

In the Matter of License No. 84802
Issued to: WILLIAM HNILICKY

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

519

WILLIAM HNILICKY

In the Matter of
License No. 84802
Issued to: WILLIAM HNILICKY

License No. 126418
Issued to: CARNIE STRENGTH

License No. 46853
Issued to: ROBERT WILLIAM MEANEY

License No. 111980
Issued to: HARRY LESLIE JOHNSON, JR.

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 27 July, 1951, an Examiner of the United States Coast Guard at Mobile, Alabama, suspended the above named seamen's licenses for a three months' period upon finding them guilty of misconduct based upon a specification alleging in substance that while acting as engineering officers in the service of the American SS JOHN LIND, under authority of the licenses above described, on or about 24 July, 1951, they did "fail to join the above named vessel without reasonable cause when it sailed from the port of Mobile, Alabama." This decision was appealed by the four engineering officers upon variously assigned grounds.

Coincident with the receipt of this appeal, inconsistent and conflicting representations, concerning the merits of this case, have been brought to my attention from authoritative outside sources. The statements made therein cannot be clarified by the transcript of the hearing record in which the significance of the testimony is often very vague.

It is most unusual to digress from the official record in these proceedings. But since my information discloses a strong possibility that there is additional evidence of a high quality available, it is felt that the following action should be taken in the best interest of fairness and justice to all parties concerned.

ORDER

The order of the Examiner dated 27 July, 1951, is VACATED, SET ASIDE and REVERSED, and the record is hereby REMANDED for such further proceedings as may be deemed appropriate.

REVERSED and REMANDED

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

Dated at Washington, D. C., this 10th day of October, 1951.