

In the Matter of Merchant Mariner's Document No. Z-679117-D1
Issued to: GEORGE R. STEPHAN

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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GEORGE R. STEPHAN

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 22 May, 1951, an Examiner of the United States Coast Guard at New York City revoked Merchant Mariner's Document No. Z-679117-D1 issued to George R. Stephan upon finding him guilty of misconduct based upon eight specifications alleging in substance that while serving as ordinary seaman on board the American SS EXPRESS and PIONEER MAIL under authority of the document above described, between 5 June, 1950, and 5 April, 1951, while said vessels were at sea or in various foreign ports, he was wrongfully absent from his vessel without permission on three occasions; he wrongfully failed to perform his duties on two occasions; he wrongfully used abusive language to two different third mates on two occasions; he wrongfully threw a fire ax at a third mate; he wrongfully assaulted a third mate; and he wrongfully disobeyed the orders of a third mate.

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. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and each specification proffered against him except the fourth specification, alleging absence from duty without permission from 2000 to 2400 on 24 February, 1951, to which he entered a plea of "not guilty."

Thereupon, the Investigating Officer made his opening statement and introduced in evidence a certified copy of an extract from the official log book of the SS PIONEER MAIL to support the fourth specification.

In defense, Appellant testified under oath with respect to the fourth specification. He stated that he had obtained permission from the chief mate to visit his brother who was stationed approximately eighty miles from where the ship was docked.

At the conclusion of the hearing, having heard the argument of the Investigating Officer pertaining to the fourth specification and having given both parties an opportunity to submit proposed

findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by plea to seven of the specifications and proved by proof of the fourth specification. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-679117-D1 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

From that order, this appeal has been taken, which is a request for clemency predicated upon Appellant's inability to perform other types of work since he has never engaged in any other kind of employment.

Based upon examination of the record submitted, I hereby make the following

FINDINGS OF FACT

Between on or about 5 June, 1950 and 18 August, 1950, the person charged was serving as ordinary seaman under authority of his Merchant Mariner's Document No. Z-679117-D1 aboard the SS EXPRESS, a merchant vessel of the United States.

Between on or about 24 February, 1951 and 5 April, 1951, the person charged was serving as ordinary seaman under authority of his Merchant Mariner's Document No. Z-679117-D1 aboard the SS PIONEER MAIL, a merchant vessel of the United States.

On, or about 5 June, 1950, while the ship was in Casablanca, F.M., the person charged was unable to perform his assigned duties as a result of intoxication.

On 18 August, 1950, while the vessel was at Djibouti, French Somaliland, the person charged wrongfully used abusive and threatening language to the third officer, Arthur W. Gove.

On 18 August, 1950, while the vessel was at Djibouti, French Somaliland, the person charged did wrongfully remove an emergency fire ax from the bulkhead and throw it at the third officer, Arthur W. Gove.

On, or about 24 February, 1951, while serving aboard the SS PIONEER MAIL, the person charged wrongfully absented himself from his duty without permission from 2000 to 2400, the vessel being at Sasebo, Japan. The Chief Mate authorized him to go ashore after coffee time but no permission was granted him to miss his 2000 to 2400 watch.

On, or about 13 March, 1951, the person charged wrongfully left the vessel without proper authority and failed to turn to the remainder of the day, the vessel being at Kobe, Japan.

On, or about 23 March, 1951, the person charged wrongfully absented himself from the vessel without permission at Bangkok, Siam.

On, or about 5 April, 1951, the person charged wrongfully disobeyed an order of the third

mate, T. E. O'Connor, to get out of the officers' galley.

On, or about 5 April, 1951, the person charged wrongfully assaulted the third officer, T. E. O'Connor, and called him profane and abusive names.

OPINION

Appellant stated that he has been going to sea for two years. It has been proved that Appellant committed eight offenses during the course of his second year aboard American Merchant Marine ships. Some of these acts were of a very serious nature, especially the assault upon a ship's officer with a fire ax. As pointed out by the Examiner, all of these offenses were in derogation of the discipline which must be maintained aboard ship. The obvious conclusion is that Appellant has abused the privilege of sailing on American ships to such an extent that he may no longer be permitted to do so.

ORDER

The order of the Examiner dated 22 May, 1951, should be, and it is, AFFIRMED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 2nd day of August, 1951.