

In the Matter of Merchant Mariner's Document No. Z-827375D4
Issued to: WARREN NELSON

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

429

WARREN NELSON

This appeal comes before me by virtue of Title 46 United States Code 239(g) and 46 Code of Federal Regulations Sec. 137.11-1.

On 30 January, 1950 an Examiner of the United States Coast Guard at Boston, Massachusetts, revoked Merchant Mariner's Document No. Z-827375D4 issued to Warren Nelson upon finding him guilty of "misconduct" based upon one specification alleging in substance, that while serving as utilityman on the American S. S. SEA LEADER under authority of the document above described, on or about 6 October 1949 unlawfully had in his possession certain narcotics.

At the hearing, Appellant was given a full explanation of the nature of the proceedings and the possible consequences. Although advised of his right to be represented by counsel of his own selection, he elected to waive that right and act as his own counsel. He voluntarily entered a plea of "guilty" to the charge and specification.

Thereupon, the Investigating Officer informed the Examiner of the circumstances attending Appellant's apprehension by United States Customs Officers at Norfolk, Virginia on 6 October 1949.

In defense, Appellant admitted his ownership of the marijuana, but asked clemency because he has learned a lesson, and has been incarcerated for his offense.

At the conclusion of the hearing, the Examiner found the charge "proved" by plea and entered an order revoking Merchant Mariner's Document No. Z-827375D4 and all licenses, certificates of service and merchant mariner's documents held by Appellant.

From that order, this appeal has been taken, and it is urged: that leniency be granted, because:

1. Appellant has no previous record of misconduct;
2. Appellant has been unsuccessful in finding other employment;
3. Appellant has been punished by imprisonment for his offense;
4. Appellant has overcome his desire for marijuana; and this offense will not be repeated. He offers to submit himself to any test that might help him recover his mariner's document.

Based upon my examination of the Record submitted, I hereby make the following

FINDINGS OF FACT

On 6 October 1949, while Appellant was serving as Utilityman on the American S.S. SEA LEADER, he was apprehended by United States Customs representatives with a quantity of marijuana in his possession.

Appellant had obtained the narcotic while abroad for his own use; he has been using marijuana for several years before this occasion.

Following his arrest, he pleaded guilty before the United States District Court for the Eastern District of Virginia; he was sentenced and served 60 days in the Federal Reformatory at Petersburg, Va.

OPINION

The Record in this case abundantly supports the Examiner's order. It has been consistently held that persons who use marijuana are undesirable as merchant seamen; and the Congressional mandate to the Coast Guard that all possible precautions be taken to protect lives and property at sea, requires that revocation of merchant marine documents follow every conviction for use of or traffic in narcotic drugs by merchant seaman.

CONCLUSION

I find no good reason for disturbing the Examiner's order.

ORDER

The Order dated 30 January 1950 by the Examiner of the United States Coast Guard at Boston, Massachusetts, is AFFIRMED.

A. C. Richmond
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D.C. this 24th day of March, 1950.

***** END OF DECISION NO. 429 *****

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