

DECISION

Request No.: 09

Request for Redress

Event: The 17th Yisunsin Cup International Yacht Race Race Number: 4
Hearing Schedule: 2023-11-05 19:40

PARTIES AND WITNESSES

Request No.: 09: ORC 1 - Pyeongtaek Angels - Sungwoo Nam

Technical Committee

Interpreters: Sungchul Jeong

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

1. Pyeongtaek Angels was represented by Sungwoo Nam.
2. The Technical Committee was represented by June Lee.
3. Sungchul Jeong (chairman of the International Jury and panel chair of this hearing) helped to interpret for both parties.

FACTS FOUND

1. Notice to Competitors No.2 posted on 3 November 2023 at 17:15 added SI 19.5 which stated that a 5% time Standard Penalty (SP) shall be applied to boats with a non-complying life jacket from all races on 4 November 2023 onwards.
2. On 4 November 2023, the Technical Committee (TC) applied an SP of 5% under SI 19.5 to six ORC boats without a hearing as they did not have a personal floatation device (PFD) of at least a 150 Newton buoyancy for each crew member as per NoR Addendum A.
3. On 5 November 2023 at 10:08, the TC sent a message on a mobile web application chat group by Kakao Talk (SI 2.2), requesting ORC boats which had non-complying PFDs on 4 November 2023 but who are now compliant on 5 November 2023, to inform the TC "after the race" that they had raced on 5 November 2023 with a PFD of at least 150 Newton buoyancy for each crew member.
4. The message stated that the failure of boats to inform the TC that they had raced in compliance on 5 November 2023 would result in a 5% SP applied by the TC.
5. The six ORC boats that were given a 5% SP by the TC on 4 November 2023 automatically received another 5% SP by the TC after racing on 5 November 2023 as they did not comply with the TC's request for informing the TC.
6. Race 4 (coastal race) was the only race on 5 November 2023 for the ORC classes.
7. Pyeongtaek Angels came ashore and saw the results at 16:50. The results included a 5% SP applied by the TC to Big Apple in Race 4. It also showed the overall positions of Pyeongtaek Angels in 3rd place and Big Apple in 4th place.
8. After returning ashore, the skipper of Big Apple saw her results and informed the TC that she had raced on 5 November 2023 with a 150 Newton buoyancy PFD for each crew member. Big Apple requested for her 5% SP on 5 November 2023 to be removed.
9. The TC physically checked whether Big Apple contained a PFD of at least 150 Newtons for each crew member onboard. The TC found Big Apple to be compliant.
10. At 17:00, the TC removed the 5% SP to Big Apple in Race 4. This caused a change to the overall positions - Big Apple's to 3rd place and Pyeongtaek Angels to 4th place.
11. Pyeongtaek Angels submitted a scoring enquiry form to the TC at the closing ceremony at around 17:40.
12. During the closing ceremony, the TC provided the reasons for Pyeongtaek Angels's change of score in writing at 17:55 and Pyeongtaek Angels's submitted her request for redress at 18:10.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 62.1(a)

1. The message in the mobile chat group Kakaotalk from the Technical Committee (TC) requesting boats to inform the TC "after the race" that they had raced on 5 November 2023 with personal floatation devices (PFD) of at least 150 Newton buoyancy for each crew member, did not constitute a rule. The request for boats to inform the TC amounted to an unofficial declaration by boats that should they not inform the TC after racing on 5 November 2023, the TC would take it automatically that the boat did not race in compliance in Race 4 and therefore apply the 5% SP without a hearing.
2. Big Apple was the only one out of the six ORC boats that complied with the TC's request by informing the TC after Race 4 that she had raced in compliance with the PFD requirements.
3. The TC was satisfied that Big Apple raced on 5 November 2023 with compliant PFD onboard and therefore correctly removed her 5% SP to Race 4.
4. There was neither an improper action nor omission of the TC. Therefore, the requirements for redress in RRS 62.1(a) are not met.

DECISION

Date & Time: 2023-11-05 20:30 KST

Redress is not given.

PROTEST COMMITTEE

Committee Type International Jury

Chaired By: Sungchul Jeong (KOR)

Committee Members: Katsumi Shibamura (JPN), Xiaolong XU (CHN), Xinzu Gu (CHN) Jerrold Ng (SGP) - Scribe

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