

In the Matter of License No. 67343
Issued to: JOHN T. TORRANCE

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

596

JOHN T. TORRANCE

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

On 28 January, 1952, an Examiner of the United States Coast Guard at Seattle, Washington, issued an order suspending License No. 67343 issued to John T. Torrance upon finding him guilty of negligence based upon four specifications alleging in substance that while serving as Master on board the American SS ALAN SEEGER, a Liberty type tanker, under authority of the document above described, on or about 28 June, 1951, while said vessel was steaming in fog off the coast of Oregon, Appellant was not present on the bridge of his vessel as she approached the Greek freighter AUDREY at an immoderate speed; and he failed to stop the engines of the SEEGER and navigate with caution after the fog whistle of the AUDREY was heard forward of the beam of the SEEGER.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Appellant was represented by an attorney of his own selection and he entered a plea of "not guilty" to the charge and each specification proffered against him.

After the Investigating Officer and Appellant's counsel had made their opening statements, evidence was introduced by both parties and the hearing was adjourned pending the decision of the Examiner.

In his decision dated 28 January, 1952, the Examiner concluded that the charge had been proved by proof of the four specifications and he entered the order suspending Appellant's License No. 67343 for a period of four months.

Appellant's personal letter of appeal is dated 26 February, 1952. He states that this order is a hardship upon himself and other members of his family; and that it is too severe an order under the circumstances of the case.

However, Appellant then complied with the four months' suspension order by surrendering his license to the Commander of the Eleventh Coast Guard District on 27 February, 1952, and permitting it to remain in the custody of the Coast Guard until 27 June, 1952. Appellant did not take advantage of the opportunity to obtain a temporary license pending the outcome of the appeal although he was advised that such a license would be issued to him upon request.

FINDINGS OF FACT

On 28 June, 1951, Appellant was serving as Master on board the American SS ALAN SEEGER and acting under authority of his License No. 67343 while the ship was enroute from Martinez, California, to Seattle, Washington, fully loaded with petroleum products.

During the afternoon and until the collision with the AUDREY at 2146 on this date, the SEEGER was navigating in heavy fog and sounding fog signals. Her engines were on "Standby" and she was making full speed ahead of 10.5 knots (65 RPM) until a minute before the collision. Appellant's last appearance on the upper bridge, until the time of the collision, was during the 1600 to 2000 watch. Prior to 2000, Appellant ordered a course change to 358 degrees true which was executed at 2000. He left standing orders that a wide berth should be given to any approaching objects or vessels and that he should be notified of any contacts or changes in course.

At 2000, Third Mate Varco relieved the watch on the upper bridge. At about 2100, he picked up the AUDREY on the radar bearing one point on the starboard bow at a distance of 12 miles; and at 2115, he changed course to 350 gyro when the target was 2 points on the starboard bow at 8 miles. The Third Mate did not then, or subsequently, relay any information about the target or course changes to Appellant. At 2120, Varco changed course to 345 gyro and at 2140 to 335 gyro when the target appeared on the radar scope at 1.7 miles bearing 4 points on the starboard bow. At about the latter time, the Third Mate heard a fog signal on the starboard bow. After the radar bearing remained constant from 2140 to 2145, the Third Mate ordered hard left rudder, saw a white light 45 degrees on the starboard bow and heard another fog signal, ordered full speed astern, and called over the side of the bridge to Appellant.

Appellant had been in the chartroom on the lower bridge deck when he first heard the fog signal of the other ship at 2145 and he went out on the wing of the lower bridge to listen. He heard a second fog signal, saw a dim white light close aboard on the starboard bow, and he was on the way up the ladder or had just reached the upper bridge when the AUDREY struck the SEEGER on her starboard bow. Several hours prior to and at the time of the collision, visibility was limited to not more than three ship lengths - approximately 1300 feet. There were no injuries on either ship and the damage to each vessel amounted to approximately \$175,000.

OPINION

Appellant knew of the dense fog in which his vessel had been steaming for several hours prior to the collision and yet he maintained full speed ahead despite the extremely limited visibility. True, he was not informed of the radar contact and the changes of course as he should have been. Nevertheless, his initial negligence in proceeding at such a high rate of speed under the prevailing conditions placed upon him a large share of the responsibility for the later acts of negligence which led up to the collision. And his continuous absence from the upper bridge for more than one and three-quarters hours before the accident was a negligent breach of duty under these circumstances. I agree with the comments in the decision of the Examiner and with his

conclusion that the charge and specifications were proved.

Since Appellant voluntarily surrendered his license for a period of four months without obtaining a temporary license, it would serve no useful purpose for me to discuss his contention that the suspension ordered by the Examiner was too severe.

ORDER

The Order of the Examiner dated 28 January, 1952, is hereby AFFIRMED.

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

Dated at Washington, D. C., this 17th day of October, 1952.

***** END OF DECISION NO. 596 *****

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