

In The Matter Of Merchant Mariner's Document No. Z-871053
Issued to: GARFIELD MARRINER

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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GARFIELD MARRINER

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 12 September, 1951, an Examiner of the United States Coast Guard at Baltimore, Maryland, revoked Merchant Mariner's Document No. Z-871053 issued to Garfield Marriner upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as assistant cook on board the American SS HENRY J. RAYMOND under authority of the document above described, on or about 6 June, 1949, while said vessel was in the port of Honolulu, T. H., he unlawfully had 150 grains of marijuana in his possession.

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 specification proffered against him.

Thereupon, the Investigating Officer made his opening statement and Appellant made a statement under oath explaining the circumstances. He stated that while the ship was in Panama, he exchanged two packages of cigarettes for the marijuana and forgot about the marijuana from the time he put it in his pocket until it was discovered during a search of his locker by the Chief Mate at Honolulu.

At the conclusion of the hearing, the Examiner found that the charge had been proved by plea and entered the order revoking Appellant's Merchant Mariner's Document No. Z-871053 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, and it is urged that the order of revocation is too severe since Appellant was arrested in Honolulu and paid a fine of \$100 as a result of his plea of guilty, in the Federal court, to the charge of unlawful possession of marijuana; and also paid the ship's fine of \$7.00. Appellant also states that he has not been in trouble before or since this incident and requests that he be permitted to go back to sea for the sake of his wife and

unborn child.

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

FINDINGS OF FACT

On 6 June, 1949, Appellant was serving as assistant cook on board the American SS HENRY J. RAYMOND and acting under authority of his Merchant Mariner's Document No. Z-871053 while said vessel was in the port of Honolulu, T. H.

On this date, a search of Appellant's locker disclosed 150 grains of marijuana. Appellant admitted that this marijuana belonged to him and he was fined \$100 in the United States District Court for the District of Hawaii for unlawful possession of marijuana.

There is no record of any prior disciplinary action having been taken against Appellant during his six years at sea. He is 29 years of age.

OPINION

The points raised on appeal are without merit insofar as concerns any modification of the order imposed by the Examiner. This is a remedial proceeding to protect lives and property at sea and, therefore, the action taken herein may not be influenced by the penal action in the Honolulu court as a result of which Appellant paid a fine of \$100. It is equally insignificant to the purpose of these proceedings, although unfortunate, that the families of the seamen affected must also suffer.

I concur with the opinion of the Examiner that offenses involving narcotics are of such serious nature that the only satisfactory solution is the most severe order of revocation.

ORDER

The order of Examiner dated 12 September, 1951, should be, and it is, **AFFIRMED**.

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

Dated at Washington, D. C., this 8th day of November, 1951.