

In the Matter of Merchant Mariner's Document No. Z-596645
Issued to: ANGEL R. MARTINEZ

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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ANGEL R. MARTINEZ

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 16 April, 1953, an Examiner of the United States Coast Guard at New York City revoked Merchant Mariner's Document No. Z-596645 issued to Angel R. Martinez upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as utilityman on board the American SS CONSTITUTION under authority of the document above described, on or about 12 March, 1953, while said vessel was in the port of Haifa, he wrongfully had in his possession a narcotic substance, to wit, a hashish cigarette.

At the hearing, through a Spanish speaking interpreter, 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. Because of Appellant's explanation of the circumstances, the Examiner entered a plea of "not guilty" to the charge and specification.

Thereupon, the Investigating Officer made his opening statement and introduced in evidence a certified copy of an abstract from the official logbook of the SS CONSTITUTION applicable to this Appellant; a transcript of a statement made by Appellant to a Coast Guard Investigating Officer at Naples, Italy, on 20 March, 1953; and, after an adjournment, the testimony of the staff captain of the SS CONSTITUTION, and a laboratory report on the contents of the cigarette discovered on Appellant's person.

In defense, Appellant offered in evidence his own sworn statement, wherein he undertook to explain the circumstances attending his acquisition of the cigarette.

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 proof of the specification and entered the order revoking Appellant's Merchant Mariner's Document No. Z-596645 and all other licenses, certificates of service, indorsements, and documents issued to this Appellant.

From that order, this appeal has been taken, and it is urged the revocation of his document will deprive him of a living and support for his wife, sister-in-law and her three children. This is Appellant's only offense and he swears to obey all laws in the future.

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

FINDINGS OF FACT

On 11 and 12 March, 1953, Appellant was serving as utilityman on board the American SS CONSTITUTION and acting under authority of his Merchant Mariner's Document No. Z-596645, while said vessel was in the port of Haifa, Israel.

While ashore on 11 March, Appellant had acquired a cigarette which was discovered on his person when he was searched on 12 March, 1953.

Said cigarette, when analyzed, was found to contain 11 grains of marijuana.

OPINION

I am not favorably impressed by any point raised on this appeal; and see no reason to amplify that which has been so aptly stated by the Examiner. For the purposes of this decision, I adopt his Findings, Opinions and Conclusions as my own.

ORDER

The Examiner's Order dated New York, N.Y., on 16 April, 1953, is AFFIRMED.

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

Dated at Washington, D. C., this 25th day of May, 1953.