



THE YACHT RACING ASSOCIATION of SAN FRANCISCO BAY
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DECISION on APPEAL: AAC 16-01: Knarr 128 v. SFYC Protest Committee
2016 Invitational Resin Regatta - April 2-3, 2016 - Race #5

May 9, 2016

SUMMARY OF SITUATION

On the weekend of April 2-3, 2016, nine one design classes, including the Knarr class, were invited to compete in a five race regatta. After race #5, Knarr #125 filed a Request for Redress referencing an incident that occurred near the finish of that race. The protest committee conducted a hearing of the matter and gave redress to Knarr #125. Upon learning of the decision in that hearing the appellant, Knarr #128, requested the protest committee reopen the hearing. That request was denied by the protest committee. Knarr #128 appealed the decision in the redress hearing.

FACTS FOUND BY PROTEST COMMITTEE:

1. Wind blowing approximately 15 knots, current slight ebb or slack
2. #125 on starboard tack approaching pin end of upwind finish line Race 5
3. #99 on port tack approximately 3 boat lengths below finish line
4. #99 began to turn toward the stern of #125 on starboard tack
5. #99 hit #125, causing damage to the hull and breaking the boom of #125
6. #125 was in fourth place at the time of the collision approximately 3 boat lengths from the finish
7. #99 did a 720° and continued to race
8. #125 finished the race in 10th place

CONCLUSIONS, APPLICABLE RULES, AND DECISION OF PC:

#125 granted redress and given 4th place finish 62.1(b)

APPELLANT BASIS FOR APPEAL:

1. The protest committee did not make a reasonable attempt to notify all boats of the time and place of the hearing and the nature of the request or grounds for considering redress.
2. A notice of redress hearing was not posted on the website as required by sailing instruction 2.
3. The protest committee did not contact Knarr #128 by the cell phone number provided with the entry to notify her of the hearing.
4. Knarr #128 was slightly ahead of Knarr #125 at the time of the incident and was scored 5th when #125 was given 4th.
5. The protest committee did not reopen the redress hearing based on the claim by Knarr #128 that a significant error had been made by the protest committee.

ASSOCIATION APPEALS COMMITTEE DECISION:

The appeal is refused.

Under rule 70.1(a), only a party to a hearing may appeal. A boat is a party to a hearing when she is a protestor, a protestee, a boat requesting redress or for which redress is requested, or a boat that may be penalized under rule 69.2 (Allegations of Gross Misconduct: Action by a Protest Committee). Knarr #128 was not a party to a hearing in any decision appealed to the association appeals committee. She did not become a party to the hearing in which Knarr #125's request for redress was heard, nor was she a party to that hearing merely because her series results were affected by the decision on that request for redress.

Under rule 70.1(b), a boat denied a hearing required under rule 63.1 may appeal. Knarr #128 provided no information that she was denied such a hearing.

Since Knarr #128 was not a party to the protest committee's decision that was appealed to the association appeals committee and was not denied a hearing, her appeal is invalid and cannot be considered.

(ref. US SAILING Appeal 64)

Since Knarr #128 did not meet the requirements of rule 70.1, her 'appeal' is in fact not an appeal but a request for redress that could have been addressed to and heard by the protest committee.

(ref. World Sailing, formerly ISAF, Case 55)

Under the rules, the association appeals committee has no authority to hear a request for redress

Best Regards,

The Appeals Committee of the Yacht Racing Association of San Francisco Bay
Michael Gross, Chair

Cc:

Mr. Randy Hecht, Knarr 128

Mrs. Vicki Sodaro, Chair SFYC Protest Committee

Appeals Committee Members:

John Christman

Paul Kamen

Tom Roberts

John Siegel