



## Case Decision

判決書 / Décision

As of FRI 30 JUL 2021 at 22:48

### Case No. 29

<b>Event:</b> Men's Skiff - 49er	<b>Race(s):</b> 5
<b>Protestor:</b> Technical Committee	<b>Protestee:</b> IRL
<b>Protest details:</b> Trapeze harness too heavy.	
<p><b>Procedural matters:</b>            Procedural matters of the original hearing:</p> <ol style="list-style-type: none"> <li>1. Heard together with case 30</li> <li>2. TC represented by Barry Johnson</li> <li>3. IRL represented by Matthew Mc Govern (coach of IRL)</li> <li>4. BRA represented by Gabriel Borges (crew of BRA)</li> <li>5. Sean Waddilove (IRL's crew) and Nelson Horn Ilha (BRA rule advisor) as observers.</li> <li>6. Dimitris Dimou (Chair of Technical Committee) as a witness.</li> <li>7. Parties informed of the decision on 29.07 at 1857.</li> <li>8. Full decision published on 29.07 at 1915</li> <li>9. Case heard by Adrian Bauder, Michal Jodlowski, Heiko Falch, Sungchul Jeong, Kai Masuda.</li> </ol> <p>Hearing reopened on 30.07, see case 41 and 42.            Procedural matters for the reopened hearing:</p> <ol style="list-style-type: none"> <li>1. Heard together with case 30</li> <li>2. TC represented by Dimitris Dimou</li> <li>3. IRL represented by Matthew Mc Govern (coach of IRL)</li> <li>4. BRA represented by Nelson Horn Ilha (BRA rule advisor)</li> <li>5. Jaime Navarro (member of the TC) as observer.</li> <li>6. The protest committee had 2 new members as required by RRS 66.3(b)</li> <li>7. Craig Mitchell (GER rules advisor) as a witness.</li> </ol>	
<p><b>Facts found:</b>            Facts found in the original hearing:</p> <ol style="list-style-type: none"> <li>1. The TC performed a check of the weight of the trapeze harnesses of the whole 49er fleet ashore after race 6.</li> <li>2. The harnesses were saturated manually in a bucket.</li> <li>3. They were hung open for at least one minute allowing the water to drain freely.</li> <li>4. Competitors were allowed to rearrange the items when the weight recorded exceeded the amount permitted.</li> <li>5. The scale was calibrated with a 2kg weight.</li> <li>6. The scale was located in a place covered from the wind.</li> <li>7. The harnesses in question were weighted several times with the lowest weight being recorded.</li> <li>8. Trapeeze harness used by the helm of IRL during races 5 and 6 weighted 2.09kg</li> <li>9. Trapeeze harness used by the crew of BRA during races 5 and 6 weighted 2.30kg</li> </ol> <p>Facts found in the reopened hearing:</p> <ol style="list-style-type: none"> <li>0. The facts of the original hearing stand.</li> <li>1. The trapeze harness that is being used by IRL and BRA is supplied with the lumbar support pad included.</li> <li>2. The lumbar support pad is designed to be attached to the trapeze harness with a velcro strap combining them into an integral unit.</li> <li>3. The main functions of the lumbar support pad are to improve the comfort and the performance of the trapeze harness.</li> <li>4. Another function of the lumbar support pad is to provide protection for the back of the sailor.</li> <li>5. The trapeze harness can be used without the lumbar support pad.</li> <li>6. The trapeze harnesses of IRL and BRA were weighed as used during races 5 and 6, with the lumbar support pad attached.</li> </ol>	
<b>Conclusion:</b>	



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Conclusions of the original hearing:

1. The harnesses were drained for at least one minute as they would if hung from a cloth hanger, complying with RRS H1.
2. Competitors were allowed to rearrange the items when the weight recorded exceeded the amount permitted, as required by RRS H2.
3. The weights were determined as required by RRS Appendix H.
4. The trapeze harnesses worn by the crew of IRL and BRA during races 5 and 6 weighted more than 2 kilograms breaking RRS 50.1(b)

Conclusions of the reopened hearing:

0. The conclusions of the original hearing stand.
1. When used as designed, the lumbar support pad is a part of the trapeze harness.
2. The weight of the trapeze harness including the lumbar support pad was determined correctly.

### Rule(s) applicable:

RRS 50.1(b), H1, H2

### Decision:

Decision of the original hearing:  
IRL and BRA are disqualified from races 5 and 6.

Decision of the original hearing stands after the reopening.

**Parties informed at:** 22:38

### Jury:

SANCHEZ del CAMPO FERRER Ana (ESP), JODLOWSKI Michal (POL), BAUDER Adrian (SUI), FALCH Heiko (GER), de VRIES David (AHO)

**Signed:** \_\_\_\_\_ Decision Issued: 30 JUL 2021 Time: 22:47

Ana SANCHEZ del CAMPO FERRER

### Legend:

No. Number