



**YACHT RACING ASSOCIATION  
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DECISION ON APPEAL, Appeal # 08-03  
IC-164 vs IC-78, IC-91, and IC-103, Race #1  
WBRA Regatta, San Francisco IOD Fleet  
Host: Sausalito YC; Date: September 8, 2008

January 22, 2009

### **SUMMARY OF SITUATION**

In Race #1 on September 8, four boats were approaching Mark A on close-hauled courses. IC-164 rounded the mark to starboard, and IC-78, IC-91 and IC103 all rounded the mark to port. IC-164 hailed protest, but did not display her protest flag until the boats finished. IC-164 submitted a protest alleging that the other three boats failed to sail the course properly and requested redress for incorrect scoring. A protest hearing took place on October 28, and the written decision was distributed by email on October 29. IC-164 objected to the decision and composed an appeal letter dated November 13, 2008. It was mailed to the Association Appeals Committee at the local YRA office sometime later (no date on the postmark). The appeal materials were misplaced along the way (apparently by USPS) and were found undelivered in another office on December 16 by a YRA employee.

### **ACTIONS OF THE PROTEST COMMITTEE**

During the pre-hearing, the protest committee determined that IC-164 did not display a protest flag until she passed the committee boat after finishing. The protest was deemed invalid per RRS 61.1 and was dismissed.

### **BASIS FOR APPEAL BY IC-164:**

1. IC-164 contends that the protest committee erred by declaring the protest invalid because the protest flag was not displayed until the boats crossed the finish line.
2. The protest committee failed to consider or address the request for redress by IC-164.

**DECISION:**

Contrary to its original statement in its acknowledgment letter dated December 22, 2008, this appeals committee now rules that this appeal does NOT comply with Appendix F1.1. F1.1 directs that an appeal of a decision of a protest committee shall be sent to the Race Administration Director at US SAILING in Portsmouth, RI. who will forward it to the association appeals committee for the place in which the event was held.

There is no language in Appendix F to excuse this type of oversight. Also, this appeals committee believes there is no substantive ambiguity in the sailing instructions or in YRA publications or communications that might excuse this procedural error by the appellant.

Because it does not conform to F1.1, this appeal is denied, the decision of the Protest Committee is unchanged, and the scores of the boats remain unchanged.

THE APPEALS COMMITTEE OF THE YACHT RACING ASSOCIATION OF SAN FRANCISCO BAY.

Thomas V. Allen, Jr. Chairman (email: tomallen2@comcast.net)

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Appeals Committee members, by email