

DECISION

Protest

Request No.: 06

Event: Asian Sailing Championships & Asian Continental Olympic Qualifier for 2024 Paris Olympics Race Number: 5
Hearing Schedule: 2023-12-14 18:10

PARTIES AND WITNESSES

Request No.: 06: 49er - Men - 81 - Ganapathy KC

49er - CHINA 251 - CHNWH5 - Wei Hong

Interpreters: Zhang Xiguang for CHN 251

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

1. Photo of the damage is attached.
2. KC Ganapathy represented IND81
3. Wei Hong represented CHN 251
4. Observer Ryan Seaton (Coach for IND 81) was briefed of Observer's rules.
5. The protest was changed from a Protest to a Protest and Redress under RRS 64.1(c).
6. Video evidence was accepted at the hearing and taken by the Jury assistant with a tracker camera.

FACTS FOUND

1. In Race 5, wind was 7 to 8 knots and sea state with chops.
2. On the first beat IND 81 approached the top mark on port tack .
3. CHN 251 was fetching the top mark on starboard.
4. At 1 boat length from the mark, IND 81 tacked to starboard and completed her tack between half and 3/4 boat length ahead of CHN251.
5. CHN 251 came from astern of IND81 and collided with IND81. CHN251's bowsprit went through IND81's toe strap.
6. During the contact, IND81's back line that keeps the tiller out of the water snapped.
7. IND 81 gybed and then tacked completing one turn .
8. IND81 sailed the rest of the race with the tiller and back line dragging in the water and therefore could not perform well.
9. IND81 completed the race in position 18.
10. There was no injury.
11. CHN 251 did not carry out any penalty turn.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: 64.1(c), 12, 14, 62.1(b)

1. CHN 251 clear astern failed to keep clear of IND 81 clear ahead, and broke RRS 12.
2. CHN 251 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for IND81 the right-of-way boat to avoid contact with CHN251 when it was clear that CHN251 was not keeping clear. IND81 did not break RRS 14.
4. IND 81's score in race 5 was made significantly worse through no fault of her own by physical damage because of the action of CHN 251 that was breaking RRS 12 and 14 and was penalized. Therefore, the requirements for redress in RRS 62.1(b) are met.

DECISION

Date & Time: 2023-12-14 19:20 +07

1. CHN 251 is DSQ in Race 5
2. Redress is given to IND81. IND81 is to be scored in race 5 points equal to the average, 0.05 to be rounded upward, of her points in all races sailed before the last scheduled day of the series, except race 5. This shall not be worse than 18th her finishing position in the race. No other boat's score shall change.

PROTEST COMMITTEE

Committee Type International Jury

Chaired By: Gurvinderpal Julka (IND)

Committee Members: Leonard S Chin (MAS), Qu Chun (CHN), Sungchul Jeong (KOR), Tom Sheppard (HKG)

Printed: 15 Dec 07:08