

DECISION

Request No.: 11

Protest and Request for Redress

Event: Campionato Italiano Classi Olimpiche 2023 Race Number: 5
Hearing Schedule: 2023-09-29 15:30

PARTIES AND WITNESSES

Request No.: 11: Kiteboarding - ITA 113 - Timoniere - BOSCHETTI LORENZO

Kiteboarding - ITA 80 - Timoniere - PIANOSI RICCARDO

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

1. The panel of the International Jury was composed in accordance with RRS N1.4(b).

FACTS FOUND

1. Conditions were 12 knots and a choppy sea state.
2. ITA 113 and ITA 80 were sailing downwind on starboard tack.
3. ITA 113 was overlapped to leeward of ITA 80 with a distance of 2,5 meters between the boards.
4. ITA 80 lifted her kite and bore away slightly.
5. Immediately thereafter, ITA 113 lifted her kite, both kites collided and ITA 113 lost control of her board and fell into the water.
6. Had ITA 113 not lifted her kite, she would have collided with ITA 80.
7. The foil of ITA 80 made contact with the ITA 113 resulting in a chipped-off tooth and cutted finger.
8. The lines of ITA 113 were snapped and the kite of ITA 113 was ripped.
9. If ITA 113 had launched her kite, the position would be around 7th-8th position.
10. ITA 80 retired from the race 5.
11. ITA 113 did not finish the race 5.
12. ITA 113 did not compete in race 6.
13. After changing her kite and searching for medical help, ITA 113 sailed back and raced in races 7 and 8.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 11, 14, 62.1(b), F4.44.1(b)

1. ITA 80 to windward failed to keep clear of ITA 113 to leeward, and broke RRS 11.
2. ITA 80 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for ITA 113, the right-of-way board to avoid contact with ITA 80 when it was clear that ITA 80 was not keeping clear. ITA 113 did not break RRS 14.
4. Since ITA 80 caused injury and damage by her breach, her penalty was to retire as required by RRS F4.44.1(b).
5. ITA 113's score in races was made significantly worse through no fault of her own by injury and physical damage because of the action of ITA 80 that was breaking RRS 11 an 14 and took an appropriate penalty. Therefore, the requirements for redress in RRS 62.1(b) are met.

DECISION

Date & Time: 2023-09-29 16:49 CEST

1. Protest is upheld. Since ITA 80 took an applicable penalty, she is not further penalized under RRS 64.2(a).
2. Redress is given to ITA 113. ITA 113 is to be scored in races 5 and 6 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races sailed before the last scheduled day of the regatta if racing is later scheduled on that day, except races 5 and 6.

PROTEST COMMITTEE

Committee Type: International Jury

Chaired By: Flavio Carsughi (ITA)

Committee Members: Line Juhl (DEN), Václav Brabec (CZE)