

# DECISION

Request No.: 17

## Protest

Event: Waszp Games 2022 Race Number: 6  
Hearing Schedule: 2022-07-14 20:45

### PARTIES AND WITNESSES

**Request No.: 17:** Waszp - Large Sail 8.2 - Apprentice - GBR 2789 - Barbarosa - Andrew Bridgman

Waszp - Large Sail 8.2 - Apprentice - ESP 3055 - Ion Ander Basurto

**Witnesses:** GBR 2524 Ewan Wilson

**Interpreters:** Mikel Vazquez for ESP

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed      Hail not heard by ESP. Serious damage occurred

**Red Flag Displayed:** N/A

**Decision:** Request Valid

### PROCEDURAL MATTERS

1. Mikel Vazquez attended the hearing as translator for ESP 3055.
2. Mikel Vazquez was repeatedly warned that his role in the hearing is only to translate for the protestee and nothing else.

### FACTS FOUND

1. Conditions: 13 knots, slight sea state
2. Both boats are sailing upwind on the first beat and foiling.
3. GBR was starboard tack on a collision course with ESP on port tack.
4. When less than 1 boat length from GBR, ESP luffed and passed head to wind.
5. Before ESP reached a close hauled course, contact occurred between GBR and ESP
6. Both boats capsized and became entangled.
7. GBR's centre-foil sustained damaged and there was a rip in the starboard trampoline approximately 40 cm in length.
8. ESP centre-foil horizontal segment sustained damage.
9. GBR continued sailing and finished race 6. GBR sailed in races 7 and 8.
10. ESP retired from race 6 and returned ashore.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 13, 14, 62.1(b), WS Case 141

1. After passing head to wind and before being on a close-hauled course, ESP failed to keep clear of GBR. ESP broke RRS 13 and 14.
2. It was not reasonably possible for GBR to avoid contact when it was clear to GBR that ESP was not keeping clear. GBR does not break RRS 14.
3. The damage to GBR's boat is deemed serious and subsequently effected the boats ability to foil. GBR's scores in races 6 ,7 and 8 were made significantly worse through no fault of her own by physical damage because of the action of ESP that was breaking RRS 13 and 14 and took an appropriate penalty.

**DECISION****Date & Time:** 2022-07-14 22:22 CEST

1. Protest Upheld. ESP 3055 took the applicable penalty and is not further penalized.
2. Redress is given to GBR 2789. GBR 2789 is to be scored in races 6, 7 and 8 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 in the qualifying series, except races 6, 7 and 8. This shall not be worse than her finishing position in these races. No other boat's score shall change.

**PROTEST COMMITTEE****Chaired By:** Will Davies (GBR)**Committee Members:** Nick Devereux (GBR), Václav Brabec (CZE)**Printed:** 15 Jul 19:37