

In the Matter of Merchant Mariner's Document No. Z-625125-D1
Issued to: MICHAEL JOSEPH RALPH

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

619

MICHAEL JOSEPH RALPH

This appeal comes before me by virtue of Title 46 United States Code 239(g) and 46 Code of Federal Regulations Sec. 137.11-1

On 13 August, 1952, an Examiner of the United States Coast Guard at New Orleans, Louisiana, revoked Merchant Mariner's Document No. Z-625125-D1 issued to Michael Joseph Ralph upon finding him guilty of "misconduct" based upon two specifications alleging in substance that while serving as able seaman on the American SS STEEL DIRECTOR under authority of the document above described, on or about 19 June, 1952, while said vessel was in the port of Madras, India, he committed assault and battery upon each of two shipmates, causing injury to each person attacked.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled, and the possible consequences of the hearing. He was represented by counsel of his own selection, and entered a plea of "guilty" to the charge and each specification.

Thereupon, the Investigating Officer informed the Examiner of the facts in the case as they were reported to him, and the circumstances attending the lodging of the charge against

Appellant.

In defense, Appellant offered the testimony of four persons who had served with Appellant on the STEEL DIRECTOR (two ordinary seamen; a messman and the chief officer) who told of Appellant's good character and behavior as a shipmate; and Appellant then testified in his own behalf.

One of the persons assaulted was then called in rebuttal and aggravation. At the conclusion of the hearing, having heard argument from the Investigating Officer and Appellant's counsel, the Examiner found the charge "proved" by plea and entered an order revoking Merchant Mariner's Document No. Z-625125-D1 and all other valid licenses, certificates of service, or Merchant Mariner's documents issued to and held by Appellant.

From that order, this appeal has been taken, and it is urged:

1. The Examiner did not consider the evidence offered in Appellant's behalf;
2. The Examiner did not consider that Appellant pleaded guilty on the advice of the Attorney who represents the shipping company;
3. That other evidence might have been presented showing Appellant to have been struck by a baseball bat in the hands of one of the persons who was injured; and both Appellant and the other person were under the influence of liquor;
4. Consideration should be given the fact that Appellant has an excellent war record and has never been arrested or violated any shipboard rules;
5. Upon review another hearing should be granted; or the revocation order set aside.

Based upon my examination of the Record submitted, I hereby

make the following

FINDINGS OF FACT

On 19 June, 1952, Appellant was serving as able seaman on board the American SS STEEL DIRECTOR, acting under authority of Merchant Mariner's Document No. Z-625125-D1.

While said vessel was in the port of Madras, India, Appellant became intoxicated and because of a series of earlier incidents, he assaulted and injured another able seaman (Peter Sauer); as a result of which Sauer was hospitalized in Madras, - and paid off.

Thereafter, Appellant assaulted the ship's carpenter (Rosecrans) without reason or provocation, and caused such serious injuries that Rosecrans required repatriation by air - and extended hospitalization.

Appellant has an excellent record and reputation for his five and one-half years of service in the merchant marine; and his war record is equally unblemished.

OPINION

Voluntary intoxication is rarely an excuse for conduct such as has been described here.

I think the Examiner gave full consideration to all factors favoring Appellant; and I have nothing to add to the Examiner's observations.

CONCLUSION & ORDER

I find no merit in any point presented by this appeal to warrant my modification of the Examiner's Order dated New Orleans, Louisiana, on 13 August, 1952, which is hereby AFFIRMED.

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

Dated at Washington, D. C., this 9th day of December, 1952.

1739 Treasury CGHQ Wash., D.C.

***** END OF DECISION NO. 619 *****

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