

Hearing Decision



FRENCH OLYMPIC WEEK

Case Number 82 **With Case** **Race Number** 14 **Hearing Status** Closed

Type of Hearing

Request for redress

Valid
yes

Date of Race
29/04

Received Time
15:14:03

PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
iQFOiL Women	Gold	NZL 1	Veerle ten Have
iQFOiL Women	Gold	MEX 28	Mariana Aguilar Chavez Peon

Witnesses

Name	Boat - Committee - Role
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Case Summary:

Procedural Matters:

1. The coach of NZL 1, Jon Paul Tobin, attended the hearing as an observer.

Facts Found:

1. The wind was 10 knots with small chop.
2. NZL 1 on port tack was approaching Mark 3 on the slalom course PD4.
3. NZL 1 was at position 1 in the race.
4. MEX 28 on port tack was clear astern of NZL 1 with a distance of 2 m between the boards.
5. When NZL 1 was gybing to round the mark at a distance of 1 m from the mark, MEX 28 gained an outside overlap with NZL 1 and gybed as well.
6. Shortly thereafter there was contact between the clew of the sail of NZL 1 and the mast of MEX 28 and furthermore the foil mast of MEX 28 and the foil mast of NZL 1.
7. There was a small dent in the foil mast of NZL 1.
8. Both boards capzised.
9. MEX took a 360°-Turn Penalty.
10. NZL finished race 14 at position 13.
11. NZL finished race 15 without any impact on her performance from the damage.

Conclusion & Rules:

1. MEX 28 clear astern at the time NZL 1 was rounding the mark, failed to give NZL 1 mark-room, and broke RRS B2.18.2(b).
2. NZL 1 to windward failed to keep clear of MEX 28 to leeward, and broke RRS 11.
3. Since NZL 1 broke RRS 11 while she was sailing within the mark-room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
4. MEX 28 did not avoid contact when it was reasonably possible, and broke RRS 14.
5. It was not reasonably possible for NZL 1 the boat sailing within the mark-room to which she was entitled to avoid contact with MEX 28 when it was clear that MEX 28 was not giving mark-room. NZL 1 did not break RRS 14.
6. The place of NZL 1 in race 14 was made significantly worse through no fault of her own by capsizing because of the action of MEX 28 that broke RRS B2.18.2(b) and took the appropriate penalty.

Decision:

1. MEX 28 took the applicable penalty and is not further penalized.
2. Redress is given to NZL 1: NZL 1 is to be scored in race 14, average points based only on slalom races in the opening series, calculated as per RRS A9(a), subject to WS Case 116 and not worse than her finishing position.

Short Decision:

Redress given to NZL 1.

Decision Date

29/04

Decision Time

18:38

Panel Chair

Gonzalo Heredia

Panel Members

Bernadette Delbart, Mateo Ferrer Skoknic, Romain Gautier, Line Juhl