

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-1083357-D2 AND  
ALL OTHER SEAMAN DOCUMENTS  
Issued to: John Abadie

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1519

John Abadie

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

By order dated 21 March 1965, an Examiner of the United States Coast Guard at New Orleans, Louisiana, revoked Appellant's seaman documents upon finding him guilty of misconduct. The offenses alleged in nine specifications were proved by evidence that while serving as an ordinary seaman on board the United States AMERICAN FALCON under authority of the document above described, on 7 October and 1 November 1964, Appellant created a disturbance, threatened other crew members with a knife, and otherwise disrupted the orderly routine of the ship.

The ship was in the Dardanelles off Canakkale, Turkey on 7 October. Appellant had been drinking before he knocked an able seaman to the deck during an argument about some money. Appellant then threatened the seaman with a knife as he advanced toward him until the gangway watchman intervened and persuaded Appellant to go to bed.

Again, on 1 November in the port of Djibouti, French Somaliland, Appellant had been drinking when he went to the Master's office and pounded on the door demanding part of his wages. At first, Appellant refused to obey the Chief Mate's order to stop beating on the door, but eventually Appellant went below. On deck, Appellant shouted foul and abusive language at the Master, Chief Mate and Third Mate as Appellant waived a knife in a threatening manner in the direction of the officers. Appellant refused to put away the knife or go below when ordered to do so by the Master and Chief Mate. Since this and other attempts to reason with Appellant were unsuccessful, the disturbance continued in this manner for almost an hour and was witnessed by numerous members of the crew.

Appellant left the ship at Karachi, Pakistan for "disciplinary reasons." No further details are contained in the record.

These offenses were proved by the testimony of seven witnesses, in person or by deposition, at the hearing where Appellant elected to represent himself and pleaded not guilty to the charge and nine specifications.

Appellant was the only witness in his defense. He admitted being drunk on both occasions and creating a disturbance but denied having a knife. Appellant testified he had a piece of silver paper in his hand.

Appellant's prior record consists of a suspension on probation in 1961 for disobedience, and two warnings in 1964 for failure to join and failure to perform duties.

On appeal, it is urged that the order of revocation is too severe since this is Appellant's only livelihood. Appellant repeats that he did not have a knife in his possession at any time.

#### OPINION

Appellant's statements that he did not have a knife in his possession on these two occasions are unbelievable. All seven witnesses against Appellant, including the Master and Chief Mate, testified they saw a knife in Appellant's hand. It would have been practically impossible for all of the witnesses to mistake a piece

of silver paper for a knife.

The Master testified that he sometimes refused to allow Appellant a draw on his wages because he got drunk when he had money and threatened others with bodily harm. In the opinion of the Master (with which I agree), Appellant's presence on the ship when drunk affected the seaworthiness of the ship because his threats and other actions hindered members of the crew in the performance of their duties.

It is evident from Appellant's conduct that he is too unstable an individual to allow to go to sea on merchant vessels of the United States. Appellant defied the authority of the Master and Chief Mate for a considerable length of time on 1 November, and, at the same time, verbally abused them in a loud voice in front of the crew. Obviously, such conduct cannot be tolerated because, in addition to the matters mentioned by the Master, strict discipline under the authority of the Master is essential to the safe operation of ships at sea. Consequently, revocation is the only appropriate order in this case.

*ORDER*

The order of the Examiner dated at New Orleans, Louisiana, on 21 March 1965, is AFFIRMED.

W. D. SHIELDS  
Vice Admiral, United States Coast Guard  
Acting Commandant

Signed at Washington, D. C., this 22nd day of September 1965.

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