

BEFORE NEW ERA ARBITRATION

United States Anti-Doping Agency,))	
Claimant,))	
v.))	New Era No. 24071002
Aaron Keith,))	Hearing Date: August 2, 2024
Respondent.))	

OPERATIVE AWARD

The sole arbitrator in this case, Cameron Myler (“Arbitrator”), after duly considering the submissions, evidence, relevant authorities, and the arguments of the United States Anti-Doping Agency (“USADA”) and Dr. Aaron Keith, which were presented at a hearing held via teleconference call on August 2, 2024, renders the following interim operative decision and award in this expedited proceeding:

1. Since Dr. Keith does not dispute that the IRMS analysis of his urine samples reflected values consistent with the administration of an anabolic agent of exogenous origin, the issues before the Arbitrator are: 1) whether, on the balance of probabilities, Dr. Keith “can establish that the anti-doping rule violation [(ADRV)] was not intentional” (World Anti-Doping Code (“Code”) 10.2.1.1); 2) if Dr. Keith is able to establish that the ADRV was not intentional, whether the default two-year period of ineligibility should be reduced based on Dr. Keith having No Significant Fault or Negligence (Code 10.6.1.2); 3) the date on which any period of ineligibility shall commence (Code 10.13); and 4) whether Dr. Keith should be disqualified from any results obtained on and after January 17, 2024, through the commencement of his

provisional suspension on April 19, 2024 (Code 10.10).

2. With respect to those issues, the Arbitrator finds as follows:

a. Dr. Keith has met his burden of demonstrating that the ADRV was not intentional, so the default starting sanction is two years;

b. Using the framework set forth in CAS 2013/A/3327 *Marin Cilic v.*

International Tennis Federation, the Arbitrator considered objective factors to determine whether Dr. Keith's level of fault is light (0-8 months), normal (8-16 months), or considerable (16-24 months) and subjective factors to determine where a sanction should fall within a given category of fault. The objective factors in this case support a finding that Dr. Keith's level of fault is light and therefore the period of ineligibility should fall in the range of zero to eight months. Based on the subjective factors, a period of ineligibility of four months is appropriate in this case;

c. The date on which the period of ineligibility commenced shall be April 19, 2024, the date on which Dr. Keith accepted the provisional suspension in this matter; and

d. Dr. Keith is disqualified from any results obtained on and after January 17, 2024, through the commencement of his provisional suspension on April 19, 2024.

3. The fully reasoned decision and award shall be delivered by the Arbitrator hereafter.

By: Cameron Myler, Arbitrator

Dated: August 4, 2024