

Lake Michigan PHRF Appeal Process

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INTRODUCTION

This document describes the process for appealing a performance handicap assigned by LMPHRF. It provides instructions for filing the appeal and conditions to be met. Attached to this document is a form to be completed and submitted to LMPHRF thereby initiating the appeal process.

An appeal is a request by a holder of a currently held and valid LMPHRF certificate for a change in the assigned handicap of his or her boat or a competitor's boat.

Appellants need to distinguish between protest of a handicap that is more properly filed with race committees and appeal of a handicap that is properly filed with LMPHRF. Protests deal with a boat sailing in a race with hull and rig specifications other than specified on the currently held handicap certificate. Hence protests are made to the authority for a race not to LMPHRF. Appeals deal with a request to modify an assigned handicap based upon complete, reliable, and valid evidence. It is the responsibility of the appellant to supply the evidence.

Typically appeals are filed for one of the following reasons:

1. There is evidence that the LMPHRF Council of handicappers was not in possession of complete or correct data when the current handicap was assigned.
2. There is performance data from the various LMPHRF venues that clearly demonstrate that an adjustment to the handicap is warranted.
3. There is evidence that there have been unreported modifications made to a boat subsequent to the assignment of the current handicap. This type of appeal is usually the result of a successful protest to a race committee for initial and ensuing action under the current published racing rules.

While an appeal of a handicap may be submitted at any time, it must be received in the Office of the LMPHRF Executive Director prior to 15 December in order to be acted upon before the start of the next racing season. Any received after that date will not be acted upon until after the immediately following racing season.

For any owner(s), only one appeal of the handicap assigned to their boat may be filed each year. However, if the appeal is based on modifications or evidence that incorrect data were used in assigning the handicap, it may be submitted and considered provided it is received at least 21 days prior to the next scheduled meeting of the Council.

FILING PROCEDURE

Fifty copies of the appeal forms must be submitted by mail to the office of the LMPHRF Executive Director and must be accompanied by a processing fee of \$50.00. If the appeal involves the correction of an obvious error made by the LMPHRF Council of Handicappers, the error will be administratively corrected and the fee will be waived or returned.

When an owner of a boat properly files an appeal of its handicap, the LMPHRF Executive Director will notify the appellant after the appeal has been accepted and will schedule a hearing by the Council.

When an owner properly files an appeal of a competitor's boat, the owner of the affected boat and all sisterships must be advised in writing by the appellant that an appeal of the boat's handicap has been submitted to LMPHRF. A copy of the appeal submitted to LMPHRF must accompany notification. Upon a written request, the LMPHRF Office will supply names and addresses of owners of all sisterships of the boat being appealed. The LMPHRF Executive Director will notify the appellant after the appeal has been accepted and will schedule a hearing by the Council. All parties to the appeal brought forward by a competitor may appear at the meeting of the Council when the appeal is heard. Only the appellant and the competitor whose boat's handicap is under appeal may speak. Prior to the hearing owners of sisterships who cannot attend the hearing may submit written material to the Council of not more than five pages in length rebutting the appeal.

CONDITIONS FOR HEARING AN APPEAL OF A HANDICAP ASSIGNED BY LMPHRF

1. The appellant attests by dated signature that the LMPHRF handicap for their boat is current and hull, rig, and sail dimensions are unchanged since assignment of the present handicap.
2. When the handicap of a competitor's boat is appealed, the appellant must demonstrate that the competitor and owners of all sisterships have been notified. This may be accomplished by supplying a return receipt for the notification letter and accompanying copy of the appeal.
3. The appellant must submit:
 - a. 50 copies of the required appeal form accompanied by
 - b. a check or money order for \$50.00 made payable to LMPHRF, INC. to cover costs of the appeal hearing and dissemination of its results,
 - c. a copy of the current and valid LMPHRF certificate issued to the appellant, and
 - d. a copy of the letter of notification when a competitor's boat and all sisterships are appealed.
 - e. Race results of *all events* in which the boat whose handicap is under appeal sailed during the current and immediately past racing season. If this requirement is not met the appeal document will be returned without action. An additional form is attached to this document which will be helpful in meeting this requirement.

GENERAL INSTRUCTIONS FOR PREPARING DOCUMENTATION FOR AN APPEAL

The appellant must supply all requested information on the attached form. No more than five (5) pages of additional information may be attached to the form. The form and any additional pages of relevant information comprise the appeal document submitted to the Council for a hearing. Incomplete information or failure to meet the conditions for appeal or follow any of the instructions will result in return of the appeal document to the appellant.

ACCEPTANCE OF AN APPEAL

The LMPHRF Technical Committee will review the appeal document supplied by the appellant after all conditions are met. If the appeal is not judged frivolous it will be accepted and scheduled to be heard by the LMPHRF Council of Handicappers. The LMPHRF Executive Director will distribute the appeal form to the Council of Handicappers prior to the scheduled hearing.

ACKNOWLEDGEMENT AND AGREEMENT

Each appellant, by his or her dated signatures affixed to appeal form, acknowledges that:

1. All of the information relating to the appeal process has been read and understood.
2. The appellant's boat has not been modified since the date the handicap under appeal was last assigned.
3. The appellant agrees to abide by the decision of the Council for a period of no less than two years from the date of decision unless the decision is rescinded or modified on appeal to USPHRF. Appellants should know that a decision not in their favor may be referred for further appeal to USPHRF. The Council supports such a referral. USPHRF appeal procedures and forms may be secured with the help of the LMPHRF Executive Director.

LMPHRF HANDICAP APPEAL FORM

(Appellant's Name)

(Appellant's Street Address)

(Appellant's City, State, & Zip Code)

(Appellant's Telephone Number)

(Appellant's Telefax Number)

(Appellant's E-mail address)

(Appellant's Signature)

The above signature attests and acknowledges that all of the information relating to the LMPHRF appeal process has been read and understood, the appellant's boat has not been modified since the date the handicap under appeal was last assigned, and that the appellant agrees to abide by the decision of the Council for a period of no less than two years from the date of decision unless the decision is rescinded or modified on appeal to USPHRF.

BOAT AND HANDICAP DATA

Boat Name	
Type/Class	
Manufacturer & Hull Date	
Sail Number	
Current Base Handicap Less Penalties/Credits	
Current Handicap with Penalties/Credits	

BOTTOM PREPARATION

When was the boat last hauled?	
What type of bottom paint is applied?	
How is the bottom paint applied?	
How often is the bottom cleaned?	
How is the bottom cleaned?	

SAIL INVENTORY

SAIL	Sail Maker	Material	Ozs.	Condition	Age (months)
Main					
1 st Genoa LP% =					
2 nd Genoa LP% =					
3 rd Genoa LP% =					
1 st Spinnaker					
2 nd Spinnaker					
Other					
Other					

SKIPPER AND CREW EXPERIENCE

Number of years of racing experience for the skipper/owner _____

Number of persons in the racing crew including skipper _____

Number of crew members racing with the skipper more than 50% of the time _____

What percentage of the time did you finish in the top third of your section? _____

What percentage of the time did you finish in the middle third of your section? _____

What percentage of the time did you finish in the bottom third of your section? _____

BOATS THAT REGULARLY BEAT THE APPELLANT'S BOAT ON CORRECTED TIME

<u>Class/Type</u>	<u>Handicap</u>	<u>Class/Type</u>	<u>Handicap</u>	<u>Class/Type</u>	<u>Handicap</u>
1 _____	_____	4 _____	_____	7 _____	_____
2 _____	_____	5 _____	_____	8 _____	_____
3 _____	_____	6 _____	_____	9 _____	_____

BOATS BEAT OR SAILED EQUAL TO ON CORRECTED TIME

<u>Class/Type</u>	<u>Handicap</u>	<u>Class/Type</u>	<u>Handicap</u>	<u>Class/Type</u>	<u>Handicap</u>
1 _____	_____	4 _____	_____	7 _____	_____
2 _____	_____	5 _____	_____	8 _____	_____
3 _____	_____	6 _____	_____	9 _____	_____

BOATS THE APPELLANT CONSIDERS INCORRECTLY HANDICAPPED

<u>Class/Type</u>	<u>Handicap</u>	<u>Class/Type</u>	<u>Handicap</u>	<u>Class/Type</u>	<u>Handicap</u>
1 _____	_____	4 _____	_____	7 _____	_____
2 _____	_____	5 _____	_____	8 _____	_____
3 _____	_____	6 _____	_____	9 _____	_____

OTHER RELEVANT INFORMATION

NOTE: The appellant may add no more than five (5) double spaced typewritten pages of continued or other relevant information. For example, it might help the Council to know conditions under which the appellant typically races, especially weather, prevalent in your sailing area. Return the completed appeal form and related pages to LMPHRF, Inc.; 1135 Maricopa Drive; Oshkosh, WI 54904-8118.