



HEARING REQUEST

for **protests**, requests for **redress**, and **reopening**

ussailing.org

FOR COMMITTEE USE

Time & date received _____ Rec'd by _____

Protest time limit _____ Filing # _____

Race # Day/Date of Race

Event/Series

First

1/20/24 Saturday

CYC Midwinters

Type of Hearing

Protest

Redress

Reopening

Boat or Committee Protesting or Requesting

Making allegation, claim, or request

Boat (sail # / name)

40316 / Under the Radar

-OR- Committee

Represented by

Gregory Felton

Mobile

775 313 8513

Email

GregoryRFelton@yahoo.com

Protestee(s) or Committee/Body

Alleged to have broken a rule, or made an improper action or omission

Boat (sail # / name)

Boat (sail # / name)

Boat (sail # / name)

Boat (sail # / name)

-OR- Committee/Body

CYC Race Committee

For a protest only, informing the protestee How did you inform the other boat of your intent to protest?

If "Yes" when (for each)?

By hailing?

No Yes

Words used?

By displaying a red flag?

No Yes

Some other way?

No Yes

Where / how?

The incident

For a protest: When and where did it happen? (e.g. 1/2 way along first upwind leg, pre-start just below pin, etc.)

For protests, please describe the incident. For redress or reopening, please state the reasons.

PLEASE SEE ATTACHED DESCRIPTION (it would not fit in this space):

- The Express 27 fleet was offered a one-design start and one-design scoring. No handicaps are therefore necessary and thus the order of finish is the only element needed to determine the results.
- Five boats registered. Three participated in today's race and they were instructed to sail course #5.
- By the time the boats arrived at the weather mark (#16), the order of rounding was #1 Under the Radar, #2 Moonlight, and #3 Simba and the distance between each pair of boats was significant, approximately 5 minutes.
- While en route to the first leeward mark (#6), there was traffic on the radio between competitors in the prior fleet (PHRF 3) and the race committee about the absence of the mark.
- Under the Radar arrived at the expected location of the leeward mark with approximately 6 boats from the PHRF 4 fleet (with which the Express 27s had started) where all turned proceeded back upwind. Moonlight did the same and ended up on that upwind leg as well as at the next weather mark (#16) approximately the same distance behind Under the Radar as she had been

Rules alleged to have been broken

62.1(a)

For either a protest or a request for redress or reopening (if relevant)

Diagram Include wind and current (**or** continue the description of the incident and/or reasons)

Witnesses Please list by name

USE ONLY TO WITHDRAW FILING

I request to withdraw this filing _____
Signature of representative

Print name

Filing withdrawal approved _____
Signature of PC member

Print name

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- By the time the boats arrived at the weather mark (#16), the order of rounding was #1 Under the Radar, #2 Moonlight, and #3 Simba and the distance between each pair of boats was significant, approximately 5 minutes.
- While en route to the first leeward mark (#6), there was traffic on the radio between competitors in the prior fleet (PHRF 3) and the race committee about the absence of the mark.
- Under the Radar arrived at the expected location of the leeward mark with approximately 6 boats from the PHRF 4 fleet (with which the Express 27s had started) where all turned proceeded back upwind. Moonlight did the same and ended up on that upwind leg, as well as at the next weather mark (#16) approximately the same distance behind Under the Radar as she had been when rounding the first weather mark. Any difference in location of leeward mark rounding had insignificant impact on the relative positioning of the boats. Likewise, Simba did not gain or lose any significant distance.
- All three boats continued around the remainder of the course and finished in the same order, all receiving acknowledgment of their finishes by the committee when they crossed the line.
- For 6 hours after the race, I periodically looked for results on the CYC site. Results were first posted immediately after the 49er football game ended, shortly after 8pm, which showed Under the Radar, Moonlight, and Simba in that order with the other two boats DNC. With this fair result noted, I turned my attention to a season-ending celebration and white elephant gift exchange.
- I got home at approximately 2230, happened to check my email just before climbing in bed, and found CYC sent out a note approximately 8:30, after publishing results online, stating in part "We apologize for the delay. Race results are now posted here: <https://race.cyc.org/mids24/results/1>. The reason for the delay was a minor software error which scored all boats as finishing with zero corrected time, which, of course, was not correct. All good now. The Principal Race Officer has informed us of his intention to abandon the races which went around missing mark 6, as there is no result consistent with fair sailing that can be obtained." I had no reason to look for this note earlier as I'd seen results online. I immediately began to fill out this form, thus I am filing my appeal as soon as possible.

Redress Requested - Reinstate the recorded results for the Express 27 fleet.

- The PRO stated "there is no result consistent with fair sailing that can be obtained". As noted, this is a reasonable conclusion in handicapped fleets where exact time deltas are important but only the finish order is necessary in this fleet that is sailing one-design. The positions were not affected by the mark's absence. I am not aware that any of the 3 Express 27s filed a protest alleging that the results were not fair. In fact, abandoning the race is less fair than recording the results. Abandoning disadvantages all three of the competitors versus the two other registered boats that chose not to participate today.
- Under the Radar registered not only to participate in the E27 fleet but also as one third of an Aotea team, a competition that the CYC strongly promoted. The PRO's heavy-handed decision to abandon the race after completion negatively affects not only this boat in her fleet but the entire team.