

In the Matter of Merchant Mariner's Document No. Z-612088 and all  
other Seaman Documents  
Issued to: Donald J. Covert

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1424

Donald J. Covert

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 21 March 1963, an Examiner of the United States Coast Guard at New York, New York suspended Appellant's seaman documents for two months on eight months' probation upon finding him guilty of misconduct. The two specifications were proved by evidence that while serving as Boatswain on board the United States SS FLYING EAGLE under authority of the document above described, on 27 November 1962, Appellant disobeyed a lawful order of the Third Mate to leave the officers' saloon; and, at the same time, Appellant addressed the Third Mate with foul and abusive language.

At the hearing, Appellant was represented by professional counsel. Appellant entered a plea of not guilty to the charge and each specification.

The Investigating Officer introduced in evidence the testimony of the Third Mate and the Third Assistant Engineer who was also present in the officers' saloon at the time of this incident.

In his testimony, Appellant admitted that he refused to obey the Third Mate's order but denied addressing him with abusive language.

The only ground for appeal is from the Examiner's conclusion that the alleged offenses were proved "by the required weight and quality of the evidence".

Appearance: Cooper, Ostrin, DeVarco and Ackerman of New York City by Robert A. Goodman, Esquire, of Counsel.

*OPINION*

The testimony of the Third Mate and the Third Assistant Engineer, which was accepted by the Examiner as credible, constitutes the required substantial evidence in support of the alleged offenses. In addition to giving their version of the facts, these two witnesses stated that unlicensed crew members were not permitted to socialize in the officers' saloon as was the situation in this case.

Since the appeal contains nothing in support of the single ground for appeal which is mentioned above, further discussion is not necessary.

*ORDER*

The order of the Examiner dated at New York, New York, on 21 March 1963, is AFFIRMED.

D. McG. MORRISON  
Vice Admiral, United States Coast Guard  
Acting Commandant

Signed at Washington, D. C., this 8th day of October 1963.

\*\*\*\*\* END OF DECISION NO. 1424 \*\*\*\*\*

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[Top](#)