

In the Matter of License No. 247748 Merchant Mariner's Document No.
Z-85164-D5 and all other Seaman Documents
Issued to: EDWARD U. JONES

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1453

EDWARD U. JONES

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 10 January 1964, an Examiner of the United States Coast Guard at Long Beach, California revoked Appellant's license and suspended his other seaman documents for six months outright plus six months on twelve months' probation upon finding him guilty of misconduct. The two specifications found proved allege that while serving as a Third Assistant Engineer on board the United States SS MORMACWAVE under authority of the license above described, on 8 October and 11 December 1963, Appellant failed to stand his watches as a result of his intoxicated condition on both occasions.

At Appellant's request on 12 December 1963, the hearing was scheduled for the following day. On 13 December, Appellant did not appear and he was not represented at the hearing. Pleas of not guilty were entered by the Examiner on behalf of Appellant and the hearing was conducted in absentia.

The Investigating Officer introduced in evidence copies of two entries in the Official Logbook of the ship and testimony by the Chief Engineer. He testified that on both dates Appellant was obviously intoxicated and unfit to stand his watches in the engine room.

The Examiner then adjourned the hearing to give Appellant an opportunity to present evidence in his defense. Since nothing had been heard from Appellant by the time the hearing was reconvened on 2 January, the hearing was completed on this date without additional evidence.

OPINION

Appellant claims that he did not appear at the hearing because he was sick. Although the landlady at the rooming house where Appellant was staying called the Coast Guard on the morning of 13 December and said that Appellant was sick, the Investigating Officer ascertained from the landlady that Appellant left the rooming house later on the same morning and did not return. The landlady's daughter reported through the Investigating Officer that Appellant appeared to be feeling fine on the morning of the hearing except for a sore throat. The Investigating Officer stated that Appellant seemed to be perfectly well on 12 December when the charge and specifications were served. In view of the above and the fact that Appellant's lack of sincerity is further indicated by his failure to contact the Examiner or other Coast Guard personnel prior to service of the decision on 15 January by mail, his excuse for not being at the hearing is not acceptable.

Since Appellant lost his right to submit evidence at the hearing, his statements on appeal that the testimony of the Chief Engineer was not true and his explanations as to why he was not guilty of the offenses alleged are rejected without further consideration. He could, and should have, testified to these matters at the hearing before the Examiner.

Appellant's plea of extreme personal hardship for his family is not persuasive in the light of his extensive prior record of suspensions extending back to 1944. As stated by the Examiner, the only suitable order against the license of an officer who is not deterred by suspensions is an order of revocation of his license.

This order will be sustained because Appellant has not acted with the responsibility required of a seaman serving as a licensed officer on merchant vessels of the United States. The suspension of Appellant's Merchant Mariner's Document is adequate since the standards set for unlicensed seamen are generally not as high as for licensed officers.

ORDER

The order of the Examiner dated at Long Beach, California, on 10 January 1964, is AFFIRMED.

E. J. ROLAND
Admiral, United States Coast Guard
Commandant

Signed at Washington, D. C., this 26th day of May 1964.

***** END OF DECISION NO. 1453 *****

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