

In the Matter of Merchant Mariner's Document No. Z-486652-D4
Issued to: ESTEVAO SILVESTRIN

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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ESTEVAO SILVESTRIN

Pursuant to my order of 4 February, 1952, which remanded this case for further proceedings, the hearing was reopened on 25 March, 1952, at New Orleans, Louisiana. The Investigating Officer introduced additional evidence consisting of the testimony of Francis Sperry ("Frank") and Juan R. Vasquez who were bellboys on the SS DEL MAR on the voyage in question, a log entry in the official log book concerning the incident, and statements by Appellant and Sarah Hautzenroeder's father. At the conclusion of the hearing, having heard the arguments of the Investigating Officer and Appellant's counsel, the Examiner concluded that the charge had been proved by proof of the specification and entered an order revoking Appellant's Merchant Mariner's Document No. Z-486652-D4 and all other valid licenses, certificates of service and documents issued to Appellant by the United States Coast Guard or its predecessor authority.

In the appeal submitted by Appellant, it is contended that the order of the Examiner should be reversed because no corroborating evidence was adduced on remand.

It would serve no purpose to again recite the Findings of Fact which are set forth in the Matter of Merchant Mariner's Document No. Z-486652-D4 issued to Estevao Silvestrin (HQ Appeal No. 541).

The additional evidence submitted by the Investigating Officer does not support the charge and specification. Neither the testimony of "Frank" nor that of the other bellboy corroborates Sarah's testimony that there was a second visit by her and Appellant to Miss Rosenquist's cabin. Sarah's testimony was very definite that the trouble occurred during an alleged second visit to the same cabin where she had gone with Appellant to get Miss Rosenquist's raincoat for her. The official log entry and the statements do not add any significant details to the record of the original hearing.

The conclusion that an offense of such a serious nature was proved would be sustained without hesitation if the record contained evidence of probative value. Without the latter, I must reverse the order of the Examiner.

ORDER

The order of the Examiner dated 25 March, 1952, is VACATED, SET ASIDE and REVERSED. The charge and specification against the Appellant in this case are hereby DISMISSED.

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

Dated at Washington, D. C., this 7th day of July, 1952