

In the Matter of Merchant Mariner's Document No. Z-1145523 and All
Other Seaman Documents
Issued to: REGINALD NEWBURY

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1307

REGINALD NEWBURY

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

By order dated 15 November 1961, and Examiner of the United States Coast Guard at Philadelphia, Pennsylvania suspended Appellant's seaman documents for ten months upon finding him guilty of misconduct. The specifications found proved allege that while serving as night cook and baker on board the United States SS SUZANNE under authority of the document above described, on 6 September 1961, Appellant cut chief cook Thomas with a knife.

At the hearing, Appellant was represented by a union agent. Appellant entered a plea of guilty to the charge and specification. In mitigation, Appellant stated that Thomas pulled Appellant out of his bunk and he fell on the deck; since Thomas was threateningly waving a whisky bottle at Appellant, he got a knife from the galley, returned to the room, and cut the chief cook.

No evidence was introduced by the Investigating Officer.

On appeal, it is contended that the suspension imposed is

harsh in view of Appellant's prior unblemished record.

OPINION

As stated by the Examiner, the usual order for an offense of this type is revocation. Appellant was wrong in returning to the room with a knife despite having been abused and threatened by the chief cook. The order is lenient rather than harsh even though the Examiner took into consideration the fact that Appellant spent two months in prison.

ORDER

The order of the Examiner dated at Philadelphia, Pennsylvania, on 15 November 1961, is AFFIRMED.

E.J. Roland

Vice Admiral, United States Coast Guard

Acting Commandant

Signed at Washington, D.C., this 1st day of May 1962.

***** END OF DECISION NO. 1307 *****

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