

Hearing Decision



FRENCH OLYMPIC WEEK

Case Number 38	With Case	Race Number 7	Hearing Status Closed
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Type of Hearing

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

Valid yes	Date of Race 27/04	Received Time 14:10:54
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PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
49ER FX	Blue	ITA 225	Sofia Giunchiglia
49ER FX	Blue	POL 525	Gabriela Czapska

Witnesses

Name	Boat - Committee - Role
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Case Summary:

Incident at the windward mark with damage and injury.

Procedural Matters:

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

Facts Found:

1. Wind speed: 10-12 knots
2. 20 seconds before the starting signal of race 7, ITA 225 was holding position almost head to wind, on starboard tack, near the starting line.
3. POL 525 was sailing on port tack, on a collision course with ITA 225.
4. POL 525 tacked from port to starboard tack, 1 meter to leeward of ITA 225.
5. ITA 225 immediately luffed and passed head to wind.
6. Contact occurred between the starboard wing of POL 525 and the port tiller extension of ITA 225, which broke.
7. Neither boat took a penalty.
8. ITA 225 changed her tiller extension and started sailing again 30 seconds after the starting signal.
9. ITA 225 finished 17th in race 7.

Conclusion & Rules:

1. When acquiring right of way through her own actions, POL 525 failed to initially give ITA 225 room to keep clear, and broke RRS 15.
2. POL 525 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for ITA 225, the boat sailing within the room to which she was entitled, to avoid contact with POL 525 when it was clear that POL 525 was not giving room. ITA 225 did not break RRS 14.
4. The score of ITA 225 in race 7 was made significantly worse through no fault of her own by physical damage because of the action of POL 525 that was breaking RRS 15 and was penalized. Therefore, the requirements for redress in RRS 62.1(b) are met.

Decision:

POL 525 is DSQ in race 7.

Redress is given to ITA 225. ITA 225 is to be scored in race 7, average points in accordance with rule A9(a), replacing 'in all races' with 'in all races in the qualifying series'.

Short Decision:

POL 525 is DSQ in race 7. Redress given to ITA 225.

Decision Date

27/04

Decision Time

15:44:34

Panel Chair

Luis Ferrandiz Ruiz

Panel Members

Gonzalo Heredia, Yoann Peronneau