

Request to Reopen and Request for the Organizing Authority to validate Syndicate's assignment to class D

Protest No: 05

Received At: 2021-06-30 13:32 PDT

1. Event Name: Sunset Series

Protest On: 2021-06-30

Race No: 1, 2, 4, 5 and 6

2. Hearing Type

- | | |
|--|---|
| <input type="checkbox"/> Protest | <input checked="" type="checkbox"/> Request to Reopen |
| <input type="checkbox"/> Protest by RC | <input type="checkbox"/> Reopening by PC |
| <input type="checkbox"/> Protest by PC | <input type="checkbox"/> Request for Redress |
| <input type="checkbox"/> Protest by TC | <input type="checkbox"/> Request for Redress by RC |

3. Protestor

PH D - Performance - USA 77303 - Syndicate - David Haas

4. Protestees

1. Protest Committee
2. Organizational Authority

5. Incident

Time Place: Redress decision given 30 June 2021 in Sunset Series filing #04.

Rules: 63.5, 63.2(a)

Witnesses:

6. Informing Protestee

- Hail:**
 - Hail When:** NA
 - Hail Comment:**
- Red Flag:**
 - Red Flag Comment** NA
- Other:**
 - Other Comment:** NA

7. Description Of Incident

The protest committee made significant errors in this hearing.

Zulu's protest and request for redress are invalid. Zulu's protest flag and hail in race 5 were not made at the first reasonable opportunity as required by rule 60.1(a). Zulu did not file her request for redress as soon as reasonably possible after the reason was known to her as required by rule 62.2. The protest committee made a significant error by continuing the hearing after these facts had been established instead of closing the hearing as it was required to do by rule 63.5. The protest committee also did not make a reasonable attempt to notify other boats impacted by the redress considered (in this case, all boats in classes D and E) and give them time and opportunity to attend the hearing, as required by US Sailing prescription to rule 63.2(b).

Syndicate requests the following:

1. The protest committee, acting under rule 66.1, reopen Sunset Series filing #04 (Zulu vs. Syndicate, Sunset Series race 5), declare Zulu's protest and redress request invalid, rescind the protest and redress decisions from that hearing and close the hearing as required by rule 63.5. Syndicate further requests that the reopened hearing be heard by a protest committee that contains no members from the panel that heard filing 04, as required by rule 66.3(b). We do not mean this to cast aspersions on that panel but this request is based on a significant error and there is an obvious conflict of interest if the same jurors hear this request.
2. The organizing authority shall publish a notice to competitors declaring that under the discretion granted to the OA in NOR 6.4, Syndicate was approved to race in Class D prior to race 1. Proper notice was given prior to race 1 in the List of Competitors posted on the Official Notice Board which is considered to supercede the posted Class Splits if there is a conflict. The notice should indicate that Syndicate's scores in races 1,2,4 and 5 will stand and that she will continue to race in class D. The notice should also include a deadline by which competitors may file a request for redress if they feel that organizing authority made an improper action by assigning Syndicate to class D and they are disadvantaged by this decision.
3. Given that there is no time to resolve this matter before race 6, Syndicate shall be awarded a finishing place in class D for race 6 (and any subsequent races sailed in class E) equal to her finishing place in class E for that race, without impacting the scores of other boats in class D.

8. Damage Or Injury

None

Attachments