

IN THE MATTER OF MERCHANT MARINER'S DOCUMENTS-44399-D3  
AND ALL OTHER SEAMAN'S DOCUMENTS

Issued to: Gurt Moros, Jr.

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1702

Gurt Moros, Jr.

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 8 August 1967 an Examiner of the United States Coast Guard at New Orleans, La. suspended Appellant's seaman's documents for four months upon finding him guilty of misconduct. The specification found proved alleges that while serving as a steward utility on board SS DEL SUD under authority of the document above described, on or about 31 May 1967, Appellant wrongfully failed to perform his assigned duties.

At the hearing, Appellant elected to act as his own counsel. Appellant entered a plea of guilty to the charge and specification.

The Investigating Officer offered no evidence with respect to this specification.

In defense, Appellant offered no evidence

At the end of the hearing, the Examiner rendered an oral decision in which he concluded that the charge and specification had been proved by plea. The Examiner then entered an order suspending all documents issued to Appellant for a period of four months.

The entire decision was served on 21 September 1967. Appeal was timely filed on the same date.

#### *FINDINGS OF FACT*

On 31 May 1967, Appellant was serving as a steward-utility on board SS DEL SUD and acting under authority of his document while the ship was in the port of Santos, Brazil. On that date Appellant wrongfully failed to perform his duties.

#### *BASES OF APPEAL*

This appeal has been taken from the order imposed by the Examiner. It is urged that the order is excessive.

APPEARANCE: *Pro sec.*

#### *OPINION*

The instant case was Appellant's third hearing for misconduct under the provisions of R.S. 4450 within a period of less than a year.

Considering the provisions of the Table of Average Orders, 46 CFR 137.20-165, it cannot be said that the order is excessive for a third offense.

#### *ORDER*

The order of the Examiner dated at New Orleans, La. on 8 August 1967, is AFFIRMED.

W. J. SMITH

Admiral, U. S. Coast Guard  
Commandant

Signed at Washington, D. C., this 16th day of April 1968.

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