

DECISION

Request No.: 13

Request for Redress

Event: 100th Korea Sports Festival Sailing Event Race Number: 2

Hearing Date: 2019-10-06

PARTIES AND WITNESSES

Request No.: 13: laser - 211583 - Sungbin Park

Protest Committee

Witnesses: Laser 210793

Interpreters: Kim Hakjoon (Jury member)

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

583 was sailing windward to round to mark leg 5 in 2nd race. Mark boat lifted up mark 1 but set it on the same spot. If mark position were changed, leading boats would have been affected but only the rear group asserted they had worse score. Even though the mark was not changed completely, the race was abandoned. So only the leading group had disadvantages.

Proper Hail: Hail not required

Red Flag Displayed: Not required

DECISION: Request Valid

PROCEDURAL MATTERS

1. The Initiator was advised that as he was not a party to hearing 5 (jointly heard with 6, 9, 10 and 11) he is therefore not entitled to request for a reopening of any of those cases.
2. The Jury allowed him to change his request for reopening to a request for redress based on a protest committee decision in hearing 5 (jointly heard with 6, 9, 10 and 11). In hearing 5 (jointly heard with 6, 9, 10 and 11), the protest committee abandoned race 2 for the Laser Standard fleet.

FACTS FOUND

1. Race 2 was abandoned by the the Jury after hearing 5 (heard jointly with cases 6,9,10 and 11) because of an error by the Race Committee and because there was no way to redeem the results in a fair manner.
2. 211583 had also witnessed that the windward mark was initially on a mark vessel and then re-laid when she was a third of the beat upwind.
3. The re-positioning of the top mark was not indicated at the leeward mark by a race committee vessel displaying a flag C with the accompanying change information.
4. 211583 sailed upwind in a narrow wind axis corridor and was not affected by the late re-laying of the windward mark.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

1. There was nothing in the evidence given by 211583 to show that the Protest Committee had made an error in Case 5 et al in abandoning Race 2.
2. 211583 corroborated the evidence given by parties in hearing 5 (jointly heard with 6, 9, 10 and 11) that the windward mark was laid only after boats were a significant way upwind.

DECISION

Redress is denied

Date & Time: 2019-10-06 16:45 KST

PROTEST COMMITTEE

Chaired By: Selvam Mookken (SGP)

Committee Members: Heewon Yoon (KOR), Sungchul Jeong (KOR), Katsumi Shibamura (JPN), Leonard Chin (MAS)

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