

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-662647-D1 AND
ALL OTHER SEAMAN DOCUMENTS
Issued to: GEORGE KOZAITES

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1457
GEORGE KOZAITES

This appeal has been taken in accordance with Title 46 United States Code 239b and Title 46 Code of Federal Regulations 137.30-1.

By order dated 7 January 1964, an Examiner of the United States Coast Guard at Wilmington, California 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 13 January 1956, Appellant was convicted by the Municipal Court of Compton Judicial District, County of Los Angeles, State of California, a court of record, for violation of section 11721, Health and Safety Code of the State of California, in that Appellant unlawfully used and was addicted to the unlawful use of narcotics on 29 August 1955.

At the hearing, Appellant elected to act as his own counsel. Although Appellant entered a plea of guilty to the charge and specification, the Examiner required proof of the conviction alleged.

The Investigating Officer introduced documentary evidence which shows that Appellant was convicted as alleged after a trial by jury. Imposition of sentence was suspended and Appellant was

placed on probation for a period of three years upon the condition that he serve ninety days in the county jail.

The Examiner said that he would issue an order of revocation based on the conviction but that Appellant could make a statement. Appellant stated that he was told in 1960 by a Coast Guard officer at San Pedro that Appellant could only sail coastwise due to his narcotics conviction and that he could not apply for an officer's license until ten years after the conviction.

At the end of the hearing on 7 January 1964, the Examiner rendered an oral decision in which he concluded that the charge and specification had been proved. The Examiner then served a written order on Appellant revoking all documents issued to him. The entire written decision was rendered on 20 January.

OPINION

A revocation based on a conviction for use or addiction to the use of narcotics may be averted by presenting satisfactory evidence of cure at the hearing and the seaman should be informed of this by the Examiner. Commandant's Appeal Decision No. [1037](#). Accordingly, the case will be remanded to afford Appellant an opportunity to submit such evidence after his plea has been changed to not guilty. The Government may, of course, submit evidence in rebuttal.

ORDER

The order of the Examiner dated at Wilmington, California, on 7 January 1964, is VACATED. The record is REMANDED for further proceedings not inconsistent with this decision.

E. J. ROLAND
Admiral, United States Coast Guard
Commandant

Signed at Washington, D. C., this 10th day of June, 1964.

***** END OF DECISION NO. 1457 *****

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