

In the Matter of Merchant Mariner's Document No. Z-507232 and All
Other Seaman Documents
Issued to: IVORY L. MOORE

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1306

IVORY L. MOORE

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 13 September 1961, an Examiner of the United States Coast Guard at San Francisco, California suspended Appellant's seaman documents for four months upon finding him guilty of misconduct. The specification found proved alleges that while serving as a messman on board the United States SS CHINA BEAR under authority of the document above described, on 4 February 1961, Appellant assaulted and battered messman Edwards.

At the hearing, Appellant voluntarily elected to act as his own counsel. Appellant entered a plea of guilty to the charge and specification. Appellant admitted that Edwards' face was injured and that Appellant's only injury was a cut knuckle. No evidence was introduced by the Investigating Officer.

On appeal, Appellant contends that he was verbally provoked by Edwards and started hitting him because he had a reputation for carrying a knife. Appellant has not prior record.

OPINION

There is nothing in the record which convinces me that the order of suspension should be modified. Provocation by words does not justify assault and battery. The mere suspicion that Edwards might take out a knife did not excuse Appellant's conduct.

ORDER

The order of the Examiner dated at San Francisco, California, on 13 September 1961, is AFFIRMED.

E.J. Roland
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D.C., this 1st day of May 1962.

***** END OF DECISION NO. 1306 *****

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