamantina 4. (Self funded, travelled from Australia)**

**Suzanne Hearn and Remmington. (Self funded, travelled from Australia)**

Brett Parbery and DP Weltmeiser. (Self funded, travelled from Australia. Withdrew from contention, horse soundness issues)

Kelly Layne and Udon P. (Withdrew from contention, horse soundness issues)

Mary Hanna and Umbro. (Self funded, already in Europe. 1 rider, 1 horse, Mary rode her other horse in the team)

Essentially there were 3 combinations that were rated as highly qualified (\* above) and virtually certain of selection under the EA selection policy; so, realistically there was only one remaining team position to be allocated at these 2 selection competitions. Eventually only 2 contenders for this one team position remained - Maree Tomkinson riding Diamantina 4 and Suzanne Hearn riding Remmington. As I understand it, these two combinations were equal qualifiers so the Rotterdam results would be crucial to EA's decision deciding between the 2 for the one remaining team position.

At the Rotterdam competition both these combinations competed and Sue Hearn and Remmington scored above Maree Tomkinson and Diamantina. At Rotterdam the FEI swabbed Remmington for prohibited/controlled substances and 2 days later the EA vet also swabbed Remmington.

Given the Rotterdam scores it was no surprise when EA declared Sue Hearn and Remmington the fourth team member combination for Rio.

### **BUT**

<http://www.eurodressage.com/equestrian/2016/08/11/sue-hearns-remmington-tests-positive-controlled-medication>

Remmington, the horse of Australian Olympic team member Sue Hearn, has tested positive to the controlled medication Meloxicam at the 2016 CDI 3\* in Rotterdam on 22 - 26 June 2016.

.....The FEI imposed an administrative sanction on 5 August 2016 as Hearn had not declared the use of the anti inflammatory Meloxicam. \*

\* [TUE – Therapeutic Use Exemption form](#)

As part of this sanction [under FEI rules](#) Sue Hearn and Remmington were disqualified from the Event at Rotterdam where the sample was taken. As first time offenders they did not face any ineligibility period (i.e. suspension.) This meant that under FEI rules this combination was still eligible to compete at the Rio Olympics **HOWEVER** her Rotterdam scores were critical in the EA decreed selection process and they no longer counted under FEI rules, therefore her scores were under Maree Tomkinson and Diamantina.

This should have meant that the final dressage team position defaulted to Maree Tomkinson and Diamantina as she was the next qualifier under the EA team selection policy.

***This is not what happened***

Sue Hearn and Remmington competed as a member of the 2016 Australian Dressage team.

EA cited the 7 week delay between the FEI notifying them of Remmington's positive swab along with Sue's administrative sanction and IOC nomination dates, as pivotal in Sue retaining her team position.

***BUT***

Surely the results of Remmington's EA swab taken 2 days after the FEI one would also have also showed up positive ([see withholding period](#))? EA would have been forewarned that the FEI swab would also be positive. This would have given EA time to reconsider Sue's selection. EA should have taken action regarding Maree's Olympic nomination and replaced Sue prior to the very late notification and actions of the FEI in the matter of Sue Hearn. Surely EA would have notified the AOC of their suspicions before August as 4<sup>th</sup> EA should have had the results of their own swab earlier than the FEI results?

Some months after the Rio Olympics EA conducted an internal inquiry into the matter, they basically credited the final decision to the **AOC**. EA absolved themselves of any slack/ improper /unfair actions pertaining to the selection process regarding Sue Hearn.

**AOC Statement**

<http://www.equestrian.org.au/news/aoc-statement>

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Equestrian Australia nominated Sue Hearn in good faith to **the AOC who** subsequently selected Hearn to the Australian Olympic Team. Sport entries were complete, the nomination and selection period was no longer current and therefore relevant.

#### [When is an Inquiry not an inquiry? : The Horse Magazine](#)

The fact that the EA selection policy and final selection decision was insanely close to the Olympics made the timeline for IOC and FEI administrative requirements and the timing of the results from EA's own swab pivotal in explaining EA and the **AOC's** actions in this matter. Neither EA nor the AOC made any reference to the timing of receiving the results from their own swab, in their inquiry press release

#### **The timeline and facts don't support EA and the AOC's explanation**

### **TIMELINE**

Regardless of who/how Meloxicam got into Remington's system, the decision made by the AOC and EA in this matter is questionable, the explanation lacks transparency and is manifestly unfair to the other contender for the team position:

Because of her [FEI administrative sanction](#) and the effect of it on her Rotterdam scores, Sue Hearn had not qualified during the selection period under the EA selection policy.

Maree had qualified at Rotterdam under the EA selection policy.

The AOC's statement requires clarification as on the face of it, it is a bluff!

As per the FEI rules, Sue did actually ride at the Rotterdam qualifier and her score didn't count, she received '0' towards her total qualifying scores.

As per the EA selection criteria - Sue rode, she was also not able to use the average score of those that rode to add to her qualifying scores.

<http://www.equestrian.org.au/content/selection-policies>

Maree and Diamantina did compete at the same qualifier and were eligible to add their score to their total Olympic qualifying score. As such, Maree was the next rider to qualify to ride at the Olympics.

EA's own swab of Remington would have told them in advance of the FEI sanction that Remington's FEI swab would be positive.

[The FEI has a substitution policy](#) that would have permitted the **AOC** to substitute Maree for Sue. Maree was in Europe and would have moved heaven and earth to get to Rio and compete. Neither the **AOC** nor EA offered Maree this opportunity.

There is an issue regarding the closing date of nominations for the Olympics - if this was an issue and EA failed to nominate Maree initially then why didn't the **AOC** sanction EA as nomination was their responsibility?

Exactly how does the AOC monitor sporting association's administration of Olympic Selection?

Why did the AOC permit such a tight timeline for selection?

The various failures of EA have left this body open to legal action by Maree and Diamantina's owners. Their European campaign was costly, self-financed and was undertaken under the illusion that Maree had a chance of team selection. If Maree was never nominated by initially by the required date, then this was false!

[TIMELINE FOLLOWING](#)

## TIMELINE

<p><b>15 April 2016.</b></p>	<p>Dressage top 8 nominations:  <a href="http://www.equestrian.org.au/news/dressage-top-eight-announcement">http://www.equestrian.org.au/news/dressage-top-eight-announcement</a>            Equestrian Australia's (EA) Dressage Selection Panel (DSP) announced 8 nominated combinations that will go head to head at the two European events during May and June <u>in a bid to secure one of four positions on Australia's Dressage team for the Rio Olympic Games.</u>            Congratulations to the following combinations:</p> <ol style="list-style-type: none"> <li>1. Lyndal Oatley and Sandro Boy 9</li> <li>2. Kristy Oatley and Du Soleil</li> <li>3. Brett Parbery and DP Weltmeiser</li> <li>4. Kelly Layne and Udon P</li> <li>5. Mary Hanna and Umbro</li> <li>6. Maree Tomkinson and Diamantina 4</li> <li>7. Suzanne Hearn and Remmington</li> <li>8. Mary Hanna and Boogie Woogie 6</li> </ol>
<p>About selection for the Rio Olympics  <a href="http://www.equestrian.org.au/sites/default/files/2016%20Australian%20Olympic%20Team%20Nomination%20Criteria_Equestrian%20Dressage.pdf">http://www.equestrian.org.au/sites/default/files/2016%20Australian%20Olympic%20Team%20Nomination%20Criteria_Equestrian%20Dressage.pdf</a></p> <p>Rotterdam final nomination event  <a href="http://www.equestrian.org.au/news/final-nomination-event-looms-australias-rio-dressage-hopefuls">http://www.equestrian.org.au/news/final-nomination-event-looms-australias-rio-dressage-hopefuls</a></p> <p><a href="http://corporate.olympics.com.au/5DC8FD23-A31F-4359-97309705A26EEC1D">http://corporate.olympics.com.au/5DC8FD23-A31F-4359-97309705A26EEC1D</a></p> <p><a href="http://www.equestrian.org.au/news/injured-horse-forces-layne-out-give-hearn-olympic-debut-60">http://www.equestrian.org.au/news/injured-horse-forces-layne-out-give-hearn-olympic-debut-60</a></p>	
<p><b>20 June 2016</b></p>	<p>Deadline for FEI to receive Certificates of Capabilities for all athletes and Horses having achieved the minimum eligibility requirements.</p>
<p><b>22-26 June 2016</b></p>	<p>Rotterdam Competition: FEI took Remmington's blood sample - tested (don't know which day)</p>
<p><b>26<sup>th</sup> June 2016 (or thereabouts)</b></p>	<p>Six weeks out from the Olympics:            Two days after the qualifying event at the 2016 CDI 3* in Rotterdam on 22 - 26 June 2016. EA's own vet drew Sue's horse's blood. This sample</p>

	also tested positive to the drug Meloxicam - anti-inflammatory medication which is quite legal, just not to be given within a certain time frame and must be declared.
<p><u>The crux of the matter: how long between the EA swab being taken and obtaining the results, did EA know that Remmington tested positive for Meloxicam?</u></p> <p><u>Surely a forewarning of the FEI results?</u></p>	
<b>4th July 2016</b>	EA required to identify up to 4 combinations for nomination to the Australian Olympic Committee (AOC) for selection to the 2016 Rio dressage team.
<b>18 July 2016</b>	The deadline for the Final Entries list of participating Athletes in the Rio 2016 Games (sport entries deadline) After the sport entries deadline, the Late Athlete Replacement policy comes into force, and will be strictly enforced. Late Athlete Replacement may only occur up to the relevant sport/discipline/event Technical Meeting, unless otherwise stated in the sport specific appendix (Appendix 1).
<p><a href="http://inside.fei.org/system/files/Dressage%20List%20of%20Definite%20Entries%20-%20RIO%20to%20be%20published%20V3.pdf">http://inside.fei.org/system/files/Dressage%20List%20of%20Definite%20Entries%20-%20RIO%20to%20be%20published%20V3.pdf</a></p>	
<b>24 July 2016</b>	EA advised AOC of the need to withdraw <b>Kelly Layne's</b> nomination from Australia's Dressage Team for Rio. EA nominated reserve combination <b>Sue Hearn</b> and Remmington to Australia's four-member Dressage team, which also includes Mary Hanna (Boogie Woogie 6), Kristy Oatley (Du Soleil) and Lyndal Oatley (Sandro Boy). Following Kelly Layne's withdrawal from Australia's Dressage Team for Rio and Brett Parbery advising Equestrian Australia that he is no longer available for consideration, Maree Tomkinson (Diamantina 4) becomes the team's non-travelling reserve.

<b>3rd August 2016</b>	FEI Notification to EA of Positive Controlled Medication result for Sue Hearn's horse Remmington at Rotterdam. The AOC became aware that a Notification of Positive Controlled Medication had been issued by the FEI for Sue Hearn's horse Remmington at Rotterdam
<b>4th August 2016</b>	Sue Hearn was informed of the positive swab
<b>5th August 2016</b>	The FEI imposed an administrative sanction & accepted by Sue Hearn
<b>5 Aug. 2016 – 21 Aug. 2016</b>	Rio Olympics commence

### IN CONCLUSION

Many Questions, no acceptable answers:

Exactly what the time delay and gap was between EA knowing the blood test results from their own swab of Remmington and the **AOC** and EA reaffirming Sue's position on the Australian Dressage Team for Rio?

Why did EA and the AOC decide to retain Sue as a team member instead of nominating Maree Tomkinson and Diamantina, who after Remmington's Rotterdam FEI drug result and sanction, actually qualified for team selection ahead of Sue Hearne and Remmington during the selection period?

There was a significant delay in getting the results of the Remmington's Rotterdam blood test results back from the FEI. Surely EA's blood test results came back sooner, otherwise what was the point in doing it? Forewarned was forearmed, yet EA took no strategic actions to mitigate the situation!

Maree and Diamantina were in Europe when Remmington's positive drug finding was revealed. It is my understanding that EA. did not even contact her to give her

the option of riding at the Olympics, this is quite aside from the logistics of her getting there in time.

Maree trusted EA and put in time, effort, heart and money towards her Olympic dream. Maree and Diamantinas' co owner have a right to fair treatment and a clear explanation, as do the public.

Maree is a talented and committed rider who is, as I understand it, now in a very dark place as it is clear that her future aspirations for Olympic selection will remain un-fulfilled, I believe that EA sees her as 'persona non grata'.

At the very least the **AOC** should have made a public statement on this matter and sanctioned EA for their ridiculous scheduling of qualifying events so close to the Rio Olympics and their sloppy administration.

The AOC, as the over-riding body for Australian Olympic teams should have taken a hard look at EA and insisted on improvement of their governance. Instead, no-one accepted responsibility and there were pats on the back all round.

This entire episode is absolutely de-motivating for any aspiring dressage riders. How could dressage riders be expected to win medals under this type of administration? It's not surprising that EA's talent development squads in Dressage have yielded no results and Australia keeps sending almost the same dressage combinations to the games, game after game and we keep scoring almost at the bottom.

In the meantime, Maree Tomkinson and Diamantina's owner have spent over \$100,000.00 in a quest that was from the outset hopeless. They were misled by EA

as it now appears that Maree and Diamantina were never actually nominated to the FEI or **AOC** as a reserve team member.

If new blood in the **AOC** can rectify this situation, I am all for it

### **ABBREVIATIONS & FEI and IOC ACRONYMS USED HEREIN:**

FEI	Fédération Equestre Internationale- the international governing body for elite Equestrian sport
EA	Equestrian Australia – the governing body for the Olympic Equestrian sports in Australia, affiliated with the FE and is bound by their rules at elite competition levels. EA formulated and administered the selection process for the Australian Olympic Dressage team.
EV	Equestrian Victoria, the Victorian organisation that manages equestrian Olympic disciplines. EV is a member of EA and is governed by EA
IOC	International Olympic Committee
AOC	Australian Olympic Committee
NF	National Federation
AC	Appeal Committee
APV A	Athlete’s Private Veterinarian
AVD	Assistant Veterinary Delegate
BS	Banned Substance
CI	International Competition
CM	Controlled Medication
DT	Detection Time
EADCM	FEI Equine Anti-Doping and Controlled Medication Regulations
EADCMP	Equine Anti-Doping and Controlled Medication Program
EADCMR	Equine Anti-Doping and Controlled Medication Regulations
EPSL	FEI Equine Prohibited Substances List
ETUE	previously Equine Therapeutic Use Exemption Form 1/2/3/4
FSL	FSL FEI Screening Limits of Detection
FSL	FEI Screening Limit
FV	FEI Veterinarian
GJ	Ground Jury
GR	FEI General Regulation
GR	General Regulations
IV	Intravenous
MF	Medication Form

NF	National Federation
NHV	National Head FEI Veterinarian
OC	Organising Committee
OV	FEI Official Veterinarian
PR	Person Responsible
PV	FEI Permitted Treating Veterinarian
TV	Treating Veterinarian (appointed by the Organising Committee)
VC	Veterinary Commission
VD	Veterinary Delegate
VGn	Veterinary Guidance Note
VR	FEI Veterinary Regulation
VRs	FEI Veterinary Regulations
VSM	Veterinary Services Manager
WT	Withdrawal Time

### **Navigate Supporting Documents/Excerpts**

[FEI CLEAN SPORT](#)

[FEI - ADMINISTRATIVE PROCEDURE CASE](#)

[FEI MEDICATION LOG BOOK](#)

[FEI EQUINE THERAPEUTIC USE EXEMPTION FORM \(ETUE\)](#)

[FEI OLYMPIC SUBSTITUTION POLICY](#)

[FEI CONTROLLED MEDICATIONS AND MELOXICAM](#)

[FEI WHO IS RESPONSIBLE – HORSE SECURITY](#)

[FEI PERSONS RESPONSIBLE & SUPPORT PERSONNEL](#)

[MORE ON MELOXICAM – CYBERHORSE FORUM POSTS](#)

[EA - ABOUT SELECTION FOR THE RIO OLYMPICS](#)

### **SUPPORT INFORMATION**

#### **CYBERHORSE POSTS on this issue:**

*Cyberhorse is a privately owned equestrian and racing forum that allows open discussion, debate and information on issues and is populated by knowledgeable members*

This poster 'woki', is in-fact **Warwick Vale, a recent past chairman of EA, he is a veterinary surgeon and acted as the veterinary official at many FEI events.** He left his EA position under questionable circumstances that were never made public!

<http://forum.cyberhorse.com.au/forums/showthread.php?114744-Drug-Issues-with-Remington-Rotterdam-Can-anyone-explain/page2&highlight=1050909>

woki;1050913 post #58

Riders cannot compete with Meloxicam in their horse unless the ground jury and FEI vet provide a TUE - this never happens for this drug. If she had of applied for a TUE (this is the rider's responsibility not EA/vet etc) for this medication given during and/or prior to competition - it would have been refused.

To state that the horse had low levels of Meloxicam is pure speculation;

The labs never report on levels routinely

The lab has levels of detection, levels of reporting and levels of therapeutic value - they are not always the same and differ for each kind of medication.

For meloxicam, the laboratory will only set a reporting level (a positive) for a sample when the detected levels are close to or above therapeutic levels. Thus the fact the horse returned a positive swab report from the lab, is a clear breach of the rules unless the rider can establish a "no blame defence" - ie contamination/lab error/someone else responsible etc - the rider must show how the drug got into the horse/samples taken at the event.

By electing to accept an administrative sanction (which is a fair penalty for such a rule breach) the rider must have not been confident that they could establish a no blame defence. By accepting the sanction, the athlete moves on, no suspension, they accept the blame.

## **FEI EADCMR's: Equine Anti-Doping and Controlled Medication Regulations**

### **FEI 2013 VETERINARY REGULATIONS**

#### **Article 1001**

#### **National Federation (NF) Responsibilities**

The following Veterinary related matters are the responsibility of the National Federation (NF).

6. The NF is responsible for implementing an equine anti-doping and controlled medication control and education program in their country and for the required compliance with the EADCMRs.

Two days after the qualifying event at the 2016 CDI 3\* in Rotterdam on 22 - 26 June 2016. EA's own vet drew Sue's horse's blood. This sample also tested positive to the drug Meloxicam an anti-inflammatory medication which is quite legal, just not to be given within a certain time frame and must be declared.

EA followed up an FEI test with a test of their own, this was a good policy. It's what they did after their test received a positive result demonstrated lack of planning. Forewarned should have meant forearmed. It didn't here and policy needs to be written and adhered to.

#### FEI OLYMPIC SUBSTITUTION POLICY

[https://inside.fei.org/system/files/Olympic%20Regulations%20Rio%202016%20-%20Equestrian%20-%20April%202022\\_2016.pdf](https://inside.fei.org/system/files/Olympic%20Regulations%20Rio%202016%20-%20Equestrian%20-%20April%202022_2016.pdf)

## Article 609 – SUBSTITUTIONS (Please refer to the Late Athlete Replacement Policy (LAR))

1. Substitutions will only be allowed in the event of an accident or illness of an Athlete and/or Horse on the presentation of the appropriate Medical/Veterinary certificate and the permission of the Chief Medical Officer and/or the Veterinary Commission.
2. Substitutions can only be made with another Athlete or Horse that has obtained the minimum eligibility standard for participation according to the relevant Rules and that was duly entered on the list of nominated entries of **20 June 2016**.

NOCs will be required to nominate to Rio 2016 the long list of all Athletes who could possibly be entered for the Olympic Games by ~~23-March~~ **29 April 2016** (date to be confirmed by Rio 2016). Any substitution made according to these Rules will have to be made by an Athlete entered on this list.

### 3. Substitutions are defined as follows:

- 3.1. For all disciplines: substitution **Request I** for Athletes and Horses will be permitted from the FEI nominated entries/Certificates of Capability list between the date of the official Final entries **18 July 2016** until one (1) hour before the First Horse Inspection for each discipline.

(ii) for Dressage: Substitution of Team Athletes up to two (2) hours before the scheduled starting time of the Grand Prix test.

**(iii) For Eventing: substitution of Team Athletes up to two (2) hours before the scheduled starting time of the Dressage test.**

Replacement of Individual Athletes up to one (1) hour before the start of the Grand Prix Special / Grand Prix Freestyle.

- 3.3. All substitutions must be validated by OCOG Competition Management, the FEI and IOC according to the Late Replacement Policy.

### 4. Substitute Athletes

Should an ~~Jumping or Dressage~~ Athlete be substituted following **Request II**, his Olympic accreditation will be transferred to the substitute Athlete and the initial Athlete will lose all his rights.

**What is an “Administrative Procedure” case?**

If your horse’s sample is positive for a Controlled Medication Substance that was **not taken at the OG or WEG, and this is the first violation for both you and your horse**, you will be offered the opportunity to take advantage of the Administrative Procedure (sometimes referred to as “Fast Track”). This means that you may accept to pay a fine of CHF 1,500 and costs of CHF 1,000 and, at the same time, you waive your right to a Final Hearing before the FEI Tribunal. **Both you and your horse will be disqualified from the Event at which the sample was taken**, which includes forfeiting any prize money or medals, **but you will not face any ineligibility period (i.e. suspension.)** Please be aware that the Administrative Procedure is offered as a benefit for first-time minor offences. You have no obligation to accept it and may always insist that your case be heard by the FEI Tribunal. **If you do not choose the Administrative Procedure, the matter will be referred to the FEI Tribunal, which will apply the sanctions provided for in the EADCM regulations (this means that you may be suspended and/or fined).**

- It’s worth noting that the FEI has a guideline (guideline, not a rule with applicable penalties as far as I can find), that riders should keep a logbook of all the medications and feed additives that their horse receives. I understand that there was no journal entry by Sue Hearn for Remington and Meloxicam

<http://www.smh.com.au/sport/olympics/rio-2016/olympics-australia/australian-dressage-rider-sue-hearn-received-administrative-sanction-from-equestrian-bosses-before-rio-olympics-20160811-gqqocw.html>

An administrative sanction does not lead to a suspension if the rider admits to the offence and pays a fine of 1500 Swiss francs, but the horse and rider are disqualified from the event where it occurred.

## **FEI MEDICATION LOG BOOK**

From FEI Documents :

### **FEI 2013 VETERINARY REGULATIONS**

#### **Article 1066**

#### **FEI Medication Log Book**

1. The FEI Medication Logbook must be kept for all FEI Horses, recording the date, substance, and dosage of any treatment of a substance listed on the EPSL whether it occurred during or outside of competition.
2. The record must also clearly identify the person administering the treatment.
3. In the prosecution of any EADCMR violation, the FEI Tribunal may request to see the FEI Medication Logbook; failure to produce the FEI Medication Logbook may result in an adverse inference being drawn against the PR.

<http://www.feicleansport.org/ATHLETE'S%20GUIDE%20TO%20ANTI-DOPING.pdf>

Will I be Provisionally Suspended? You will automatically be provisionally suspended if the positive test is for a Banned Substance, or if it is for a **Controlled Medication Substance arising from a sample taken at the OG or WEG.**

#### **My Comment:**

- There was no Log Book entry for Remington being administered Meloxicam
- Remington's sample was not taken at an Olympic Games or World Equestrian Games, but at an FEI competition.
- Under FEI rules Sue and Remington were not banned from competing at the Olympics because of this Administrative Procedure resulting from the positive drug test of Remington BUT her qualifications under EA selection policy should have been negated for this event

## **ABOUT CONTROLLED SUBSTANCES:**

### **CYBERHORSE POSTS on this issue:**

This poster “woki” is in-fact Warwick Vale, a recent past chairman of EA, he is a veterinary surgeon and acted as the veterinary official at many FEI events.

[QUOTE=woki;1050913] Riders cannot compete with Meloxicam in their horse unless the ground jury and FEI vet provide a TUE - **this never happens for this drug**. If she had of applied for a TUE (this is the rider’s responsibility not EA/vet etc) for this medication given during and/or prior to competition - it would have been refused. [/QUOTE]

<https://inside.fei.org/news/legal-department-administrative-sanctioning>

Since 2004, the FEI Judicial Committee has worked on the establishment of a “two-tier” system intended to speed up the handling of the majority of positive medication cases **which involve minor violations**.

“Professionals as well as many amateur riders are involved in our sport, including a large number of new competitors with less experience (young riders, new countries, new disciplines) and the majority of positive cases involve negligence with respect to the use of medication” explains Alex McLin, head of the Legal department. “The fast track procedure allows the FEI to concentrate its resources on the fight against patent doping, and is in line with the recommendations of the FEI Task Force on Anti Doping and Medication, and with the due process rights of competitors”.

## **FEI CLEAN SPORT**

<http://www.feicleansport.org/Rules.pdf>

Where Controlled Medication Substances or Controlled Medication Methods are involved, the following shall constitute ECM Rule violations:

2.1.3 Excepting those substances for which a quantitative threshold or permitted limit is specifically identified in the Equine Prohibited Substances List or where a valid ETUE has been submitted, the presence of any quantity of a Controlled Medication Substance or its Metabolites or Markers in a Horse’s Sample during an Event shall constitute an ECM Rule violation.

## Equine Therapeutic Use Exemption Form (ETUE)

### FEI 2013 VETERINARY REGULATIONS

#### **Article 1047**

#### **Veterinary Forms**

1. The following Veterinary Forms are to be used during Events for the authorisation of emergency treatments, altrenogest in mares, and other medications as applicable, and/or supportive therapies.

a) **Veterinary Form 1** (previously Equine Therapeutic Use Exemption Form 1 / ETUE 1)

Authorisation for Emergency Treatment (limited to Controlled Medication substances)

b) **Veterinary Form 2** (previously Equine Therapeutic Use Exemption Form 2 / ETUE 2)

Declaration for administration of altrenogest to mares

c) **Veterinary Form 3** (previously Medication Form 3)

Authorisation for the use of medication and supportive therapies not included on the EP SL (rehydration fluids and antibiotics)

d) **Veterinary Form 4**

Self declaration for administration of specifically stated substances only, as prescribed below in these VRs

2. All Veterinary Forms are only valid for the Event in which they are completed and authorised.

3. With the exception of non-prohibited nebulised (inhaled) or orally administered substances, all treatments must be administered within the Designated Treatment Boxes, unless exceptionally authorised by the VD and reported in the FEI Veterinary Reports submitted by the VD.

4. The originally completed and authorised Veterinary Form(s) must be copied and submitted with the FEI Veterinary Report by the FVD/ VD and in accordance with VRs and remain confidential at all times.

5. The administration of substances approved by the Veterinary Forms may be subject to routine checks by Stewards or other FEI Officials submitted to the VC/ VD to be signed, if the Horse will remain at the Event venue. In such circumstances it is not necessary for the President of the GJ to countersign the Veterinary Form 1.

## **FEI 2013 VETERINARY REGULATIONS**

### **Article 1051**

#### **Self-Declaration Substances**

#### **Veterinary Form 4**

7. The Self-Declaration Substances that may be administered following the correct completion of the Veterinary Form 4 are :

- a) Joint Support: Aminoglycans (e.g. Adequan), Pentosan polysulphate (e.g. Pentosan), Hyaluronic acid
- b) Injectable vitamins
- c) Amino Acids
- d) Injectable Homeopathics: Traumeel, Zeel

### **CYBERHORSE POSTS on this issue:**

This poster 'woki', is in-fact Warwick Vale, a recent past chairman of EA, he is a veterinary surgeon and acted as the veterinary official at many FEI events.

- **[QUOTE=woki;1050913]** Thus the fact the horse returned a positive swab report from the lab, is a clear breach of the rules unless the rider can establish a "no blame defence" - i.e. contamination/lab error/someone else responsible etc - the rider must show how the drug got into the horse/samples taken at the event. **[/QUOTE]**

### **FROM FEI DOCUMENTS:**

## **FEI 2013 VETERINARY REGULATIONS**

### **Article 1046**

#### **Treatment with Controlled Medication Substances**

2. During Events, the administration of treatments and supportive therapies must be authorised by the VC/ VD before administration, using the appropriate Veterinary Form.

4. The use of a Controlled Medication Substance may only be authorised for treatment during an Event in exceptional circumstances, in accordance with these VRs, the EADCMRs and the GRs.

### **My Comment**

From my readings, if the rider is offered the "Administrative Procedures" route but elects to defend the breach and take the Tribunal route, then yes, the rider (AKA The

responsible person) must establish a 'no blame defence' – i.e. contamination/lab error/someone else responsible etc - the rider must show how the drug got into the horse/samples taken at the event.

## MORE ABOUT CONTROLLED MEDICATIONS AND MELOXICAM

### FROM FEI DOCUMENTS:

<https://inside.fei.org/system/files/2016%20Equine%20Prohibited%20Substances%20List.pdf>

**CONTROLLED** Meloxicam Non-steroidal anti-inflammatory drug

**Meloxicam** is a [nonsteroidal anti-inflammatory drug](#) (NSAID) with [analgesic](#) and [fever reducer](#) effects. It is a derivative of [oxicam](#), closely related to [piroxicam](#), and falls in the [enolic acid](#) group of NSAIDs.<sup>[2]</sup> It was developed by [Boehringer-Ingelheim](#)

<https://inside.fei.org/fei/cleansport/ad-h/prohibited-list>

<http://inside.fei.org/system/files/2016%20Controlled%20List.pdf>

### **2016 Equine Prohibited Substances List : CONTROLLED MEDICATION**

- Prohibited Substances include any other substance with a similar chemical structure or similar biological effect(s).
- Prohibited Substances that are identified as Specified Substances in the List below should not in any way be considered less important or less dangerous than other Prohibited Substances. Rather, they are simply substances which are more likely to have been ingested by Horses for a purpose other than the enhancement of sport performance, for example, through a contaminated food substance.

Prohibited Substances are categorised as follows:

- **'Banned Substances'** are substances that are deemed by the FEI to have no legitimate use in the competition horse and/or have a high potential for abuse. They are not permitted for use in the competition horse at any time.
- **'Controlled Medication'** are substances that are deemed by the FEI to have therapeutic value and/or be commonly used in equine medicine. Controlled Medication have the potential to affect performance and/or be a welfare risk to the horse.

[http://inside.fei.org/system/files/FEI\\_detection\\_times.pdf](http://inside.fei.org/system/files/FEI_detection_times.pdf)

**A detection time is not the same as a withdrawal time.** The detection time is the approximate period of time for which a drug (or its metabolite) remains in a horse's system, such that it can be detected by the laboratory and is provided only as a guide. The withdrawal time for a drug must be decided upon by the treating veterinarian and is likely to be based on the detection time and an added safety margin. This margin should be determined using professional judgment and discretion to allow for individual differences between horses such as size, metabolism, degree of fitness, recent illness or disease etc. to be taken into consideration.

**Substance** – MELOXICAM      **Preparation** - Metacam

**Dose-** 0.6mg/kg/14 days      **Route of administration** - Daily Oral / i.v.

**Detection time (hours)** – 72 hours (3 days) .

### My Comments

- Meloxicam can be used, but not in competition unless the rider has requested (needs to be rider initiated) and gained an ETUE for this drug, which appears unlikely as it is not listed for a form 4 ETE..
- Clearly riders/vets/advisors need to take great care calculating both the detection and withdrawal times. It would be easy to make a mistake so erring on the side of caution would be advisable.
- However, The following contradicts what I just said:

### **FROM FEI DOCUMENTS:**

#### **FEI 2013 VETERINARY REGULATIONS**

#### **Article 1046**

#### **Treatment with Controlled Medication Substances**

2. During Events, the administration of treatments and supportive therapies must be authorised by the VC/ VD before administration, using the appropriate Veterinary Form.

4. The use of a Controlled Medication Substance may only be authorised for treatment during an Event in exceptional circumstances, in accordance with these VRs, the EADCMRs and the GRs.

## **My Comments**

- Once the competition is over and there's no FEI competition on the horizon, then Meloxicam can quite legally be used, why would EA test Remington outside the competition time anyway? **BUT** if he was still stabled on the Rotterdam competition site he is still governed by the FEI rules for the competition, the FEI journal rules also apply.

## **FEI WHO IS RESPONSIBLE?**

[http://inside.fei.org/system/files/FEI%20Warning%20re%20Supplement%20Use%20-%202019%20December%202015\\_0.pdf](http://inside.fei.org/system/files/FEI%20Warning%20re%20Supplement%20Use%20-%202019%20December%202015_0.pdf)

<http://www.feicleansport.org/Rules.pdf>

**Where Controlled Medication Substances or Controlled Medication Methods are involved, the following shall constitute ECM Rule violations:**

2.1 The presence of a Controlled Medication Substance or its Metabolites or Markers in a Horse's Sample

2.1.1 It is each Person Responsible's personal duty to ensure that no Controlled Medication Substance is present in the Horse's body during an Event. Persons Responsible are responsible for any Controlled Medication Substance found to be present in their Horse's Samples, even though their Support Personnel will be considered additionally responsible under Articles 2.2 – 2.7 ECM Rules where the circumstances so warrant. It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish a Rule violation under Article 2.1.

2.1.2 Sufficient proof of a Rule violation under Article 2.1 is established by either of the following:

(i) presence of a Controlled Medication Substance or its Metabolites or Markers in the Horse's A Sample where the Person Responsible waives analysis of the B Sample and the B Sample is not analysed;

2.1.3 Excepting those substances for which a quantitative threshold or permitted limit is specifically identified in the Equine Prohibited Substances List or where a valid ETUE has been submitted, the presence of any quantity of a Controlled Medication Substance or its Metabolites or Markers in a Horse's Sample during an Event shall constitute an ECM Rule violation.

## **My Comment**

- My interpretation is that for FEI competitions Meloxicam is a CONTROLLED medication that can be used, but use must be withdrawn in sufficient time for the substance to not be present in the horses' blood at the time of competition.

### **FEI 2013 VETERINARY REGULATIONS**

#### **Article 1046**

##### **Treatment with Controlled Medication Substances**

1. Controlled Medication Substances, as listed on the FEI Equine Prohibited Substances List (EPSL), which are administered to Horses during or close to an Event may result in an Adverse Analytical Finding in accordance with the EADCMRs.
2. During Events, the administration of treatments and supportive therapies must be authorised by the VC/ VD before administration, using the appropriate Veterinary Form.
4. The use of a Controlled Medication Substance may only be authorised for treatment during an Event in exceptional circumstances, in accordance with these VRs, the EADCMRs and the GRs.
5. The use of Banned Substances prior to, or during an Event is always strictly prohibited.
6. No intra-articular administration of any medication is allowed during FEI Events.
7. Treatments administered before an FEI Event (e.g. during transport) may be retro-actively authorised, using the appropriate Veterinary Form (in accordance with these VRs), by the VC/ VD, when appropriate, on arrival at the Event.
8. In accordance with the Code of Conduct for the Horse, the VC/ VD must always verify prior to signing the Veterinary Form whether the medication requested, or previously administered, may affect:
  - a) the Horse's fitness to compete;
  - b) the fairness of the Competition; and/or
  - c) the welfare of the Horse and/ or Athlete.

## **FEI PERSONS RESPONSIBLE & SUPPORT PERSONNEL**

**2.1.1. states: “Persons Responsible are responsible for any Controlled Medication Substance found to be present in their Horse’s Samples”.**

### **FEI 2013 VETERINARY REGULATIONS**

#### **Article 1002**

#### **Persons Responsible & Support Personnel**

1. As set forth in the GRs (GRs Article 118) and the EADCMRs, the Person Responsible (PR) for the Horse is the Person who rides, drives or vaults the Horse.

#### **My Comment**

- I would understand this to mean that: you are riding this horse so it’s up to you to ensure that nothing enters its’ system that you don’t know about and have not sanctioned.
- From what I have read no one is questioning the analysis process/ science/ handling procedure behind the horses’ positive sample.  
I would understand this to mean that: you are riding this horse so it’s up to you to ensure that nothing enters its’ system that you don’t know about and have not sanctioned.
- The sample was taken at the event by the FEI vet. There is no way of knowing if the Meloxicam was introduced into the horses system at the event or prior to it. The FEI suggests that the detection time is 72 hours so it’s anyone’s guess.

#### **Related Issue – Peter Moody - Cobalt**

<http://www.heraldsun.com.au/sport/superracing/vic-racing/cobalt-saga-peter-moody-accuses-rv-of-incompetence-after-head-vet-admits-mistake-not-informing-trainers-how-vitamins-could-affect-cobalt-levels/news-story/8d3358d8e57a71230313869078d1bf2b>

#### **My Comment**

- As I understand it, by accepting “Administrative Procedures”: Sue Hearn accepted that by the FEI definition: she was the person responsible for ensuring her horse was clear of Controlled Medications at FEI competitions

and that the blood sample taken from Remmington at the FEI competition in Rotterdam did test positive for a Controlled Medication .

This is NOT the same as admitting that she knowingly administered or allowed to be administered a Controlled Substance or in-fact knew of its' presence in her horses sample.

- Taking the FEI Tribunal alternative - By electing to defend a positive swab the person responsible must be able to show that he was not at fault or did not demonstrate significant fault or negligence.
- The more I looked into the FEI documents, the more it became apparent that to not accept FEI “Administrative Procedures” and taking the FEI Tribunal route ( if you were offered the former) would involve many experts, a huge amount of money and a long delay (you would be suspended from all FEI competitions ,including the Olympics if they occurred during the suspension period, while the case was pending).

Basically by accepting the FEI’s “Administrative Procedures” you are saying I was responsible (under the FEI definition of person Responsible for the Horse) for this horse and I do not contest the scientific finding from the analysis.

**So what happens if Sue Hearn didn't accept the FEI Administrative Sanction after the positive sample finding and decided go the FEI Tribunal route?**

## What are the Possible Penalties if I Violate the EADCM Regulations ?

There are four (4) levels of consequences if you violate the EADCM regulations.

**1) Disqualification** : The combination of the horse and athlete will be automatically disqualified from the competition concerned and any resulting forfeiture of medals, prizes, money, etc. must be returned to the Organising Committee. Further, the FEI Tribunal will have the discretion to disqualify the PR and/or horse from other competitions separately entered into at the same Event (i.e. that the Athlete or horse participated in with a different horse or Athlete) or from Events following the one in which the sample was taken. This discretionary disqualification will be determined by the FEI Tribunal based on the facts presented during the case.

**2) Ineligibility** : For Banned Substances, the ineligibility period (more generally known as suspension) shall be an entry point of two (2) years. This is consistent with the World Anti-Doping Agency's Code for human athletes and is a change from the previous rules which described the appropriate sanction as up to two (2) years. This two (2) year suspension can be reduced only if the PR can show that he was not at fault or did not demonstrate significant fault or negligence. **For Controlled Medication Substances, the ineligibility period is up to two (2) years, based on the facts of the case and the Person Responsible's explanation(s).**

**3) Fine** : For Banned Substances violations, the fine is CHF 15,000 unless fairness dictates otherwise. For Controlled Medication violations, the fine is up to CHF 15,000.

**4) Costs** : The FEI Tribunal may also require the PR to assume some of the legal costs for the case.

## **So what about the timeline? Who knew what and when?**

<http://www.horsemagazine.com/thm/2016/08/remmingtons-test-who-knew/>

The Horse Magazine understands that after Rotterdam, Remmington was tested twice, once by the FEI vets with the results released on August 3, but also by the Australian team vet! Rotterdam was at the end of June, the Australian vet team should have received the report by mid July.

E.A. anti doping policies

<http://www.equestrian.org.au/clean-sport>

EA - ABOUT SELECTION FOR THE RIO OLYMPICS

[http://www.equestrian.org.au/sites/default/files/2016%20Australian%20Olympic%20Team%20Nomination%20Criteria\\_Equestrian%20Dressage.pdf](http://www.equestrian.org.au/sites/default/files/2016%20Australian%20Olympic%20Team%20Nomination%20Criteria_Equestrian%20Dressage.pdf)

ROTTERDAM FINAL NOMINATION EVENT

<http://www.equestrian.org.au/news/final-nomination-event-looms-australias-rio-dressage-hopefuls>

### **My Comment**

Perhaps the lack of public disclosure from EA is explained by the following FEI extract but does not explain why the Hearn's' and EA weren't forewarned by the positive results from their own EA swab :

#### **13.3 Public Disclosure**

13.3.1 Neither the FEI or its National Federation shall publicly identify Horses or Persons Responsible whose Horses' Samples have resulted in Adverse Analytical Findings, or Persons Responsible and/or members of the Support Personnel who were alleged to have otherwise violated these Rules, until the earlier of completion of the administrative review and Notification described in Articles 7.1.2 and 7.1.3 or the start of the Provisional Suspension of the Person alleged to have violated the ECM Rule. Once a violation of these ECM Rules has been established, it shall be publicly reported in an expeditious manner via the FEI Case Status Table at [www.fei.org](http://www.fei.org) u

### **CYBERHORSE POSTS on this issue:**

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This poster “woki” is in-fact Warwick Vale, a recent past chairman of EA, he is a veterinary surgeon and acted as the veterinary official at many FEI event

[QUOTE=woki;1050913]Sue got a fair and usual sanction under the FEI EADMC rules and still competed. [/QUOTE]

- This is supported by the FEI and IOC documents. Sue was eligible to compete in the Rio Olympics under the FEI rules.
- The issue of who actually ended up qualifying under EA selection criteria is disputed and questionable.
- Unfortunately, by Sue accepting the FEI Administrative Procedure, many people therefore wrongly assumed that Sue admitted guilt and was therefore “a drug cheat”. Guilt or otherwise in being complicit in this drug finding remains un-tested, the FEI Tribunal would be the forum to do this. But, there are many reasons, other than guilt, for not taking the FEI Tribunal route in such a case even when you are innocent. It would have served EA well to have explained this.

## FEI and IOC ACRONYMS

AC	Appeal Committee
APV A	Athlete’s Private Veterinarian
AVD	Assistant Veterinary Delegate
BS	Banned Substance
CI	International Competition
CM	Controlled Medication
DT	Detection Time
EADCM	FEI Equine Anti-Doping and Controlled Medication Regulations
EADCMP	Equine Anti-Doping and Controlled Medication Program
EADCMR	Equine Anti-Doping and Controlled Medication Regulations
EPSL	FEI Equine Prohibited Substances List
ETUE	previously Equine Therapeutic Use Exemption Form 1/2/3/4
FSL	FSL FEI Screening Limits of Detection
FSL	FEI Screening Limit
FV	FEI Veterinarian
GJ	Ground Jury
GR	FEI General Regulation
GR	General Regulations
IV	Intravenous
MF	Medication Form
NF	National Federation

NHV	National Head FEI Veterinarian
OC	Organising Committee
OV	FEI Official Veterinarian
PR	Person Responsible
PV	FEI Permitted Treating Veterinarian
TV	Treating Veterinarian (appointed by the Organising Committee)
VC	Veterinary Commission
VD	Veterinary Delegate
VGn	Veterinary Guidance Note
VR	FEI Veterinary Regulation
VRs	FEI Veterinary Regulations
VSM	Veterinary Services Manager
WT	Withdrawal Time