

Hearing Decision



FRENCH OLYMPIC WEEK

Case Number 74 **With Case** **Race Number** 15 **Hearing Status** Closed

Type of Hearing

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

Valid yes **Date of Race** 29/04 **Received Time** 14:14:25

PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
49er	Gold	USA 118	Nevin Snow
49er	Gold	POL 7	Lukasz Przybytek

Witnesses

Name	Boat - Committee - Role
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Case Summary:

Procedural Matters:

1. The hearing was heard by a panel of three members in accordance with RRS N1.4(b).
2. The jury was witness on the water, represented by Arnaud MANTE

Facts Found:

1. Wind: 7-8 knots with choppy waves
2. Approaching the windward mark, second rounding.
3. USA 118 was sailing on starboard aiming the mark, more than one and half boat length to windward of the starboard layline.
4. POL 7 was on port one boat length to leeward of the port layline.
5. POL 7 entered the zone on port.
6. At three lengths from the mark, USA 118 bore away, aiming leeward of the windward mark.
7. Immediately, POL 7 tacked and when she completed the tack, she was overlapped bow to bow to leeward of USA 118. POL7 was now on her starboard layline.
8. Before POL 7 was on a starboard close-hauled, USA 118 luffed up to close-hauled.
9. After tack, less than half meter between the boats.
10. No penalties taken.
11. No contact occurred. No injuries.

Conclusion & Rules:

1. After passing head to wind and before being on a close-hauled course, POL 7 failed to keep clear of USA 118. POL 7 broke RRS 13.
2. After POL 7 passed head to wind from port to starboard tack inside the zone and was then fetching the mark, she did not cause USA 118 on starboard tack since entering the zone, to sail above close-hauled to avoid contact. POL 7 did not break RRS 18.3.
3. USA 118 to windward was keeping clear of POL 7 to leeward. USA 118 did not break RRS 11.
4. Since POL 7 broke RRS 13 a rule of Section A while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
5. When changing course, USA 118 the right-of-way boat gave POL7 room to keep clear and did not break RRS 16.1.

Decision:

The protest is dismissed.

Short Decision:

Protest dismissed.

Decision Date

29/04

Decision Time

17:24

Panel Chair

Marco Sarcoli

Panel Members

Arnaud Mante, Ana Maria Sanchez del Campo Ferrer