

Hearing Decision



2022 SB20 Worlds

Case Number
2

With Case
3

Race Number
2

Hearing Status
Closed

Type of Hearing

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

Valid

Date of Race
09/06

Received Time
18:14:07

PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
SB20	Single	LIE 3441 (12)	Marc Eriks
SB20	Single	IRL 3343 (31)	Nick Doherty

Witnesses

Name	Boat - Committee - Role
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Case Summary:

Incident at leeward gate with damage.

Procedural Matters:

The protest committee decided that new evidence became available within a reasonable time and reopened on its own the hearing on 08/09 in accordance with RRS 66.1.

- IRL 3343 Represented by: Nick Doherty
- LIE 3441 Represented by: Marc Eriks
- The reopening of the hearing was scheduled on 07/09 at 19:57.
- The hearing was scheduled for 08/08 at 10:20.
- Notification emails were sent to both parties.

Facts Found:

1. The statement of the person in the race office at the time and that was not available on the day of the original hearing, stated that LIE 3441 and IRL 3343 indicated their intention to protest as soon as they came ashore.
2. The incident took place at the leeward gate second rounding of mark 3p of race #2.
3. When IRL 3343 reached the zone she was inside overlapped with LIE 3441.
4. While rounding IRL 3343 was rounding the LIE 3441 bore away and aiming to the after port quarter of IRL.
5. Immediately, there was contact between the bowsprit of LIE 3441 and the port aft corner of IRL 3343
6. There were no boats to windward of LIE sailing on a starboard close hauled course.
7. There was damage.
8. The Umpires signalled a penalty against LIE 3441 as per UF3.5(b).
9. The damage to IRL 3343 was a 15 centimetre hole in the port aft corner under the water line coming through with some crack on the underside of the deck.
10. The damage to LIE 3441 was a broken bowsprit
11. IRL 3343 retired from race #2 and did not sail race #3.
12. LIE 3441 finished race #2 and did not sail race #3.

Conclusion & Rules:

1. LIE 3441 did not avoid contact when it was reasonably possible, and broke RRS 14.
2. It was not reasonably possible for IRL3343 the boat sailing within the mark-room to which she was entitled to avoid contact with LIE 3441 when it was clear that LIE 3441 was not giving mark-room. IRL 3343 did not break RRS 14.
3. IRL 3343 places in race #2 and #3 was made significantly worse through no fault of her own by physical damage because of the action ofLIE 2441 that was was penalized by the umpires.
4. LIE 3441 places in race #2 and #3 was made significantly worse through her own fault. Therefore, the requirements for redress in RRS 62.1 are not met.
5. Redress is given to IRL 3343 is to be scored in races #2 and #3 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races in her series except the races in question.

Decision:

1. LIE 3441 is DSQ in Race #2.
2. Redress is given to IRL 3343 is to be scored in races #2 and #3 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races in her series except the races in question.

Short Decision:

LIE 3441 is DSQ in Race #2. Redress is given to IRL 3343.

Decision Date

08/09

Decision Time

20:50:11

Panel Chair

Heiko Thölmann

Panel Members

David Battye, Gonzalo Heredia, Jose Pico, Michael Tyrrell