

MLB Biogenesis Suspensions Could Total \$71.84 Million

Written by Maury Brown
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Alex Rodriguez could lose \$63,312,219 if his suspension is upheld

The largest number of suspensions for players using performance-enhancing substances has now occurred as Major League Baseball announced that 13 players have been suspended for 50 games, with Alex Rodriguez being suspended for the remainder of the 2013 regular and postseason, as well as all of the 2014 season. Those players that accepted 50 game suspensions without pay are:

- Philadelphia Phillies pitcher **Antonio Bastardo**;
- San Diego Padres shortstop **Everth Cabrera**;
- New York Yankees catcher **Francisco Cervelli**;
- Texas Rangers outfielder **Nelson Cruz**;

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- Padres pitcher **Fautino De Los Santos**, who is currently on the roster of the Double-A San Antonio Missions of the Texas League;

- Houston Astros pitcher **Sergio Escalona**, who is currently of the roster of the Double-A Corpus Christi Hooks of the Texas League;

- Yankees outfielder **Fernando Martinez**, who is currently on the roster of the Triple-A Scranton/Wilkes-Barre RailRiders of the International League;

- Seattle Mariners catcher **Jesus Montero**, who is currently on the roster of the Triple-A Tacoma Rainiers of the Pacific Coast League;

- Free agent pitcher **Jordan Norberto**;

- Detroit Tigers shortstop **Jhonny Peralta**;

- New York Mets outfielder **Cesar Puello**, who is currently on the roster of the Double-A Binghamton Mets of the Eastern League; and

- Mets infielder/outfielder **Jordany Valdespin**, who is currently on the roster of the Triple-A Las Vegas 51s of the Pacific Coast League.

Norberto's suspension will be effective immediately once he signs with another Major League organization. All other suspensions are effective immediately. None of the players will appeal their discipline.

Toronto Blue Jays outfielder Melky Cabrera, Oakland Athletics pitcher Bartolo Colon and Padres catcher Yasmani Grandal, all of whom already have served 50-game suspensions as a result of their violations of the Joint Drug Prevention and Treatment Program stemming from their connections to Biogenesis, will not receive additional discipline.

Major League Baseball's investigation found no violations of the Joint Drug Prevention and

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Treatment Program by either Washington Nationals pitcher Gio Gonzalez or Baltimore Orioles infielder Danny Valencia.

In terms of Rodriguez, according to the league his discipline under the Joint Drug Prevention and Treatment Program is based on his use and possession of numerous forms of prohibited performance-enhancing substances, including Testosterone and human Growth Hormone, over the course of multiple years. Rodriguez's discipline under the Basic Agreement is for attempting to cover-up his violations of the Program by engaging in a course of conduct intended to obstruct and frustrate the Office of the Commissioner's investigation. The suspension, which will become effective on Thursday, August 8th, will cover 211 Championship Season games and any 2013 Postseason games in which Rodriguez otherwise would have been eligible to play.

Under the terms of the Joint Drug Prevention and Treatment Program, Rodriguez's suspension will be stayed until the completion of his appeal if Rodriguez files a grievance challenging his discipline.

The grievance could be heard by arbitrator Fredric Horowitz in approx. 45 days, but it is unclear the exact date due to scheduling. With all players except Rodriguez accepting the suspensions without grievance, it will make it smoother with just the Rodriguez case to contend with, but it's still unclear how long that might be. Rodriguez is scheduled to be in the Yankees line-up tonight against the White Sox.

Commissioner Selig released the following statement:

"Major League Baseball has worked diligently with the Players Association for more than a decade to make our Joint Drug Program the best in all of professional sports. I am proud of the comprehensive nature of our efforts – not only with regard to random testing, groundbreaking blood testing for human Growth Hormone and one of the most significant longitudinal profiling programs in the world, but also our investigative capabilities, which proved vital to the Biogenesis case. Upon learning that players were linked to the use of performance-enhancing drugs, we vigorously pursued evidence that linked those individuals to violations of our Program. We conducted a thorough, aggressive investigation guided by facts so that we could justly enforce our rules.

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“Despite the challenges this situation has created during a great season on the field, we pursued this matter because it was not only the right thing to do, but the only thing to do. For weeks, I have noted the many players throughout the game who have strongly voiced their support on this issue, and I thank them for it. I appreciate the unwavering support of our owners and club personnel, who share my ardent desire to address this situation appropriately. I am also grateful to the Professional Baseball Athletic Trainers Society and our club physicians, who were instrumental in the banning of amphetamines and whose expertise remains invaluable to me. As an institution, we have made unprecedented strides together.”

“It is important to point out that 16,000 total urine and blood tests were conducted on players worldwide under MLB Drug Programs in 2012. With the important additions of the hGH testing and longitudinal profiling this season, we are more confident than ever in the effectiveness of the testing program. Those players who have violated the Program have created scrutiny for the vast majority of our players, who play the game the right way.”

“This case resoundingly illustrates that the strength of our Program is not limited only to testing. We continue to attack this issue on every front – from science and research, to education and awareness, to fact-finding and investigative skills. Major League Baseball is proud of the enormous progress we have made, and we look forward to working with the players to make the penalties for violations of the Drug Program even more stringent and a stronger deterrent.”

“As a social institution with enormous social responsibilities, Baseball must do everything it can to maintain integrity, fairness and a level playing field. We are committed to working together with players to reiterate that performance-enhancing drugs will not be tolerated in our game.”

Major League Baseball Players Association Executive Director Michael Weiner issued the following statement regarding the Biogenesis suspensions, which show that there were deep concerns about how information was leaked to the media in the case, as well as the due process afforded Rodriguez

“The accepted suspensions announced today are consistent with the punishments set forth in the Joint Drug Agreement, and were arrived at only after hours of intense negotiations between the bargaining parties, the players and their representatives.”

For the player appealing, Alex Rodriguez, we agree with his decision to fight his suspension.

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We believe that the Commissioner has not acted appropriately under the Basic Agreement. . Mr. Rodriguez knows that the Union, consistent with its history, will defend his rights vigorously.

The Union's members have made it clear that they want a clean game. They support efforts to discipline players, and harshly, to help ensure an even playing field for all. □ The players support the Union's efforts to uphold the JDA while at the same time guaranteeing that players receive the due process rights and confidentiality protections granted under the agreement.

Lastly, I want to close by stating our profound disappointment in the way individuals granted access to private and privileged information felt compelled to share that information publicly. □ The manner in which confidential information was so freely exchanged is not only a threat to the success and credibility of our jointly administered program; it calls into question the level of trust required to administer such a program. □ It is our view that when the bargaining parties hold their annual review of the program, we must revisit the JDA's confidentiality provisions and consider implementing stricter rules for any breach by any individual involved in the process."

All told, the following from The Associated Press shows what players will lose in salary (and clubs retain) as part of the suspensions. None of the money that is held by the clubs in salary count against the Luxury Tax.

MAJOR LEAGUE PLAYERS (MINUS ALEX RODRIGUEZ)

Player

Team

Salary

Games Lost

Pay

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Nelson Cruz

Tex

\$10,000,000

50

\$2,732,240

Ryan Braun

Mil

\$8,500,000

65

\$3,091,126

Jhonny Peralta

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Det

\$6,000,000

50

\$1,639,344

Antonio Bastardo

Phi

\$1,400,000

50

\$382,514

Everth Cabrera

SD

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\$1,275,000

50

\$348,361

DL-Francisco Cervelli

NYY

\$515,350

50

\$140,806

x-Jesus Montero

Sea

\$292,140

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50

\$79,820

x-Jordany Valdespin

NYM

\$226,091

50

\$61,773

x-Cesar Puello

NYM

\$79,900

50

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\$21,831

TOTAL

465

\$8,497,815

x-on option
DL - Disabled List

NOTE 1: Cruz also loses opportunity to earn \$500,000 in performance bonuses based on plate appearances.

ON ALEX RODRIGUEZ:

Lost pay covering 211 games cannot be calculated until appeal is decided or withdrawn, and the length of the suspension and the time covering 2013, 2014 and 2015 can be calculated. If 49 games are served at 2013 rate, total lost pay would be \$32,749,268. If 49 games are served at 2015 rate, total lost pay would be \$30,562,951.

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- 2013 - \$28 million
- 2014 - \$25 million
- 2015 - \$21 million
- 2016 - \$20 million
- 2017 - \$20 million

Assigned to minor league rosters

Player

Team

Salary

Games Lost

Pay

Fernando Martinez

NYY (AAA)

\$155,501

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29

\$24,642

DL - Sergio Escalona

HOU (AA)

\$13,500/month

26

\$11,700

Fautino De Los Santos

SD (AA)

\$1,700/month

26

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\$1,473

TOTAL

81

\$37,815

DL - Disabled List

NOTE 2: Players on minor league rosters are to serve completion of 50-game suspensions in the next season they have signed with a major league organization.

NOTE 3: Jordan Norberto is a free agent.

Sources: Major League Baseball, Detroit Tigers, MLBPA, The Associated Press



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