

In the Matter of Merchant Mariner's Document Z-823254
Issued to: SCOTT C. CLAUSON

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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SCOTT C. CLAUSON

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 19 May, 1952, an Examiner of the United States Coast Guard at New York City revoked Merchant Mariner's Document No. Z-823254 issued to Scott C. Clauson upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as utilityman on board the American SS GENERAL A. W. GREELEY under authority of the document above described, on or about 4 May, 1952, while said vessel was in a domestic port, he wrongfully had in his possession certain narcotics, to wit, marijuana.

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 stated the circumstances attending his possession of the marijuana.

At the conclusion of the hearing, 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 and entered the order revoking Appellant's Merchant Mariner's Document No. Z-823254 and all other licenses, Certificates of service, documents and endorsements issued to this Appellant.

From that order, this appeal has been taken, and it is urged:

1. Outright revocation is too severe since this is Appellant's first offense in seven years of service at sea; and the amount involved was very small;
2. Further, that he did not intend to use them as they were bought for a friend;
3. He needs employment at sea as his only means of livelihood to help support his sister.

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

FINDINGS OF FACT

On 4 May, 1952, Appellant was serving as utilityman on board the American SS GENERAL A. W. GREELEY and acting under authority of his Merchant Mariner's Document No. Z-823254.

While leaving Pier 26, North River, New York, Appellant was stopped and searched by Customs inspectors who found two (2) marijuana cigarettes wrapped in newspaper on his person. Laboratory analysis confirmed the content of the cigarettes was marijuana.

Appellant admitted possession of the narcotic, but claimed it was obtained for a friend; that he did not intend using it, as he has only occasionally used marijuana.

OPINION

The Examiner has very aptly stated my views on this subject; and I find no reason to elaborate on his opinion.

It is unfortunate that innocent persons may suffer because of such incidents; but this should be thought of before such offenses are committed.

CONCLUSION

Appellant's plea supports the Examiner's Order. I find no sound reason to disturb his action.

ORDER

The Examiner's Order dated New York, New York, on 19 May, 1952, is AFFIRMED.

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

Dated at Washington, D. C., this 2nd day of July, 1952.