

# Lake Michigan Performance Handicap Racing Fleet

## Appeal Process

[Revised October 31, 2009]

### INTRODUCTION

This document describes a process for appeal of a performance handicap determined by the Lake Michigan Performance Handicap Racing Fleet (LMPHRF) Council of Handicappers. It is the right of any certificate holder to appeal their handicap when criteria described below are met. It is an obligation of the Council of Handicappers to hear the appeal when conditions described below are met. Instructions for filing the appeal follow.

### INSTRUCTIONS FOR FILING AN APPEAL OF A HANDICAP

What is an appeal? Appeals are of two kinds:

1. An owner may appeal the handicap determined for their boat.
2. An owner may appeal the handicap determined for a competitor's boat.

Formal appeals to LMPHRF must be in a timely manner. The Council must be notified mail of the intent to appeal by December 1<sup>st</sup> and all appeal data must be submitted through mail and email by December 31<sup>st</sup> of each sailing season. The appeal will be scheduled for a hearing no later than the next following meeting of the LMPHRF Council of Handicappers after October 15th. Appellants must set forth their views in writing, and must document their case with supporting data. When the appellant is not satisfied with the LMPHRF Council of Handicapper's resolution of the appeal, a further appeal to the United States Performance Handicap Fleet (USPHRF) Appeal Committee may be initiated.

The appellant agrees, by their dated signature on the Appeal Data Form, to abide by the LMPHRF appeal procedure and decision for a period of no less that two years following the decision unless it changed by a following appeal to USPHRF. Denial of an appeal by either LMPHRF or USPHRF is inconsistent with the US SAILING bylaws and regulations.

Attached to this document is a data form to be completed and submitted to the LMPHRF. This initiates the appeal process. Appeal documents are sent to LMPHRF via US POST and email as instructed below. LMPHRF may be reached by phone at the Office of the Executive Director (920-233-5782)

### CONDITIONS FOR HEARING AN APPEAL OF A HANDICAP DETERMINED BY LMPHRF

1. The appellant is a current member of the United States Sailing Association.
2. The appellant attests by their dated signature on the appeal data form that the handicap under appeal is current.
3. Hull, rig, and sail dimensions are unchanged since determination of the current handicap.
4. All parties to the appeal, by their dated signatures, agree to abide by the decision resulting from the appeal hearing for no less than two years.
5. When the handicap assigned to one's own boat is appealed or the handicap of a competitor's boat is appealed, the appellant must submit:
  - i. One original copy of the local or regional appeal procedure and an electronic version in portable document file format
  - ii. One original copy of the of the current and valid PHRF certificate and an electronic version in portable document file format
  - iii. One original copy of the appeal data form and an electronic version in portable document file format
  - iv. A check or money order for \$60.00 made payable to LMPHRF, Inc. to cover appeal costs and dissemination the appeal decision.
  - vi. When a competitor's boat is appealed, it is the responsibility of the appellant to notify the competitor and all sister ships because the appeal decision affects all of them. Owners of sisterships are thus part of the appeal process. LMPHRF will supply contact information for currently handicapped sisterships.

The original appeal data form and fee are sent to the mailing address listed below. An electronic copy is sent to the email address listed below.

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**LMPHRF Mailing Address**

LMPHRF, Inc.  
1135 Maricopa Drive  
Oshkosh, WI 54904-8118

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**LMPHRF E-mail Address**

lmphrf@lmphrf.org

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## **ADDITIONAL INSTRUCTIONS FOR COMPLETING APPEAL DOCUMENTS**

Appellants must furnish all requested information using the attached data form. No more than five (5) double spaces pages of additional information may be attached to the appeal data form.

In the case where the appellant initiates the appeal process to change the handicap of a competitor's boat and its sisterships, the form must be filed concerning the appellant's boat only. Additional pages should in a narrative include a clear statement of the basis for the appeal of a competitor's handicap.

The data form and any additional pages of information comprise the appeal document. Incomplete information or failure to meet the conditions for appeal or follow any of the instructions will result in return of the document to the appellant. The appeal may be refiled when all conditions are met.

## **ACCEPTANCE OF APPEAL DOCUMENTS AND PROCEDURES**

When a request for an appeal of a handicap by an owner or competitor of a handicapped boat is received, it will be initially reviewed by the LMPHRF Technical Committee to see that the request and supporting data are complete. *This Committee may reject and return the appeal without a hearing if the appeal is not complete, is believed to be frivolous, libelous, or scurrilous, or is a document not in the proper format!* A letter of rejection with a brief explanation will be sent to the appellant together with all documents and fee received. *This rejection shall be without prejudice as to the subsequent refiling of a proper appeal.*

## **APPEAL HEARING COMMITTEE PROCEDURES**

The appellant only and not a representative must submit their appeal and present it at a hearing conducted by the LMPHRF Council of Handicappers. During the hearing, the appellant will be asked to present their position. Since all members of the Council have read and are familiar with the particulars of the appeal no more than 5 minutes are allowed for this presentation. Council members will then question the appellant. When this portion of the hearing concludes, the appellant will be dismissed from the Council Chamber. Also dismissed from the Council Chamber are members of the Council who may compete or have competed against the appellant. The remaining members of the Council will then deliberate and reach an appeal decision. After a decision is reached the appellant and others dismissed from the Council Chamber prior to deliberation and decision will be asked to return to the Council Chamber to be informed of the appeal decision. A letter noting the decision will also be sent to the appellant by the Council's Corresponding Secretary. While there is no further discussion about the appeal hearing, its findings and decision between the appellant and the Council, the appellant will be instructed that there is a further appeal to USPHRF available if it is desired. The Executive Director will offer to assist the appellant in an effort to prepare and submit a handicap appeal to the USPHRF Appeal Subcommittee.

## **ACKNOWLEDGMENT AND AGREEMENT**

The appellant, by dated signature affixed on the appeal document cover page, acknowledges that:

1. All of the information relating the appeal to the LMPHRF appeal process and procedure has been read and understood.
2. The boat for which the handicap is being appealed has not been modified since the date the handicap under appeal was assigned.
3. The handicap being appealed has not changed since the appeal was filed.
4. The appellant understand that the findings of the hearing panel affect all sisterships.
5. By dated signature, the appellant agrees to abide by the appeal decision for a period of no less than two years from the date of decision.

# LAKE MICHIGAN PERFORMANCE HANDICAP RACING FLEET APPEAL PROCESS AND FORM

[Revised October 31, 2009]

**Instructions:** Please supply all requested information. Print all entries. Be sure to add the dated signature of the appellant.

Appellant Name:	_____
Appellant Street Address:	_____
Appellant City, State, Zip Code:	_____
Appellant Business Phone:	_____
Appellant Home Phone:	_____
Appellant Fax Phone:	_____
Appellant Mobile Phone:	_____
Appellant E-mail:	_____
Appellant Dated Signature:	_____

*The above signature attests and acknowledges that all of the information relating to the LAKE MICHIGAN PERFORMANCE Handicap Appeal Process has been read and understood, that the appellant's boat has not been modified since the date the handicap under appeal was last determined, and that the appellant agrees to abide by the decision of the Council o Handicappers for a period of no less than two years from the date of decision unless the appeal advances to a National UNITED STATES PERFORMANCE HANDICAP APPEAL when requested by the appellant.*

## BOAT AND HANDICAP DATA

Boat Name:	
Type/Class:	
Manufacturer & Hull Date:	
Sail Number:	
Current Base Handicap Less Penalties/Credits:	
Current Handicap with Penalties/Credits:	
Date of issue for the current handicap under appeal	

## 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 <sup>st</sup> Genoa LP% =					
2 <sup>nd</sup> Genoa LP% =					
3 <sup>rd</sup> Genoa LP% =					
1 <sup>st</sup> Spinnaker					
2 <sup>nd</sup> 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 \_\_\_\_\_

## RACES AND PERFORMANCE

Briefly describe the number and type of PHRF races sailed annually, such as Casual "Beer Can", Championship, One Design, Distance Regional or National Championships. *(Use an additional page when necessary.)*

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## SUPPLY RACE RESULTS FOR THE LAST TWO RACING SEASONS

Copy and use the following spreadsheet table example to supply the required race data. A "live" spreadsheet with instructions for use is available at [Imphrf@Imphrf.org](mailto:Imphrf@Imphrf.org) upon request.

Start: 10:45:00    Length (NM): 5.75    Wind Direction: North West  
 Course: Number 4    Waves: 2'    Wind Speed: 14-20

Sail Number	Yacht Name	Yacht Type	Handicap	Finish Time	Elapsed Time	Correction (Seconds)	Corrected Finish Time	Finish
52125	StaarkRaivingMad	J 125	-3	11:38:37	0:53:37	-23	00:54:00.00	1
35012	Spaceman Spiff	1D35	36	11:42:39	0:57:39	207	00:54:12.00	2
3	Meridian	Farr 36	9	11:40:09	0:55:09	51.75	00:54:17.25	3
51171	Wairere	Thompson 30	36	11:43:00	0:58:00	207	00:54:33.00	4
2	Wicked Dog	Farr 36	9	11:46:37	1:01:37	51.75	01:00:45.25	5
4	Juggernaut	Farr 36	0	11:46:17	1:01:17	0	01:01:17.00	6
123	Purple Haze	Henderson 30	45	11:51:17	1:06:17	258.75	01:01:58.25	7
39	CharSar	FT 10M	54	12:02:19	1:17:19	310.5	01:12:08.50	8
52814	Gwaihir	R Martin 40	-9	DNS				

How many races did you finish this last season? (Approx.) \_\_\_\_\_ Two seasons ago? \_\_\_\_\_

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 CORRECT OVER THE APPELLANT'S BOAT (PLEASE PRINT)**

Boat Name	Sail number	Type	Handicap
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

**BOATS SAILED EQUAL WITH THE APPELLANT'S BOAT (PLEASE PRINT)**

Boat Name	Sail number	Type	Handicap
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

**OTHER RELEVANT INFORMATION**

The appellant may attach no more than five (5) double spaced typewritten pages of other relevant information.