

APPEAL 114

Manx vs. Tiger Cat

Rule 70.1(a), Appeals and Requests to a National Authority

Rule R5.4, Inadequate Facts; Reopening

When the facts found by the protest committee provide enough detail for an appeals committee to understand the incident and apply the rules, they are not inadequate.

Facts and Decision of the Protest Committee

Two BCats, *Tiger Cat* and *Manx* were approaching the finishing line overlapped on port tack with *Manx* to windward. Neither boat was fetching the committee boat that was marking the starboard end of the finishing line. The two boats tacked simultaneously onto starboard tack within three lengths of the committee boat, at which time *Tiger Cat* was overlapped on the inside of *Manx*. *Manx* did not give *Tiger Cat* mark-room, and as a result *Tiger Cat* hit the committee boat.

Manx was disqualified for breaking rule 18.2(a) (Mark Room: Giving Mark-Room). *Tiger Cat* was exonerated for her breach of rule 31 (Touching a Mark) under rule 21(b) (Exoneration). *Manx* appealed, saying that she disagreed with the facts found by the protest committee.

Decision of the Appeals Committee

The basis of the appeal is that the appellant disagreed with the facts found by the protest committee. Rule 70.1(a) states: “a party may appeal a protest committee’s decision or its procedures, but not the facts found.” And rule R5.4 requires the appeals committee to “accept the protest committee’s finding of facts except when it decides that they are inadequate.” In this case, the facts found by the protest committee provided enough detail for an appeals committee to understand the incident and apply the rules, therefore they are not “inadequate” and are the “facts found” referred to in rule 70.1(a).

Manx’s appeal is denied, and the decision of the protest committee is upheld

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