

**Before the American Arbitration Association**

**United States Anti-Doping Agency, Claimant**

**v. Case No. 01-17-0003-4443**

**Gil Roberts, Respondent**

**Operational Award**

This matter came on to be heard on an expedited basis on June 13, 2017, when counsel for the parties agreed to appoint the undersigned Arbitrator to hear the matter on June 20, 2017 and to render an Operational Ruling on or before June 21, 2017, with a reasoned decision to follow within 30 days.

A preliminary hearing was held on June 14, 2017, at which time a briefing schedule was set; the exchange of information respecting witnesses, expert witnesses, and exhibits was set; and an evidentiary hearing was scheduled for June 20, 2017 by conference call.

At the evidentiary hearing, the Arbitrator heard evidence from the Athlete, from Alex Salazar, by affidavit that was previously submitted, and heard the live testimony of the athlete's expert, Dr. Pascal Kintz and USADA's expert Dr. Fedoruk. At the conclusion of the evidence, counsel for the parties made closing arguments.

In response to questions from the Arbitrator, counsel for the parties agreed the evidence in this case did not establish that the Athlete intentionally doped. Therefore counsel for the parties agreed that the operational issue before the arbitrator was whether the athlete had met his burden under Article 10.4 of the World Anti-Doping Code to demonstrate by a balance of probabilities how the banned substance entered his system and that the athlete did not know or suspect and could not have reasonably known or suspected even with the exercise of utmost caution that he had ingested a prohibited substance. And if the Arbitrator concludes that the athlete met his burden of proof under Article 10.4, then the athlete will be deemed to be without fault in this matter and can participate in upcoming sporting events.

Under the facts and circumstances of this case, the undersigned Arbitrator is of opinion that the athlete has met his burden of proof, and therefore my operational ruling is that the athlete is without fault in this matter. It is so ordered.

John Charles Thomas, Arbitrator

June 20, 2017