



OSA Appeal #2005-06

Hiawatha Request for Redress – November 15, 2005

Hiawatha is appealing the denial of redress and the denial of reopening the hearing by the National Yacht Club protest committee from the LORC Argosy Rosebowl, September 10, 2005.

Rule 62.1(a) Redress Rule 64.2 Decisions on redress

When a boat is disqualified in one incident she is eligible to seek redress in another incident but the protest committee will consider that her score is already DSQ and only if the other incident makes it worse will redress be granted.

Summary of the facts

Hiawatha (PHRF 1) and ZOOM (IRC 1) delivered requests for redress in the Argosy Rose Bowl claiming that the finishing boat had not been in position, that boats had been scored finishing in multiple locations in race 1 and that the race should have been abandoned. Zoom's request for redress was granted and race 1 for IRC 1 was abandoned. Concerning Hiawatha, the key fact found at the hearing was that Hiawatha was disqualified in race 1 for breaking rule 18.2(c) near the starting line. The protest committee denied the request concluding that Hiawatha's score in the race was made significantly worse by her own fault, not by any action of the race committee. The protest committee also limited this conclusion to the PHRF 1 event.

Hiawatha then delivered a request for reopening which was considered and denied.

Decision of the Appeals Committee

Appeal dismissed. The decisions of the protest committee to deny Hiawatha's request for redress and later to not reopen the hearing are confirmed.

The protest committee correctly applied ISAF Case 37 in reaching their decision: "each race of a regatta is a separate race; in a multi-class regatta, abandonment may be suitable for some classes, but not for all." As no other boat in PHRF 1 requested redress, it must be assumed that the other competitors were satisfied with the result of the race.

The improper action or omission by the race committee was the entire incident of the race committee vessel not having been in place and finishing boats in a variety of places. If this had not happened, all boats eventually scored as finishing would have finished correctly. Hiawatha claimed in her appeal that her score in the overall series was made worse by the decision not to abandon the race for her class. Hiawatha would still have been disqualified. Hiawatha's score was not changed by an improper action or omission of the race committee.

In her appeal Hiawatha refers to ISAF Case 1 which states that "A boat that breaks a rule while racing but continues to race may protest over a later incident even though she is disqualified for a

the breach of a rule after the race.” This case does not change the result for two reasons, first a request for redress is not a protest, secondly Hiawatha was allowed to file a request for redress and it was considered validly filed and heard. The committee then decided that redress was not applicable.

Finally in her appeal Hiawatha referred to the Sailing Instructions (6.1) which stated that “There shall be only one course for all yachts.” This does not preclude the race committee or protest committee from changing the course, shortening the course or abandoning the race for some classes and not others.

OSA Appeals Committee:

Mr. Andrew Alberti, NJ, Chairman

Mr. Alex McAuley IJ

Dr. Andrew Wardle IJ, IU

Dr. Mel Preston SNJ

Ms. Kathy Dyer SNJ

Mr. Peter Wood SNJ