



Southern Ohio Forest Rally, 6-8 Jun 2024

DECISION 1

posted at: 19 Jun 2024 19:30

From: the Stewards

Date: 19 Jun 2024

To: Driver of car 209, SOFR Officials

Time (decision): 14:57

The Stewards, having received a protest from the driver of Car 209 against the organizers of the 2024 Southern Ohio Forest Rally, have considered the following matter and determined the following:

Driver, and car No: Madelyn Tabor, Car 209

Date and Time (fact): 8 Jun 2024 09:30

Session: TC 9B (MTC #5)

Fact: Before the start of section 4, Car 209, a national entry, submitted an inquiry requesting a change of crew under RCR 2.1.4, after the entered co-driver became too ill to continue competing. An eligible replacement co-driver was nominated, the entered driver for Car 205, a regional entry, which had DNF'ed by the time of the inquiry. The Asst. Clerk of the Course reviewed the inquiry and applied the rule's "no change of crew" clause, indicating that they could continue as a Non-Competitive Entry.

Car 209 submitted a protest against the event organizers' application of RCR 2.1.4. After some discussion between the Senior Steward and the team, the protest fee was accepted and the team allowed to compete provisionally. The results for the national rally remain provisional pending the outcome of this protest.

A protest meeting was scheduled for and held on 13 Jun 2024. Car 209 was represented by Mark Tabor. The event organizers were represented by Justin Pritchard.

In the meeting, Car 209 presented two arguments:

1. The wording of the rules allows for replacement of the co-driver.

Car 209 argued that the definition of "crew" in RCR 2.1.1 was loose enough to not apply to a particular entry and could apply to any combination of entered driver and co-driver.

Car 209 also argued that the term "switching" used in RCR 2.1.4 referred to switching one competitor with another competitor.

2. A stewards decision at the 2017 New England Forest Rally (NEFR) allowed an injured co-driver to be replaced with another co-driver set a precedent that applied in their case.

The 2017 NEFR was part of the inaugural ARA National Championship and the relevant paragraph of RCR 2.1.4 was the same as in this event.

The event organizers countered those arguments by stating that they applied the rule as it has been applied in ARA events after 2017. Also, the 2017 NEFR Clerk of the Course submitted a statement describing the decision to allow the co-driver to be replaced as a mistake and a violation of the rules.

Offence: RCR 2.1.4

Decision: The Stewards have decided to uphold the protest. The protest fee will be returned. Scoring will include Car 209's Section 4, 5, and 6 stage times in the final standings for the national rally.

The Stewards decided that championship points for co-driver for Car 209's position in overall and class will not be awarded.

The Stewards have also decided that the stewards decision to allow a co-driver change at the 2017 NEFR was a mistake and did not set a precedent.

Reason:

Argument 1 – While the wording of RCR 2.1.4 could be clearer, the Stewards for this protest reject the argument.

RCR 2.1.1 states “A rally crew shall consist of those two persons nominated on the official entry form as Driver and Co-Driver.” (GCR 2 has a similar definition of “Crew”.) The basis of each entry in the event is the official entry form. The two persons (and the entered vehicle) nominated on the official entry form comprise that entry.

Even if the argument that any two persons entered as crew (driver/co-driver) would meet RCR 2.1.1 was valid, it would not apply in this case because Car 209 was entered in the national rally and Car 205 was entered in the regional rally, a concurrent but different event.

With regards to RCR 2.1.4, it opens with “During a national rally, no change of crew and/or vehicle as listed on the official entry form for the event is permitted ...”. There is no ambiguity in that statement with regards to a national event.

The protesting party stated that “change of crew” needs to be defined. The Stewards see no need for that. Within the context of “as listed on the official entry form”, what else could “change of crew” mean beside replacement of one person listed with someone not listed or exchange of roles between persons listed on the entry form (and the latter case is described in the rule)?

RCR 2.1.4 continues “... and, further, the crew member listed on the entry form as driver shall operate the vehicle at all times while on special stages.” Given that there are two defined roles for the crew, and the rule indicates that the person entered for one of those roles shall serve that role, it is implied that the other crew member will serve the other role.

The next sentence and the remainder of the paragraph describe scenarios for “switching of duties” and “switching”. On first reading, some people have considered “switching” the same as replacement of a person in one of those roles, but, given the preceding sentence concerns which entered person serves which role, switching of entry form designated roles is a more logical interpretation.

While not relevant for this protest, the stewards did find that the rules allowing for switching of duties are not consistent between themselves and recommend that ARA clarify them as well as the rules covering change of crew at regional rallies.

Argument 2 – The Stewards for this protest uphold the argument because, while the referenced 2017 NEFR stewards decision did not set a precedent, ARA had not done enough to communicate to competitors that it was not a precedent.

The 2024 SOFR event organizers did everything correct with regards to Car 209. The Clerk of the Course (and officials to which the authority of that role is delegated, like the Assistant Clerk) has the authority to determine which rules apply and to apply those rules. RCR 2.1.4 was cited in the inquiry and the Assistant Clerk applied it as he understood it. Note that the stewards for the event only get involved when there is no rule to be applied and a decision needs to be made (or the rule states that the steward acts).

In the course of this protest, Car 209 demonstrated a lack of understanding of the inquiry review process. For example, as initially submitted, it was a protest of “ARA’s decision to disallow [her to run] Saturday’s stages with a replacement co-driver”. As indicated in the inquiry response, no one serving as an ARA official at the event had reviewed the inquiry. Upon receipt of the protest, the Senior Steward advised Car 209 that ARA had not yet made any decisions on this matter and so Car 209 changed “ARA’s decision” to “the event’s decision”.

Under the GCR 6.2.3.o (2024 ARA GCRs as amended by Bulletin 2024-10), stewards have the authority to replace crew members of an entry after the event’s close of entries. The “during a national rally” clause of RCR 2.1.4 (along with GCR 6.2.3.l) indicates that that authority stops when competition starts. This is how the rule has been enforced since 2018.

The stewards decision at the 2017 NEFR allowing the co-driver change after competition had started was a mistake. The rules were incorrectly applied. The Clerk of the Course was not given opportunity to apply the relevant rules. The stewards of that event decided to allow a co-driver change despite the rules and had no authority to do so.

Unfortunately, ARA did nothing afterward to indicate to competitors that the 2017 NEFR decision was wrong. A reasonable person could construe the decision to set a precedent. In this instance, Car 209 is allowed to benefit from that.

Awarding of points – The Stewards for this protest decided that no points were to be awarded for either co-driver because neither had completed the entire national rally.

The Stewards for this protest considered other options. Championship rules have changed since 2017 so it was not possible to do as had been done at 2017 NEFR. The equivalent action would be to award all points to the replacement co-driver. Another option was to award points split between the two co-drivers based on percentage of total stage miles competed in by each. However, the decision made seemed the most appropriate.

Competitors are reminded that they have the right to appeal certain decisions of the Stewards, in accordance with Article 10 of the ARA General Competition Rules.



Alan Perry, Chair of Stewards



Michel Hoche-Mong, Steward



Michael Hordijk, Steward