

Hearing Decision



FRENCH OLYMPIC WEEK

Case Number 1	With Case	Race Number 4	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 25/04	Received Time 14:38
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PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
iQFOiL Men	Single	FRA 628	Louis Pignolet
iQFOiL Men	Single	GER 107	absent

Witnesses

Name	Boat - Committee - Role
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Case Summary:

Procedural Matters:

GER 107 did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).

Facts Found:

1. Wind speed: 20 knots, board speed: 15 knots.
2. At the start of race 4, FRA 628 and GER 107 were sailing below close-hauled on port tack, with FRA 628 4 meters astern and 2 meters to windward of GER 107.
3. GER 107 lost control and luffed sharply.
4. GER 107's sail fell in the water to windward ahead of FRA 628.
5. FRA 628 immediately luffed and established an overlap to windward of GER 107.
6. Contact occurred between GER 107's mast and FRA 628's board, causing damage to FRA 628's board: 10cm hole.
7. FRA 628 and GER 107 capsized.
8. FRA 628 and GER 107 did not finish race 4.
9. FRA 628 repaired his board before sailing in race 5.

Conclusion & Rules:

1. When changing course, GER 107, the right-of-way board failed to give FRA 629 room to keep clear, and broke RRS 16.1.
2. It was not reasonably possible for FRA 628, the board sailing within the room to which she was entitled, to avoid contact with GER 107 when it was clear that GER 107 was not giving room. FRA 628 did not break RRS 14.
3. FRA 628 to windward failed to keep clear of GER 107 to leeward, and broke RRS 11.
4. Since FRA 628 broke RRS 11 while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
5. By retiring from the race, GER 107 took the appropriate penalty under RRS 44.1(b).
6. FRA 628's score in race 4 was made significantly worse through no fault of her own by physical damage because of the action of GER 107 that broke a rule of Part 2 and took the appropriate penalty. Therefore, the requirements for redress in RRS 62.1(b) as changed by RRS B5.62 are met.

Decision:

Protest upheld. GER 107 took the applicable penalty and is not further penalized.

Redress is given to FRA 628. FRA 628 is to be scored in race 4, 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:

GER 107 retired, no further penalty. Redress given to FRA 628.

Decision Date

26/04

Decision Time

16:14:46

Panel Chair

Ana Maria Sanchez del Campo Ferrer

Panel Members

Sylvie Harlé, Gonzalo Heredia, Yoann Peronneau, Marco Sarcoli