

# DECISION

Request Number: 09

Protest and Request for Redress

Event: 2018 International Moth Class European Championship Race Number: 13

Hearing Date: 2018-07-21

## PARTIES AND WITNESSES

**Initiator:** moth - NED 3794 - Menno Berens

**Respondent(s):** moth - FIN 4069 - Sampsa Hyysalo

## 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

### FACTS FOUND

NED 3794 was sailing on port towards the gate, lowriding, in 8 knots of wind, sailing at a speed of 3 knots.

FIN 4069 was sailing to windward and astern of NED 3794, foiling at a speed of 17 knots.

When FIN 4069 was to windward and ahead of NED 3794 she gybed.

FIN 4069 continued foiling through her gybe and became starboard with a speed of 13 knots, 15 meters ahead of NED 3794.

NED 3794 luffed and 2 seconds later, contact occurred between the top of the mast of FIN 4069 and the leech of NED 3794 sail.

Serious damage occurred on NED 3794 sail. She did not finish race 13 and started sailing back to the shore.

FIN 4069 finished race 13 in place 41.

The orange flag for race 14 was displayed approximately 20 minutes after the incident.

NED 3794 did not start in race 14.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

When FIN 4069 gybed to starboard and became the right of way boat, NED 3794 did all she could to keep clear.

Contact occurred, therefore FIN 4069 failed to initially give NED 3794 room to keep clear, breaking rules 14 and 15.

FIN 4069s breach of rule 15 caused physical damage on the sail of NED 3794 which prevented her from finishing race 13 and starting race 14, making her score significantly worse through no fault of her own.

### DECISION

**Date & Time:** 2018-07-21 18:40 CEST

FIN 4069 is disqualified in race 13.

NED 4069 is given redress and her score on race 13 and 14 shall be points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in races 1 to 12. This shall not change the scores of the other boats.

### PROTEST COMMITTEE

**Chaired By:** Marina Psychogiou (GRE)

**Committee Members:** Marina Psychogiou (GRE), Markus Schwendtner (GRE), Håkan Larsson (SWE), Bo Samuelsson (SWE)

**Written Decision Requested By:** FIN 4069

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