

DECISION

Request Number: 11

Request for Redress

Event: 2018 Asian Games Sailing Competition Race Number: 3

Hearing Date: 2018-08-25

PARTIES AND WITNESSES

Initiator: 49er - M - KOR KOR 515 - CHAE BONJIN

Respondent(s):

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Hail not required

Red Flag Displayed: Not required

DECISION: Request Valid

PROCEDURAL MATTERS

FACTS FOUND

In the hearing of Case 12, the following facts are found.

1. On the 2nd windward leg of Race 3, both KOR on starboard and CHN on port were converging on a close hauled course.
2. When KOR was approaching CHN, KOR hailed "Starboard" repeatedly to CHN but CHN held her course.
3. KOR bore away to pass astern of CHN, however, there was a contact between KOR's bow and CHN's starboard side wing.
4. Both boats capsized.
5. KOR's jib was torn at the tack and the crew injured on the back with pain . Subsequently, the crew saw a doctor after going ashore for treatment and a medical certificate describing the trauma and treatment was given and tendered to the jury.
6. KOR retired the Race 3.
7. KOR replaced the damaged jib, and sailed in Races 4 and 5 and finished both race.
8. CHN took a one turn penalty after the incident
9. CHN had a hole on the starboard wing as a result of the incident but finished the race.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

1. CHN on port failed to keep clear of KOR on starboard, as required by RRS 10
2. CHN broke RRS14.
3. It was not reasonably possible for KOR, the right-of-way boat to avoid contact with CHN when it was clear that CHN was not keeping clear and she did not break RRS 14.
4. As the result of the incident with serious damage to KOR's jib she had to retire.
5. KOR is entitled to a redress because her score was made significantly worse as she had to retire because of the damage caused by the action of CHN who broke RRS 10 and 14, through no fault of her own, under RRS 62.1(b).

DECISION

Redress given to KOR.

KOR is to be scored in Race 3 the points equal to the average point of Race 1 and 2, rounded to the nearest tenth of a point (0.05 to be rounded upward).

Date & Time:

PROTEST COMMITTEE

Chaired By: Leonard Chin (MAS)

Committee Members: Masaaki Tanaka (JPN), Muhammad Ramlan (INA), Lock Kit (SGP), Benjamin Harding (HKG)