

DECISION

Request Number: 2

Request to Reopen and Request for Redress

Event: J/FEST Race Number: 3

Hearing Date: 2017-04-02

PARTIES AND WITNESSES

Initiator: J/105 - USA 44 - Godot - Phillip Laby

Respondent(s): Protest Committee

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit Within 2 hours after discovery of the damage

Incident Identified: Yes

Proper Hail: Hail not required

Red Flag Displayed: Not required

DECISION: Request Valid

PROCEDURAL MATTERS

FACTS FOUND

1. Notice was posted by 12:00 today identifying all J/105 entered as parties and inviting them to the hearing.
2. The hearing was held without some parties under RRS 63.3(b).
3. Parties present besides USA 44: Blackhawk USA40, "007" USA112
4. USA 405 was penalized in Protest 1 for an incident in race 3 in which USA 44 suffered damage after going aground.
5. USA 44 retired from race 3 after using her engine to re-float herself from being aground.
6. USA 44 subsequently had a diver inspect for damage and found:
 1. Paint missing on bottom of rudder and section of keel bulb
 2. Filler or seal missing between rudder bearing and hull.
 3. Crack at front of keel well.
7. USA 44 sailed in race 4 and 5 with this damage.
8. USA 44 described a decrease in speed, but could not quantify the functional effect of the damage.
9. USA 44 scored 1 and 5 on 4/1/2017; on 4/2/2017 USA 44 scored 7 and 5.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

It was the decision of USA 44 alone to start her engine in Race 3, therefore she does not qualify for redress under "no fault of her own".

USA 44's score was not made significantly worse by the damage in races 4 and 5.

USA 44 did not sustain damage that functionally worsened her score in races 4 and 5

DECISION

Redress Denied
Races 3, 4 and 5

Date & Time: 2017-04-02 16:21 PDT

PROTEST COMMITTEE

Chaired By: Thomas Allard (USA)

Committee Members: Thomas Allard (USA), Kevin Laube (USA), Greg Meagher (USA)

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