

DECISION

Request No.: 05

Protest, Request to Reopen, and Request for Redress

Event: RS Tera World Championships 2022 Race Number: 4
Hearing Schedule: 2022-08-04 16:30

PARTIES AND WITNESSES

Request No.: 05: RS Tera - Pro - LTU 2 - Nojus Volungevičius

Protest Committee

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: N/A

Proper Hail: Hail not required

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

1. LTU 2 was represented by Nojus Volungevičius.
2. Darius Gerasimavicius (coach of LTU 2) attended the hearing as translator for LTU2.
3. Cxema Pico, member of the International Jury took part in the hearing via Zoom online system.
4. Alice Gill (observer of RC) attended the hearing as an observer.
5. The hearing form requests a hearing for a protest, request to redress and request to reopen. Based on the information given on the form and the testimony of LTU2, the protest committee proceeded with this hearing as a request to reopen and changed the type of hearing accordingly, as permitted under RRS 64.1(c).
6. As the request to reopen was based on the claim of a significant error of the protest committee, the panel was constituted by new jury members (Holger Herburger, David Battye) as required by RRS 66.3(b).
7. The protest committee was constituted by four jury members in compliance with RRS N1.4(b).

FACTS FOUND

1. The request to reopen was filed on 04-08-2022 at 08:04.
2. LTU 2 bases her request to reopen on the claim that the hearing schedule information was not available before the hearing.
3. LTU 2 received the protest notification for hearing #2 on 03-08-2022 at 15:13 via email at the email address provided to the OA during registration.
4. The protest time limit for hearing #2 was on 03-08-2022 at 15:30.
5. The notification for the time and place of the hearing scheduled on 03-08-2022 at 15:50 was sent via email at 15:30 and was posted on the official notice board.
6. Protest hearing #2 was decided on 03-08-2022 at 16:16. and the decision was published at that time on the official notice board.
7. There is free stable wifi available at the venue.
8. LTU 2 was connected to wifi on 02-08-2022.
9. LTU 2 was at the venue until 16:30 on 03-08-2022 but not connected to the wifi.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 63.2, 63.3(b), 64.1(c), 66.1

1. The absence of LTU 2 to hearing #2 was avoidable. It was therefore proper to proceed with hearing #2 under RRS 63.3(b).
2. By notifying all parties of the time and place of the hearing, the protest committee complied with the requirements of RRS 63.2
3. The protest committee did not make a significant error in the original hearing. Therefore, the requirements in RRS 66.1 for reopening the hearing are not met.

DECISION

Date & Time: 2022-08-04 17:30 IST

Hearing #2 will not be reopened.

PROTEST COMMITTEE

Chaired By: David Battye (GBR)

Committee Members: Stavros Kouris (GRE), Holger Herburger (GER), Cxema Pico (IRL)

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