

DECISION

Request Number: 59

Protest and Request for Redress

Event: Kieler Woche 2019 Race Number: 5

Hearing Date: 2019-06-28

PARTIES AND WITNESSES

Initiator: Laser Standard - GBR 211726 - Ben Flower

Respondent(s): Laser Standard - UKR 212960 - Valeriy Kudryshov

Witnesses: Jesper Wilken (jury)

Interpreters: Sofiia Naumenko

VALIDITY

Objection to Jury: No

Within Time Limit: Beyond with Good Reason GBR 211726 went to hospital after incident and filed the protest as soon as he was back at the club.

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

DECISION: Request Valid

PROCEDURAL MATTERS

The protest time is extended in accordance with RRS 61.3.

FACTS FOUND

1. The wind was 17 knots.
2. 10 seconds before start signal GBR 211726 sailed slowly on the starting line on starboard tack.
3. UKR 212960 was 0,5 boat width to windward overlapped of GBR 211726 also on starboard tack.
4. 5 seconds before the starting signal UKR 212960 sheeted in and bore away.
5. UKR 212960 heeled to leeward.
6. Contact occurred between the boom of UKR 212960 and the head of GBR 211726.
7. The sailor of GBR 211726 was injured. He got double vision, blurred vision, threw up and retired from the race.
8. After retiring, GBR 211726 was taken to hospital by the rescue team.
9. The doctor at the hospital diagnosed GBR 211726 with a concussion, and prohibited him to sail within the next two weeks.
10. No penalty was taken.
11. UKR 212960 continued racing and finished the race.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

1. UKR 212960 to windward failed to keep clear of GBR 211726 to leeward, as required by RRS 11 and 14.
2. It was not reasonably possible for GBR 211726, the right-of-way boat, to avoid contact with UKR 212960 when it was clear that UKR 212960 was not keeping clear.
3. Because of injury caused by UKR 212960 breaking a rule of Part 2 GBR 211726's score was made significantly worse through no fault of her own. Therefore GBR 211726 is entitled to redress according to RRS 62.1(b).

DECISION

Date & Time: 2019-06-28 10:00 CEST

1. UKR 212960 is DSQ in race 5.
2. GBR 211726's request for redress is granted. GBR 211726 is to be scored in race 5-7, points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all the races before race 5. This shall not change the score of the other boats.

PROTEST COMMITTEE

Chaired By: Henning Jacobsen (GER)

Committee Members: Giorgio Davanzo (ITA), Thorsten Doebbeler (GER), Johan Sjöstrand (SWE), Andrus Poksi (EST)