

Subject of Appeal: Misinformation	Case: N8
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Event Wernher Open Pairs	Event DIC McKenzie Myers
Date 07/28/2016	Session First Final

Auction

West	North	East	South
			Pass
1♣ ¹	2NT ²	Pass	3♥
Dbl	Pass	Pass	Pass

Explanation of Special Calls and Points of Contention

1: Strong, Artificial, Forcing
2: Minors

Hand Record

Board 19	N	David Birnbaum	
Dealer S	♠ 9	♥ Q5	
Vul E/W	♦ AKQ1086	♣ KJ97	
W	David Sabourin		E
♠ AK863			Shan Huang
♥ AKJ9			♠ J10752
♦ 32			♥ 1082
♣ AQ			♦ 7
			♣ 10832
	S	Art Lowen	
	♠ Q4		
	♥ 7643		
	♦ J954		
	♣ 854		

Final Contract	Result of Play	Score	Opening Lead
3♥X by S	Down 5	E/W +1100	♠ A

Facts Determined at the Table

East attempted to alert the 1♣ bid. East/West maintain that the alert card was also used. North/South were adamant that no alert card was seen. During the auction, North was concerned that his partner was not aware of the alert, and called the director, who, away from the table, informed North that he should bid as if his partner heard the alert.

Director Ruling

The ACBL Alert Procedures put the burden on the alerting side to ensure the opponents are aware of an alert. South's declaration that he was not aware of the alert indicates that he was not properly informed. Polling showed that the likely result with the right information would be 5♦X by South, down 2. N/S were damaged due to the misinformation (Law 21C), and so, per Law 12C1c, the score was adjusted to 5♦X by South, down, E/W +300.

Director's Ruling	5♦X by S, Down 2, E/W +300
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The Appeal

E/W requested a review of the ruling. The reviewer talked with both the North/South pair and the East/West pair. North claimed that East's alert was "very soft and kind of in my direction" and "my partner is hard of hearing". South maintained that there was no indication that he received that the 1♣ was alertable. West insisted that East always uses the alert card. East felt that he had fulfilled his obligations, and that South was inattentive.

Panel Findings

Under current ACBL appeal procedure, the ruling is assumed to be correct unless an error (such as in procedure or in application of Law) has been made. There was no evidence the Director missed facts or made an illegal ruling, so the ruling was upheld. The appeal was found to have no merit and an Appeal without Merit Warning was issued.

Panel Decision	5♦X by S, Down 2, E/W +300
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Panel Members

Reviewer	Kevin Perkins
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