

DECISION

Request for Redress

Request No.: 24

Heard Jointly With Number(s): 27

Event: 2022 49er, 49erFX and Nacra 17 World Championships Race Number: 9
Hearing Schedule: 2022-09-03 18:30

PARTIES AND WITNESSES

Request No.: 24: 49er - USA 508 - Charlie Hibben

49er - CAN 172 - Arie Moffat

Request No.: 27: 49er - USA 508 - Charlie Hibben

49er - CAN 172 - Arie Moffat

Witnesses: CAN 172

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Hail not required

Red Flag Displayed: Yes

Decision: Request Valid

PROCEDURAL MATTERS

The case was heard by a panel composed under RRS N1.4(b)

FACTS FOUND

1. Wind was 13-14 kts.
2. Both boats were sailing upwind close-hauled, CAN 172 was on port and USA 508 was on starboard.
3. The boats were on a collision course.
4. The starboard wing of CAN 172 collided with the port hull of USA 508 and created a hole.
5. USA 508 luffed and crash tacked to port.
6. USA 508 capsized. Once righted, she patched the hole with tape with the help of a safety boat, retired from race 9 and sailed ashore.
7. USA 508 did not sail in races 10 and 11.
8. CAN 172 took a penalty turn.
9. USA 508 is expected to be repaired overnight and can sail tomorrow.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: 10, 14, 44.1(b), 62.1(b)

1. CAN 172 on port failed to keep clear of USA 508 on starboard, and broke RRS 10.
2. CAN 172 did not avoid contact when it was reasonably possible to do so, and broke RRS 14.
3. It was not reasonably possible for USA 508 as the right-of-way boat to avoid contact with CAN 172 once it was clear that CAN 172 was not keeping clear. USA 508 did not break RRS 14.
4. Since CAN 172 caused serious damage by her breach, her appropriate penalty is to retire as required by RRS 44.1(b). However, she cannot be penalised in a redress hearing under RRS 63.1 and the International Jury will not change the type of case under RRS 64.1(c).
5. USA 508's score in race 9 was made significantly worse through no fault of her own by physical damage because of the action of CAN 172 that was breaking RRS 10 and 14.
6. As CAN 172 did not retire and has not been disqualified, she has not taken the appropriate penalty under RRS 62.1(b). The requirements for redress are therefore not met.

DECISION

Date & Time: 2022-09-03 19:31 ADT

Redress not given.

PROTEST COMMITTEE

Chaired By: Yoann Peronneau (FRA)

Committee Members: Jon Napier (GBR), Wendy Loat (CAN)

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