

# Hearing Decision



## FRENCH OLYMPIC WEEK

<b>Case Number</b> 35	<b>With Case</b> 40	<b>Race Number</b> 9	<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> 27/04	<b>Received Time</b> 14:04:17
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### PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
49ER FX	Yellow	ARG 16	Maria Sol Branz
49ER FX	Yellow	AUS 47	Laura Harding

### Witnesses

Name	Boat - Committee - Role
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### Case Summary:

Contact with damage near upwind mark between ARG 16 and AUS 47.

### Procedural Matters:

### Facts Found:

Sailing near the weather mark, in 11-12 knots of wind. AUS 47 rounded the mark 1 on starboard and continued changing the course. ARG 16 was approaching the mark on port over the layline.

AUS 47 created a collision course with ARG 16. AUS 47 continued bearing away to avoid the collision.

ARG 16 also bore away to avoid it.

The collision occurs immediately:

ARG 16 capsized and the crew's leg and ankle were injured and the centerboard was broken. ARG 16 retired for race 9 due to the crew's injury and the centerboard damage.

AUS 47 boat is also damaged with a hole in the starboard side.

### Conclusion & Rules:

When changing course, AUS 47 the right-of-way boat failed to give ARG 16 room to keep clear, and broke RRS 16.1.

AUS 47 did not avoid contact when it was reasonably possible and broke RRS 14.

It was not reasonably possible for ARG 16, the boat sailing within the room to which she was entitled, to avoid contact with AUS 47 when it was clear that AUS 47 was not giving room. ARG 16 did not break RRS 14.

ARG 16 score in race 9 was made significantly worse through no fault of her own by physical damage and injury because of the action of AUS 47 that broke RRS 16.1 and is penalized. Therefore, the requirements for redress by RRS 62.1(b) are met.

**Decision:**

AUS 47 is disqualified in race 9.

Redress is granted to ARG 16. ARG 16 is to be scored in races 9, average points based on qualifying series, calculated as per RRS A9(a), subject to WS Case 116.

**Short Decision:**

49er FX Yellow. AUS 47 DSQ Race 9. ARG 16 RDG Race 9 average point qualifying series.

**Decision Date Decision Time**

27/04

16:45:14

**Panel Chair**

Yoann Peronneau

**Panel Members**

Luis Ferrandiz Ruiz, Alina Stratigiou