

DECISION

Protest and Request for Redress

Request No.: 03

Heard Jointly With Number(s): 04

Event: 2023 KiteFoil World Series Cagliari Race Number: 10
Hearing Schedule: 2023-10-14 18:15

PARTIES AND WITNESSES

Request No.: 03: 12 - Breiana Whitehead

Race Committee

Request No.: 04: Race Committee

Other

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: N/A

Red Flag Displayed: N/A

Decision: Request Valid

PROCEDURAL MATTERS

1. Hearing No. 3 was heard together with Hearing No. 4 in accordance with RRS 63.2 since both hearings arose from the same incident.
2. The Race Committee was represented by Michal Jodlowski (race officer).
3. Breiana Whitehead (AUS 12), Julia Damasiewicz (POL 19) and Marija Dolenc (CRO 23) attended the hearing.
4. The rest of the fleet did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).
5. Denis Taradin (CYP 60) attended the hearing as an observer.
6. Tracking evidence was presented during the hearing.

FACTS FOUND

1. NoR/SI 15.1.1 reads as:
"Competitors and support persons shall comply with any reasonable request from an event official. Non-compliance may be misconduct."
2. During the second lap of race 10, the wind dropped below 8 knots of wind and several kiteboards capsized due to lack of wind.
3. POL 19 capsized at the beginning of the second upwind and retired from the race.
4. The Race Committee finishing vessel hoisted AP over H before the first kiteboards approached the finishing line. However, this could not be seen by the competitors before crossing the finishing line or passing the finishing vessel.
5. At 14:45:12, SGP 54 crossed the finishing line in the 1st position.
6. When AUS 12 was approaching the finishing line, there were three capsized kiteboards at the finishing line which blocked the finishing line except from a 2m wide gap at the windward end of the finishing line.
7. At that moment, the Race Committee members on board the finishing vessel hailed to AUS 12 that the race was abandoned, that she should not cross the line and by the hand signals they were indicating her to sail to windward of the finishing vessel.
8. After hearing the hails and seeing the hand signals made at the finishing vessel, AUS 12 sailed to windward of the finishing vessel and did not continue sailing the course.
9. AUS 12 was scored as DNF.
10. CRO 23 crossed the finishing line 8 minutes after the first kiteboard had finished and was scored DNF.
11. No other kiteboard stopped sailing or changed her course because of the instructions given from the Race Committee members on the finishing vessel.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 62.1(a), 63.2 and 63.3(b), NoR/SI 15.1.1

1. By giving misleading information to AUS 12 at the finish of race 10, the Race Committee made an improper action.
2. Due to the conditions when approaching the finishing line and the fact that several kiteboards had already capsized due to lack of wind, AUS 12 could assume that the information from the Race Committee members finishing vessel that the race had been abandoned was correct, even though she stated in the hearing that she had not noticed any such signal before.
3. In addition, AUS 12 complied with a reasonable request from an event official when not crossing the finishing line after being directed to do so by the Race Committee member on the finishing vessel, as required by NoR/SI 15.1.1.
4. The score of AUS 12 in race 10 was made significantly worse through no fault of her own by an improper action of the Race Committee. Therefore, the requirements for redress in RRS 62.1(a) are met.
5. The scores of POL 19, CRO 23 and all other kiteboards in the fleet were not made significantly worse because of an improper action of the Race Committee. Therefore, the requirements for redress in RRS 62.1(a) are not met.

DECISION

Date & Time: 2023-10-14 19:14 CEST

1. Redress is given to AUS 12. AUS 12 is to be scored 19 points in race 10.
2. Redress is not given to any other kiteboard.

PROTEST COMMITTEE

Committee Type: International Jury

Chaired By: Finn Mrugalla (GER)

Committee Members: Anastazja Lewandowska (POL), Marios Zisimatos (GRE), Pauline den Burger (NED), Yoann Peronneau (FRA)

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