

# DECISION

Request Number: 14

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):** Race Committee

**Witnesses:** Dave Irvine

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Hail not required

**Red Flag Displayed:** Not required

**DECISION:** Request Valid

## PROCEDURAL MATTERS

## FACTS FOUND

1. Cases 7 to 13 were decided and USA 1464, USA 1427, AUS 1332, AUS 870, AUS 1444, AUS 1374, AUS 1287, were informed of the decision on 26th Oct 2018, 2135h (GMT+10).
2. The International Jury received a request to reopen Cases 7 and 8 from USA 1464 and USA 1427 on 27th Oct 2018, 0730h.
3. USA 1464 and USA 1427 requested to have the hearing to request for reopening of Cases 7 and 8 prior to racing on 27th Oct 2018.
4. The International Jury scheduled and heard the request for reopening hearing at 0830h on 27th Oct 2018.
5. The tracker data for Race 8 on 26th Oct 2018 was freely available for public viewing on the event website or on a large television screen in the Regatta Office and the data was available before the time of the hearing of Cases 7 to 13.
6. The tracker data displayed the Groundspeed of the boats which were affected by light winds and a strong current of about 1-2 knots. Therefore, the tracking data is not indicative of the speed through the water.
7. The event Race Management Policies stated at the top of the document on Page 1 that the policies were guidelines to the Race Management Team and that "failure to observe these guidelines are not grounds for redress."
8. The event Race Management Policies are not listed under Rules in NoR 2 or SI 1 or *rules* as per the definition of *rule* in the Racing Rules of Sailing (RRS).
9. The Facts Found for Cases 7 to 13 did not mention that the fleet inverted or that the wind speed dropped below 3 to 4 knots.
10. The Race Committee consecutively (1) decreased the length of Leg 3; (2) shortened the course and; (3) abandoned the race.

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

The International Jury did not make an error in the original hearing.

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

Case no.7 to 8 will not be reopened.

**Date & Time:** 2018-10-27 08:45 AEST

## PROTEST COMMITTEE

**Chaired By:** Philippe Mazard (FRA)

**Committee Members:** Jerrold Ng (SGP), Patricia Stadel (USA), David Tallis (AUS), Nev Willis (AUS)

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