

In the Matter of Merchant Mariner Document No. Z-318671 and all other Licenses, Certificates and Documents

Issued to: WILLIAM CHARLES BOOKOUT

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

860

WILLIAM CHARLES BOOKOUT

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

By order dated 17 October 1955, an Examiner of the United States Coast Guard at New Orleans, Louisiana, suspended Merchant Mariner's Document No. Z-318671 issued to William Charles Bookout upon finding him guilty of misconduct based upon five specifications alleging in substance that while serving as an able seaman on board the American M/V FIADOR KNOT under authority of the document above described, on or about 4 October 1955, while said vessel was in a foreign port, he failed to stand his 0400 to 0800 and 1600 to 2000 gangway watches due to intoxication; he failed to obey lawful order of the Second Mate to go below; he wrongfully interfered with the engine room watch by pushing an oiler who was performing his duties; and the later assaulted and battered the same oiler by kicking his leg.

Since Appellant was not present, the hearing was conducted *in absentia*. The Examiner entered pleas of "not guilty" to the charge and specifications on behalf of Appellant.

Thereupon, the Investigating Officer made his opening statement and introduced in evidence the testimony of eight members of the crew including three of the ship's officers.

At the conclusion of the hearing, having heard the argument of the Investigating Officer and given him an opportunity to submit proposed findings and conclusions, the Examiner announced his decision and concluded that the charge and five specifications had been proved. He then entered the order suspending Appellant's Merchant Mariner's Document No. Z-318671, and all other licenses, certificates and documents issued to Appellant by the United States Coast Guard or its predecessor authority, for a period of twelve months - six months outright suspension and six months suspension on probation until eighteen months after the termination of the outright suspension.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On a voyage including the date of 4 October 1955, Appellant was serving as an able seaman on board the American M/V FIADOR KNOT and acting under authority of his Merchant Mariner's Document No. Z-318671 while the ship was in a Cuban port.

At about 0100 on 4 October 1955, Appellant returned to the ship in an intoxicated condition. Appellant relieved the gangway watch at about 0400 for the 0400 to 0800 watch. The Second Mate on watch ordered Appellant to leave the gangway and go below because he was obviously intoxicated and very boisterous. Appellant ignored this order which was repeated several times by the Second Mate. After about a half hour, the Chief Mate who had been awakened by the noise made by Appellant relieved Appellant of his gangway watch.

Appellant then went to the engine room, demanded to see the officer on watch and unexpectedly pushed the oiler on watch from behind while the oiler was performing his duties.

Appellant was still too intoxicated to stan his 1600 to 2000

gangway watch on the same day. At about 1630, he forced his way into the room of the oiler pushed by Appellant earlier in the day. Appellant refused to leave the room, he threatened the oiler and kicked him on the knee. After this, Appellant was placed in irons and confined.

Appellant's prior record consists of the failure to perform, or the improper performance of, his duties on five or six occasions, disorderly conduct while intoxicated, and assault.

BASIS OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant contends that he could not understand the order of the Second Mate because Appellant was intoxicated; the ship's officers should have protected Appellant by taking him off watch since they knew he was intoxicated; and the testimony does not show that Appellant assaulted and battered the oiler while in his room.

Appellant states that since the alleged offenses amount to only the one wrongful act of being unfit to perform duties due to intoxication, he should not be deprived of his only livelihood for a period of six months.

OPINION

The evidence clearly supports the allegations contained in the five specifications. The fact that Appellant was in an intoxicated condition does not excuse Appellant from responsibility for his conduct while he was in this condition. Hence, he was properly found of all the offenses alleged.

The evidence shows that Appellant disrupted the orderly operation of the ship during a considerable portion of the day.

Considering Appellant's prior record of similar offenses, it is my opinion that the order imposed by the Examiner was a lenient one. The personal hardship which this suspension might cause

Appellant was brought about by his own misconduct.

ORDER

The order the Examiner dated at New Orleans, Louisiana, on 17
October 1955 is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 10th day of February, 1956

***** END OF DECISION NO. 860 *****

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