

Hearing Decision



FRENCH OLYMPIC WEEK

Case Number 32	With Case	Race Number 6	Hearing Status Closed
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Type of Hearing

Protest - an allegation that one or more boats broke a rule
Request for redress

Valid yes	Date of Race 26/04	Received Time 18:25
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PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
iQFOiL Men	Single	GER 730	Lars Poggemann
iQFOiL Men	Single	SUI 76	Sebastian Schärer

Witnesses

Name	Boat - Committee - Role
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Case Summary:

Procedural Matters:

The hearing was heard by a panel of three members in accordance with RRS N1.4(b).

Facts Found:

1. Wind speed: 15 knots
2. At the start of race 6, GER 730 was sailing on starboard tack and SUI 76 on port tack.
3. Both boards held their course.
4. SUI 76 didn't see GER 730 until the boards were 2 meters apart.
5. SUI 76 started to bear away and GER 730 to luff.
6. Contact occurred with damage to GER 730: broken sail, broken front wing and bent fuselage.
7. Both boards capsized and retired from race 6.
8. GER 730 went back ashore and replaced the fitting.
9. GER 730 did not sail in races 7, 8 and 9.
10. GER 730 sailed in race 10.

Conclusion & Rules:

1. SUI 76 on port failed to keep clear of GER 730 on starboard, and broke RRS 10.

2. SUI 76 did not avoid contact when it was reasonably possible, and broke RRS 14.

3. It was not reasonably possible for GER 730, the right-of-way board, to avoid contact with SUI 76 when it was clear that SUI 76 was not keeping clear. GER 730 did not break RRS 14.

4. By retiring from the race, SUI 76 took the appropriate penalty under RRS B4.44.1.

5. GER 730’s score in races 6, 7, 8 and 9 was made significantly worse through no fault of her own by physical damage and capsizing because of the action of SUI 76 that broke RRS 10 and took the appropriate penalty. Therefore, the requirements for redress as changed by RRS B5.62.1(b) are met.

Decision:

1. SUI 76 took the applicable penalty and is not further penalized.

2. Redress is granted to GER 730. GER 730 is to be scored in races 6, 7, 8 and 9, average points based on the Course and Marathon Races in the opening series, without considering Slalom Races, calculated as per RRS A9(a), subject to WS Case 116.

Short Decision: SUI 76 retired, no further penalty. Redress given to GER 730.	Decision Date 27/04	Decision Time 22:21:25
Panel Chair Marco Sarcoli	Panel Members Yoann Peronneau, Ana Maria Sanchez del Campo Ferrer	