

DOPING

IN THE MATTER OF AN APPEAL BY TONY SHARPE OF A LIFE TIME WITHDRAWAL OF ACCESS TO DIRECT FEDERAL FUNDING

ARBITRATION

Applicant: Tony Sharpe

Arbitrator: Larry Banack

APPEARANCES:

The Applicant:

Tony Sharpe and Counsel Jordan Goldblatt and Ben Katz

The Respondent:

Sport Canada

Affected Party:

Athletics Canada

I. Background:

1. This adjudication concerns the Application for Reinstatement to entitlement to direct federal funding by Mr. Tony Sharpe (the "Applicant"). The Applicant began his participation in track and field in grade four, and was a member of the Canadian National Track Team from 1979-1987. The Applicant was a silver medalist at the 1982 Commonwealth Games and a bronze medalist in the 1984 Olympic summer games in Los Angeles as a member of the 4 x 100 meter relay team. Between 1982 and 1993 the Applicant had the fastest time for a Canadian sprinter in the 200 meter distance.
2. In response to certain disclosures and positive findings respecting the use of anabolic steroids and other performance enhancing drugs by Canadian athletes in the 1988 Seoul Olympic Games, the "Commission of Inquiry Into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance" (the "Dubin Inquiry") was appointed by Order in Council dated October 5, 1988. The purpose of the Dubin Inquiry was to investigate and report on the facts and circumstances surrounding the use of drugs and banned practices, intended to increase athletic performance by Canadian athletes. Following an investigation and hearings into the matter, a report was delivered in June of 1990 (the "Dubin Report").
3. On the basis of the evidence adduced, the Dubin Report concluded that a number of athletes, including the Applicant, were deemed to be in breach of the Sport Canada Doping

Control Policy.¹ The Honourable Charles L. Dubin recommended that the named athletes be suspended from federal funding in any role, in any sport, with a right of appeal to an independent arbitrator.² The Minister of State for Youth, Fitness and Amateur Sport adopted the recommendations of the Commission and, as a result, the Applicant was suspended from the program of federal funding.

II. Issue

4. Has the applicant demonstrated that he is truly deserving of resuming his place as a community leader.
5. I concur that this is the critical question as framed by adjudicator Whiteside in *Killingbeck* as follows:

Elite athletes, of which the applicant was clearly one, are models for our young people—indeed for persons of all ages. Such persons have been endowed with great gifts; they have a responsibility to assure that these gifts are used not only for self-achievement, but also to serve the community. They are persons who are uniquely placed, particularly with the young, to carry a strong message of ethics morality and the sporting ideal; to declare, in clear terms, that cheating and lying are not an acceptable way of life, not only in sports but also in our wider community activities; it is their duty to install these values in return for the public adulation and material benefits which are bestowed upon them.

This, I believe, is the clear message of the Dubin Report. It is a mandate to the adjudicator to assure that the persons seeking reinstatement are truly deserving of resuming their place as community leaders.³

III. Procedural History:

6. The procedure for reinstatement is a relatively informal and non-adversarial process, commencing with an Application for Reinstatement by the suspended person. It involves a hearing before an arbitrator who is to make a determination in accordance with the criteria for reinstatement and any other factors deemed to be relevant in the circumstances. The arbitrator may give whatever weight he or she might deem appropriate to the various criteria.

¹ Dubin, Charles. L., “Commission of Inquiry Into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance” (1990) at p. 580-581. [“*Dubin Report*”]

² *Ibid.*

³ *In The Matter of An Appeal by Molly Killingbeck of a Life Time Withdrawal by Sport Canada of Access to Direct Federal Funding* (November 20, 1992) [“*Killingbeck*”] at pp. 3-5.

7. The Applicant has made an Application for Reinstatement and I have been appointed the arbitrator in this matter.
8. A conference telephone call with respect to preliminary matters was held on July 4, 2012.

IV. The Hearing:

9. A hearing on the merits via conference call proceeded on July 23, 2012, for consideration of the Applicant's appeal to determine whether the lifetime withdrawal of access to direct federal funding should be lifted. The hearing consisted of written and oral submissions by the Applicant. The Applicant testified under oath.
10. Sport Canada and Athletics Canada did not participate in the hearing.

V. Criteria for Reinstatement and Review:

11. The Dubin Report outlines the criteria to be applied in making reinstatement determinations. These criteria have been applied in the following decisions:
 - (i) *In The Matter of An Appeal by Molly Killingbeck of a Life Time Withdrawal by Sport Canada of Access to Direct Federal Funding* (November 20, 1992) (hereinafter "Killingbeck") and;
 - (ii) *In The Matter of an Appeal by Andrzej Kulesza of the Life Time Withdrawal by Sport Canada of Access to Direct Federal Funding in Any Role, in Any Sport* (July 22, 1992) (hereinafter "Kulesza").
 - (iii) *In The Matter of an Appeal by Desai Williams of the Life Time Withdrawal by Sport Canada of Access to Direct Federal Funding in Any Role, in Any Sport* (November 26, 2010) (hereinafter "Williams")

The Dubin Criteria:

12. The Dubin criteria enumerate factors to be weighed in determining whether the lifetime withdrawal of access to direct federal funding should be lifted, and to the conditions, if any, to be attached. These factors include:
 - (i) the age and experience in sport of the Applicant;
 - (ii) the Applicant's cooperation with investigating bodies;
 - (iii) the possibility of the Applicant's rehabilitation;
 - (iv) the penalty imposed by the sport-governing body;
 - (v) the conduct of the Applicant since access to direct federal funding was lifted;
 - (vi) the willingness of the Applicant to acknowledge the seriousness of his acts or omissions as a coach in sport (ie: remorse);

- (vii) the Applicant's position of influence and responsibilities at the time of the events leading to the lifting of access to direct federal funding;
- (viii) the care and development of the athletes under the Applicant's direction, apart from the Applicant's involvement with drugs;
- (ix) the Applicant's contribution made to sport.
- (x) the factors or pressures which lead to the sanctioned conduct;
- (xi) the frequency of the sanctioned conduct; and
- (xii) those factors, in addition to specified matters, advanced by the Applicant and determined by the arbitrator to be relevant.

VI. Assessing the Application:

13. In order to make a determination of whether or not the Applicant should be reinstated to the program of federal funding, I must carefully consider:
 - a. The findings of the Dubin Inquiry relating to the Applicant and;
 - b. The written and oral submissions by the parties to this adjudication.

(a) The Dubin Inquiry Findings:

14. Although the Applicant's name is found only at pages 580-81 of the Dubin Report, the Applicant stated under oath that the allegations and findings recorded in newspaper reports regarding his use of performance enhancing drugs are accurate. The Applicant confirmed the following summary of evidence: [*emphasis added*]

Los Angeles Times, March 2, 1989:

"Francis said that at an early stage, top female sprinter Angella Taylor Issajenko injected Johnson and fellow sprinter **Tony Sharpe** with steroids, while the two men injected Issajenko with a growth hormone."

"He (Francis) said he first worked on steroid programs with Issajenko in 1979 and with Johnson and fellow runners Desai Williams and **Sharpe** in 1981."

Los Angeles Times, April 3, 1989:

"**Sharpe**, now retired because of injuries, told a federal inquiry into drugs in amateur sport that he and Johnson took steroids together while at a training camp on the island of Guadeloupe in the spring of 1984. That summer, **Sharpe** and Johnson were part of Canada's 400-meter relay team that won a bronze medal at the Los Angeles Olympics."

“**Sharpe** told the inquiry that he witnessed teammate Angella Taylor Issajenko inject Johnson with the drugs at an apartment she rented on the island. He also said **he** injected Issajenko-Canada’s top woman sprinter-with drugs he helped sneak past customs at the island airport.”

“**Sharpe** said he began taking steroids in 1981 after first discussing the drugs with Charlie Francis, the now-suspended national sprint coach.”

The New York Times, March 15, 1989:

“In one instance, she (Issajenko) described a 1984 training camp on the Caribbean island of Guadeloupe at which she said she had injected both Johnson and **Tony Sharpe**, another Canadian sprinter, with a mixture of human growth hormone and a steroid.”

Deseret News, April 3, 1989:

“Olympic bronze medalist **Tony Sharpe** admitted today that he took steroids while training with Canada’s national track team.”

(b) The written and oral submissions by the parties to this adjudication:

15. The Applicant submitted that the first time he used performance enhancing drugs was at Clemson University in 1979. He admitted that he was encouraged to believe that athletes who were successful used steroids. Although the Applicant submitted that performance enhancing drugs were a part of the environment and culture of the sport he also knew at the time that they were not permitted. The Applicant submitted that he knew the consequences that came with getting caught taking steroids.
16. In his affidavit, the Applicant submitted that his coach, Charlie Francis, was a proponent and a distributor of these drugs.⁴ He stated that at the time it was necessary to take steroids if an athlete was going to compete and beat the best. The Applicant stated that “it was believed that everyone who was beating you were probably using performance enhancement drugs.”⁵
17. The Applicant submitted that Francis injected him with anabolic steroids at a training camp in Guadeloupe in October 1983. He further submitted that he was also encouraged to inject his fellow teammate with a growth hormone.
18. Further to his affidavit, the Applicant submitted that after 1983 he had been given steroids by his doctor, Dr. Jamie Astaphan. He admitted that he never paid for the drugs as he could not have afforded them.
19. The Applicant testified that he had concerns of getting caught but kept these concerns to himself. He also admitted that he believes that he never really received any benefit from using the drugs.

⁴ Affidavit of Tony Sharpe at para 14.

⁵ Oral Submissions of Tony Sharpe dated July 23, 2012.

20. The Applicant in his affidavit submitted that although he admits to using steroids, he never considered himself to be a regular user. Rather he used steroids intermittently, during training when he was not injured.

VII. Merits of the Application:

21. The Dubin criteria for reinstatement must be examined in order to ascertain merit of the Applicant's case.

(i) The age and experience in sport of the Applicant:

22. The Applicant was 18 years old when he first used steroids and is currently 51 years old. His participation in track and field began in grade four. At an early age the Applicant excelled at sprinting, in particular, the 100m and 200m sprints and relays. His talent and dedication led him to compete in various national and international championships between 1979 and 1987, as a member of the Canadian National Track Team. The Applicant attended Clemson University in South Carolina where he excelled at various sprinting events. The Applicant's most notable experience as an elite athlete is the 1982 Commonwealth Games where he won a silver medal and at the 1984 Olympic Summer Games in Los Angeles as a member of the 4 x 100m where he won a bronze medal. The Applicant held the fastest time for a Canadian sprinter in the 200m between 1982 and 1993. Although the Applicant made the 1986 World Championship Team in Rome, he did not compete due to an injury that ultimately impacted the remainder of his career. The Applicant was a recipient of the Harry Jerome Award recognizing excellence in African Canadian Achievement.
23. Upon retirement, the Applicant had little involvement in athletics at any level or position due to the Dubin inquiry and the findings. The Applicant suffered financial hardship and was rejected from a Physical Education university program. In 1993 the Applicant began working at Xerox Canada in sales where he worked diligently and received personal satisfaction. After six years he moved from Xerox to a position in sales with Bell Canada where he worked for nearly eight years until cutbacks ended his career.
24. In 2006 the Applicant re-committed himself to training, mentoring and involving himself in sport. He incorporated a company called "Need 4 Speed" which advocates a "sport for life" mentality of using sport to prepare young athletes for the rest of their lives. Through Need 4 Speed the Applicant has worked with many provincial and national youth and junior champions from a variety of sports. He also runs an SAT prep course for his senior athletes to assist them in obtaining university scholarships.
25. The Applicant also founded the not for profit Speed Academy Athletics Club which focuses on training and mentoring young track athletes. The Applicant has trained a number of athletes who have qualified for the provincial championships. Most recently, eight of the forty athletes chosen for the 2012 Ontario Provincial Youth Track team are members of the Speed Academy.

26. Clearly, the Applicant has made significant contributions to the sport of track and field over an extended period of time demonstrating a passion and determination for personal success and for the athletic and scholastic success of others. These factors weigh strongly toward the reinstatement of the Applicant.

(ii) The Applicant's cooperation with investigating bodies:

27. The Applicant testified before the Dubin Commission taking ownership for his conduct. He admitted and stated that "to compete at the very best levels it would take some help, which meant steroids".⁶ The Applicant further admitted to the Commission that he started taking dianabol in the spring of 1982 and that he injected his fellow athletes with drugs while at a training camp on the island of Guadeloupe in the spring of 1984 to "sneak past customs at the island airport".⁷ Although he never had a positive test, the Applicant did not deny his use of performance enhancing drugs or the findings in the Dubin Report. The Applicant's submission that he cooperated fully and honestly with all investigative authorities is accepted and is a factor weighing favourably for reinstatement of the Applicant to the program of federal funding.

(iii) The possibility of the Applicant's rehabilitation:

28. In *Kulesza*, the arbitrator highlights two criteria which he states are relevant in determining the possibility of the Applicant's rehabilitation: the degree of hardship suffered and the Applicant's acknowledgment of the mistake.⁸
29. *Degree of Hardship:* As a result of his testimony at the Dubin Inquiry the Applicant suffered financial and emotional hardship. Further, although not banned from competition, as a result of Recommendation 69 of the Dubin Inquiry, the Applicant is ineligible to receive federal sport funding. The negative public attention drawn to the actions of the Applicant has had both damaging and stigmatizing effects on his personal reputation and dignity, including being rejected from university programs and post graduate opportunities. Although the Applicant submits that his participation with investigative bodies allowed him to openly admit his wrongdoing, it is inevitable that the investigation and hearing caused stress and will not change the fact that the Applicant violated the rules of sport and did not live up to his own moral code by taking the drugs.
30. The Applicant also submits that he lost the camaraderie, the joy of competition and the rewards of mentoring and teaching.⁹ Enduring these emotional and economic hardships for a number of years has achieved the punitive and preventative intent of the Dubin sanctions.
31. *Acknowledgment of Mistake:* The Applicant acknowledges his steroid use in a forthright manner and has not used performance enhancing drugs since the release of the Dubin Report. Further, the applicant continues to commit himself to mentoring young athletes

⁶ Application Record of the Claimant, Tony Sharpe, exhibit "E".

⁷ *Ibid.*

⁸ *In The Matter of an Appeal by Andrzej Kulesza of the Life Time Withdrawal by Sport Canada of Access to Direct Federal Funding in Any Role, in Any Sport* (July 22, 1992) at p. 16. ["Kulesza"]

⁹ Affidavit of Tony Sharpe at para 30.

based on his own experiences to inform them about proper nutrition, hydration and the use of supplements in training.

32. Balancing all of the considerations above, I view the achievement and potential for further rehabilitation as a factor weighing in favour of the Applicant's reinstatement.

(iv) **The penalty imposed by the sport-governing body:**

33. Although the Applicant was suspended from the program of federal funding as a result of Recommendation 69 of the Dubin Report, he was not banned from competition by Athletics Canada. The fact that Athletics Canada saw him as an athlete still worthy of competing weighs favourably for the reinstatement of the Applicant.

(v) **The conduct of the Applicant since access to direct federal funding was lifted:**

34. The Applicant submits that although he was not involved in sport for several years following his suspension, he is currently involved in two athletic endeavours: Need 4 Speed and the not for profit organization Speed Academy. Both Need 4 Speed and Speed Academy provides training, mentoring and leadership to young athletes.
35. Since retirement from competition, the Applicant continues to assist and train new athletes to achieve their fitness goals, obtain university scholarships, and to strive to become the best athlete possible, including becoming an Olympian.
36. The Applicant is proud of his past and present affiliation with Sport Canada and Athletics Canada. He sits on a number of advisory boards and committees. He is also the head coach of the Ontario Provincial Youth Track Team. Despite the setbacks the Applicant encountered as a result of the implementation of Recommendation 69, he has recommitted his life to sport and has been recognized for his skills as a coach, trainer and motivator of athletes.¹⁰
37. These lengthy, broad based community contributions are positive factors in favour of the Applicant.

(vi) **The willingness of the Applicant to acknowledge the seriousness of his acts or omissions as an athlete in sport (ie: remorse):**

38. I take note of the comments made by the arbitrator in *Kulesza* and adopted in Williams, "to athletes...admissions of failure do not come easily".¹¹ As a result, it is sometimes difficult to judge the sincerity of apologies made by an Applicant as "in these proceedings a

¹⁰ Letter of Support from Rob Guy, the CEO of Athletics Canada; Letter of Support from Atlee Mahron, the Director-At-Large of Athletics Canada.

¹¹ *In The Matter of an Appeal by Desai Williams of a Life Time Withdrawal by Sport Canada to Access to Direct Federal Funding* (November 26, 2010) at para 42 ["Williams"] citing *In The Matter of an Appeal by Andrzej Kulesza of the Life Time Withdrawal by Sport Canada of Access to Direct Federal Funding in Any Role, in Any Sport* (July 22, 1992) at p. 16. ["Kulesza"]

gratuitous statement of remorse can be as easy as it is self-serving”.¹² As difficult as it was, the Applicant has publicly acknowledged his mistake and has demonstrated that he is honestly remorseful for his behaviour and has learned from this experience. I do not believe this acknowledgement is merely self-serving and am therefore of the opinion that this factor should weigh in his favour.

(vii) The Applicant’s position of influence and responsibilities at the time of the events leading to the lifting of access to direct federal funding:

39. At the time the Applicant was banned from access to federal funding he was a successful international and Olympic athlete. The Applicant was in the public eye and was nationally recognized as a successful sprinter at the highest level of sport. Like most high level athletes he acted as a role model for younger athletes aspiring for success. Although the Applicant failed in his duty to act as a positive role model by using performance enhancing drugs, he has demonstrated this regret through his volunteer roles and his commitment and dedication to training, mentoring and coaching young athletes.¹³
40. The Applicant was also in a position of vulnerability. He was encouraged and convinced by those he most trusted and respected, including his coach and team doctor, to take performance enhancing drugs. Like the Applicant, many other athletes fell into what is known as the “drug subculture of international sports”.¹⁴ Although I am of the view that individuals must be responsible for the choices they make and athletes competing at an international level are role models for younger athletes, allowance must be given to the fact that the Applicant was induced to believe that those who were successful used steroids to enhance their performances.¹⁵

(viii) The care and development of the athletes under the Applicant’s direction apart from the Applicant’s involvement with drugs:

41. Since retiring as an athlete, the Applicant submits that he has fostered and nurtured thousands of athletes at a grass-roots level in the past six years. The Applicant has obtained National Coaching Certificate Program competition development (level 3) certification and Certified Run, Jump, Throw Instructor certification. The Applicant also volunteers with a number of prominent athletic organizations. This includes acting as Head Coach for the 2011/2012 Ontario Provincial Youth Team, Sprint/Relay Coach for the 2006-2008 Hershey North American final Provincial Team, and Voluntary Track Coach at St. Mary Secondary High School in Pickering, Ontario.
42. The Applicant is the founder and president of Need 4 Speed which carries out the “sport for life” mentality of using sport to prepare young athletes for the rest of their lives. Need 4 Speed also embraces the long-term athletic development (LTAD) model which attempts to develop athletic abilities at the right stage of physical development. Through Need 4 Speed

¹² *Williams*, supra note 11 at p. 17.

¹³ Oral Submissions of Tony Sharpe dated July 23, 2012.

¹⁴ Affidavit of Tony Sharpe, exhibit “E”.

¹⁵ Oral Submissions of Tony Sharpe dated July 23, 2012.

the Applicant has had the opportunity to work with many provincial and national youth and junior champions from a variety of sports and provide employment to teenagers. He also founded the not for profit Speed Academy Athletics Club where he trains and mentors young track athletes. There are 50 young adults enrolled in the Academy where the Applicant also runs an SAT prep course for his senior athletes many which have been offered scholarships to various Division 1 schools in the United States.

43. These contributions to young athletes weigh positively for reinstatement.

(ix) The Applicant's contribution made to sport:

44. The materials reviewed earlier in this decision lend support for the conclusion that the Applicant has made an important contribution to Canadian track and field. The Applicant is a talented and well accomplished athlete and coach. These are favourable accomplishments that could be applied more broadly if the Applicant became entitled to direct federal funding.

(x) The factors or pressures which lead to the sanctioned conduct:

45. As is evident from the Dubin Inquiry, the sport of track and field was plagued with widespread steroid use prior to the 1988 Olympic Games. Accordingly, many athletes expressed their belief that it was necessary to use drugs in order to remain competitive. The Dubin Report was highly critical of the actions of the CTFA during this time stating that it contributed to the climate of indifference by turning a blind eye to the warning signals and rumours, and that more diligence could have prevented the ultimate shame of the Seoul Olympic Games.
46. The prevalence of drug use, in combination with the climate of indifference by athletes, coaches and the CTFA, is an important factor to note in assessing the conduct of the Applicant in the circumstances at the time. Accordingly it is possible to understand the decisions of the Applicant. The Applicant was a passionate track and field athlete who desired success. The track and field community was sending the message that the way to success was through the use of performance enhancing drugs. The Applicant submits that if the use of performance enhancing drugs had not been so accepted, he would "not have seen it as worthwhile to my own development."¹⁶ Although this does not excuse the Applicant's behaviour, it weighs positively in his favour, as it lends some insight into the circumstances that lead to the abuse.

(xi) The frequency of the sanctioned conduct:

47. The Applicant acknowledges that during his years as a competitive athlete he took the view that in order to compete at the top levels of the sport he would need pharmaceutical assistance. However, the Applicant at no point considered himself a regular drug-user. The Applicant only used steroids intermittently, during training and noted that during his frequent injuries, drugs were not used. The Applicant has sworn in his affidavit that he had

¹⁶ Affidavit of Tony Sharpe, at para 22.

only used steroids less than fifteen times.¹⁷ The lack of frequency supports the Applicant's reinstatement application.

(xii) **Those factors, in addition to specified matters, advanced by the Applicant and determined by the arbitrator to be relevant:**

48. The Applicant has accepted full responsibility without complaint and testified truthfully about his actions.
49. The Applicant submitted that the Arbitrator should consider that he has learned from his mistakes; has changed his conduct; and can now make a positive contribution to sport.
50. The Applicant submits that he is in a similar situation to Desai Williams, who was banned from federal funding until reinstated in November 2010. He further submits that although both he and Williams testified before the Dubin Commission about their use of sport enhancing drugs, Williams did not take full accountability for his actions whereas the Applicant did.
51. It is of interest to note that Williams has even trained numerous Athletic Canada nominees to the 2012 Olympic Games. Williams' reinstatement has apparently allowed him to contribute to the development of Canada's competitive athletes. That would be the expectation of the Applicant.
52. These additional factors enhance the Applicant's position and distinguish the Applicant from Williams.

VIII. A Note on the Submissions of Reference Letters

53. The Applicant has attached to his Application Record a number of letters of support that strongly support the reinstatement of the Applicant.
54. In supporting his reinstatement, Rob Guy, the CEO of Athletics Canada wrote the following:

“I have gotten to know Tony well and have developed a huge respect for the work that he does...Tony has so much to offer to our athletes.”
55. Atlee Mahron, the Director-At-Large of Athletics Canada wrote the following:

“One of the great lessons from sports is redemption. Sports give us the opportunity to overcome challenges. Those of us who were fortunate to compete in Olympic sports know this lesson very well. Tony Sharpe is one such athlete.”
56. Additional positive letters of support were provided from Bill Stephens, the President of the Board of Directors of Athletics Ontario; Cyril Sahadath, a coach with Pickering High

¹⁷ Oral Submissions of Tony Sharpe dated July 23, 2012.

School; Kevin Foster, a parent whose son attends Northeastern University in Boston on a baseball scholarship; and from Maurizio Milan, a teacher at S. Mary Catholic School in Pickering.

57. These letters of support recognize the Applicant as a dedicated and a positive mentor, a valued member of the sports community. These letters offer comfort that those familiar with the Applicant are confident in his duty to resume his role as a community leader.

IX. Reasons

58. The Applicant has demonstrated through his pursuits that he has learned from his past mistakes. He continues to be involved in giving back to the community at the near grass-root level. Through these endeavours he has committed his life to sport by acting as a coach, trainer, teacher and motivator to young athletes.
59. The Applicant publicly acknowledged his mistake and expressed disappointment and shame. This is often something that is not easy to do. He has accepted his past mistakes with the intention to have a positive future. The Applicant has turned his life around by continuing to inspire and motivate young athletes to not only excel in sport but to strive to be the best they can be in all facets of life.
60. The Applicant wishes to continue his career in coaching by helping to contribute to the development and success of future Canadian athletes. The Applicant demonstrated sincerity, contrition, remorse and a passion for the sport of track and field and the promotion of drug-free sport. I am satisfied that the intention and spirit of the Recommendations of the Dubin Inquiry that contemplated possible future reinstatement have been satisfied by the Applicant. I am convinced that the submissions of the Applicant are genuine. It would be inappropriate to prevent such a talented and passionate individual from moving forward to pursue a career which will benefit the sports community as a whole.

X. Conclusion

61. **Having given consideration to all of the written and oral evidence presented before me, I am satisfied that the Applicant has met the Dubin criteria in favour of reinstatement and it is in the public interest to grant the Application.**
62. In reaching this conclusion, I concur with the reasoning in *Killingbeck*, that the athlete before me has demonstrated that he is “truly deserving of resuming (his) place as community leader(s)”¹⁸.

¹⁸ *In The Matter of An Appeal by Molly Killingbeck of a Life Time Withdrawal by Sport Canada of Access to Direct Federal Funding* (November 20, 1992) at p. 5. [“*Killingbeck*”]

63. Accordingly, I grant the Application and direct that the Applicant's lifetime withdrawal of access to direct federal funding should be lifted forthwith.
64. To the extent required, I remain seized with the implementation of this decision.

Dated at Toronto this 30th day of July, 2012



Larry Banack - Arbitrator