

UNITED STATES OF AMERICA
UNITED STATES COAST GUARD vs.
MERCHANT MARINER'S DOCUMENT
Issued to: Warren Mack SINGLETARY Z-275211-D1

DECISION OF THE VICE COMMANDANT ON APPEAL
UNITED STATES COAST GUARD

1225

Warren Mack SINGLETARY

This appeal has been taken in accordance with Title 46 United States Code 239b and Title 46 Code of Federal Regulations 137.11-1.

By order dated 29 September 1960, an Examiner of the United States Coast Guard at Galveston, Texas revoked Appellant's seaman documents upon finding him guilty of the charge of "conviction for a narcotic drug law violation." The specification found proved alleges that on or about 7 May 1958, Appellant was convicted in the United States District Court for the Eastern District of Louisiana, a court of record, for violation of 18 U.S. Code 1407, a narcotic drug law of the United States (failure to register a narcotic conviction upon entering the United States).

At the hearing, Appellant was represented by counsel. Appellant entered a plea of not guilty to the charge and specification. The Investigating Officer introduced in evidence a certified copy of a Judgment and Commitment Order showing that Appellant was convicted for a violation of 18 U.S. Code 1407.

Appellant testified in his defense. He admitted the conviction and \$25.00 fine for violation of 18 U.S. Code 1407 for not registering narcotics convictions of 1931 and 1940, but claimed that he had never used narcotics and has been going to sea steadily since 1941 without

previously having appeared before the Coast Guard on charges.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and specification had been proved. The Examiner then entered an order revoking all documents issued to Appellant.

On appeal it is contended that Appellant should have been charged under 46 U.S. Code 239 (R.S. 4450, as amended) because revocation under 46 U.S. Code 239b (P.L. 500, 83d Cong.) is unjust in view of Appellant's clear record with the Coast Guard for twenty years and the two-year delay after the conviction for failure to register before the Coast Guard took action against Appellant's document. it is requested that Appellant be given a hearing under 46 U.S. Code 239 or that the three-year waiting period to apply for a new document be waived.

OPINION

The order of revocation, based on a conviction under 18 U.S. Code 1407 for failure to register a narcotics conviction, will be affirmed for the reasons stated in *Commandant's Appeal Decisions* Nos. [1018](#), [1097](#), [1098](#) and [1112](#).

However, due to the mitigating circumstances mentioned above, Appellant may apply to the Commandant for a new document at this time. in view of this action, it would serve no purpose to provide for another hearing under a different statute.

ORDER

The order of the Examiner dated at Galveston, Texas, on 29 September 1960, is AFFIRMED.

Admiral, U.S. Coast Guard
Commandant

Signed at Washington, D.C. this 27th day of March 1961.

***** END OF DECISION NO. 1225 *****

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