

# Hearing Decision



## FRENCH OLYMPIC WEEK

<b>Case Number</b> 2	<b>With Case</b>	<b>Race Number</b> 5	<b>Hearing Status</b> Closed
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### Type of Hearing

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

<b>Valid</b> yes	<b>Date of Race</b> 25/04	<b>Received Time</b> 14:38:08
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### PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
iQFOiL Men	Single	POL 28	Radoslaw Furmanski
iQFOiL Men	Single	SGP 52	Elkan OH

### Witnesses

Name	Boat - Committee - Role
Andrus POKSI	Member of the International Jury

### Case Summary:

Port - Staboard situation with contact at the start of race #5.

### Procedural Matters:

1. SGP 52 did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).
2. The hearing was decided on 25 April at 16:54.
3. On 26 April morning, the International Jury learned that one Jury member witnessed the incident but was not available to witness at the original hearing, as he was still on the water.
4. The International Jury decided that this was new evidence that became available within a reasonable time and reopened on its own the hearing on 26 April at 19:50 in accordance with RRS 66.1. Both parties were present.
5. The hearing was reopened with a panel of three members in accordance with RRS N1.4(b).
6. Andrus POKSI (member of the International Jury) witnessed at the reopened hearing.

### Facts Found:

Facts Found during the reopened hearing on 26 April:

1. The wind was 22 kts.
2. A few seconds after the starting signal of race 5, POL 28 was reaching on port tack and SGP 52 was sailing close-hauled on starboard tack, on a converging course.
3. Both boards held their course, going at 35 km/h.
4. Contact occurred between their boards.
5. There was damage to POL 28's foil wind and mast, as well as a 10 cm hole on the board which allowed water in.
6. Damage to the port side of SGP 52's board and the back side of the mast.
7. Both boards capsized and retired from the race.
8. Due to the damage, SGP 52 could not sail in the races on 26 April (races 6, 7, 8, 9 and 10).

Original Facts Found:

1. The wind was 22 kts.
2. A few seconds after the starting signal of race #5 POL 28 was reaching on port tack and SGP 52 was sailing closed hauled on starboard tack.
3. POL 28 was going to pass to leeward of SGP 52
4. When the distance between them was 5 meters SGP 52 lost control of his board and bore away.
5. POL 28 tried to decrease his speed
6. Immediately after this, there was contact between their bows.
7. There was damage to POL 28's foil wind and mast, as well as a 10 cm hole on the board which allowed water in.
8. Both boards retired

**Conclusion & Rules:**

Conclusion for the reopened hearing on 26 April:

1. POL 28 on port failed to keep clear of SGP 52 on starboard, and broke RRS 10.
2. POL 28 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for SGP 52, the right-of-way board, to avoid contact with POL 28 when it was clear that POL 28 was not keeping clear. SGP 52 did not break RRS 14.
4. By retiring from the race, POL 28 took the appropriate penalty under RRS B4.44.1.
5. SGP 52's score in races 5 was made significantly worse through no fault of her own by physical damage and capsizing because of the action of POL 58 that broke RRS 10 and took the appropriate penalty. Therefore, the requirements for redress as changed by RRS B5.62.1(b) are met.

Original Conclusion:

1. When changing course, SGP 52 the right-of-way board failed to give room to keep clear to POL 28, and broke RRS 16.1.
2. POL 28 on port failed to keep clear of SGP 52 on starboard, and broke RRS 10.
3. Since POL 28 broke RRS 10 while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
4. It was not reasonably possible for POL 28, the board sailing within the room to which she was entitled, to avoid contact with SGP 52 when it was clear that SGP 52 was not giving room. POL 28 did not break RRS 14
5. POL 28's score in race 5, 6, 7, 8, 9 and 10 was made significantly worse, through no fault of her own ,by physical damage and capsizing because of the action of SGP 52 that broke a RRS 16.1 and took the appropriate Penalty. Therefore, the requirements for redress as changed by RRS B5.62 are met.

## Decision:

After reopening on 26 April, the decision of the original hearing is changed as follows:

1. Protest upheld. POL 28 took the applicable penalty and is not further penalized.
2. Redress is granted to SGP 52. SGP 52 is to be scored in races 5, 6, 7, 8, 9 and 10, 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.

Original Decision:

1. SGP 52 took the applicable penalty and shall not be further penalized
2. Redresses is granted to POL 28. POL 28 is to be scored in race 5, average points based on the course and marathon races in the opening series. Without considering slalom races, calculated as per RRS A9(a), as subject to WS Case 116.

### Short Decision:

iQFOiL Men POL 28 retired, no further penalty. Redress given to SGP 52.

### Decision Date

27/04

### Decision Time

21:11:16

### Panel Chair

Ana Maria Sanchez del Campo Ferrer

### Panel Members

Yoann Peronneau, Marco Sarcoli