

DECISION

Request Number: 21

Request to Reopen

Event: 2018 Etchells World Championships Race Number: 8

Hearing Date: 2018-10-27

PARTIES AND WITNESSES

Initiator: ETCHELLS - USA 1464 - Skanky Gene - Jay Cross

Respondent(s):

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Yes

DECISION: Request Valid

PROCEDURAL MATTERS

FACTS FOUND

1. 1427 and 1464 submitted written opinions from Jonathan Schiller dated 27 October 2018 and Dennis Collins dated 27 October 2018, who together raised three grounds for reopening the hearing.
2. Grounds 1, made by Mr Schiller, submitted that the Race Committee violated RRS 32.1 because they could not abandon the race on the basis that "there was insufficient wind making it unlikely that any boat will finish" when boats did finish.
3. The race was abandoned for reasons of fairness.
4. Grounds 2, made by both Mr Collins and Mr Schiller, argued that the definition of "or" as used in RRS32.1 meant that when the Race Committee initially decided to shorten the course, it could not also abandon the course.
5. "Or" in the first sentence of RRS32.1 operates to create alternatives. However, each time there is a change in conditions, the Race Committee is entitled to act under RRS 32.1 and choose the option to either shorten or abandon.
6. In this case, the Race Committee initially acted and elected to shorten the course.
7. The conditions then changed and the Race Committee made a subsequent choice under RRS32.1, this time to abandon, in response to the new conditions.
8. The third grounds for reopening is that RRS32.1 submits that the Race Committee must consider the consequences for all boats in the race or series.
9. The Race Committee stated that they considered fairness for the whole fleet.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Grounds 1 is not relevant. Grounds 2 and 3 do not support a finding that International Jury made an error in the original hearing. We do not consider that the actions of the Race Committee in the abandoned Race 8 on 26 October 2018 was a violation of the Racing Rules of Sailing, as alleged by Mr Schiller. The evidence that USA 1464 and USA 1427 plans to present is not new and not significant. The conditions for reopening in RRS 66 have not been met.

DECISION

Hearings 7 and 8 will not be reopened.

Date & Time: 2018-10-27 20:15 AEST

PROTEST COMMITTEE

Chaired By: Philippe Mazard (FRA)

Committee Members: Jerrold Ng (SGP), Patricia Stadel (USA), Rosemary Collins (AUS), David Tallis (AUS)

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