

In the Matter of Merchant Mariner's Document No. Z-90468-D1
Issued to: LOUIS JAWANOVICH

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

410

LOUIS JAWANOVICH

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

On 17 October, 1949, Appellant appeared before an Examiner of the United States Coast Guard at New York, New York, on a charge of misconduct supported by two specifications; the first reciting that while Appellant was serving as Boatswain on board the American SS MORMACELM, under authority of a duly issued Merchant Mariner's Document No. Z-90468-D1, on or about 27 September, 1949, while the vessel was in a domestic port, he took and carried away with intent to deprive the lawful possession of the same, two bags of coffee which were then in the care and custody of Moore McCormack Lines, Inc.; the second specification alleges that while serving in the above capacity, the Appellant did wrongfully take aboard said vessel, while in a domestic port, about 220 pounds of coffee beans without proper authority.

Appellant was fully informed respecting his rights and privileges in the proceeding; he voluntarily waived his right to representation by counsel and entered a plea of "guilty" to each specification. Upon completion of the hearing, the Examiner found the charge and each specification "proved," and entered an order

suspending said document and all other documents, certificates or licenses issued to Appellant by the Coast Guard or its predecessor authority for a period of three (3) months from 17 October, 1949.

On appeal, Appellant urges (1) that he is an ex-Army man with wartime service; (2) that he is deprived of his livelihood as a seaman; and (3) that he realizes his misdeeds but requests return of his papers to continue his work on ships.

Based upon my examination of the Record in this case, I make the following

FINDINGS OF FACT

On or about 27 September, 1949, Appellant was serving as a member of the crew in the capacity of Boatswain on board the American SS MORMACELM under authority of Merchant Mariner's Document No. Z-90468-D1. On said date, the vessel was moored at Pier 32 in New York Harbor.

A quantity of coffee beans had been discharged from the SS URUGUAY onto the pier and two bags of said coffee beans were taken by Appellant from the pier onto the SS MORMACELM without lawful authority.

OPINION

Appellant's own admission (R.7) that he did wrong in taking the coffee fully justifies the Examiner's most moderate Order; which, in view of the offense committed, might well have been more severe.

The moderation of said Order is undoubtedly because of Appellant's prior good record and is not considered excessive.

CONCLUSION AND ORDER

The Order of the Examiner dated 17 October, 1949, should be, and it is, AFFIRMED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this *5th* day of *January*, 1950.

***** END OF DECISION NO. 410 *****

[Top](#)