

In the Matter of License No. 38940 and Merchant Mariner's
Document No. Z-264471
Issued to: CHARLES BLAINE EASTLEY

DECISION AND ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

751

CHARLES BLAINE EASTLEY

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.

By order dated 8 June, 1953, an Examiner of the United States Coast Guard at New York, New York, suspended License No. 38940 and Merchant Mariner's Document No. Z-264471 issued to Charles Blaine Eastley upon finding him guilty of misconduct while serving as Junior Third Assistant Engineer on board the American SS PRESIDENT VAN BUREN under authority of the license above described.

When the hearing was convened, Appellant was not present but a letter from his requesting a continuance was placed in evidence. The Examiner granted Appellant's request but the hearing was concluded, at a later date, without any notification to Appellant; and without Appellant having had his "day in court." 11 Words and Phrases 119.

The Examiner should have replied to Appellant acknowledging his letter, advising his that his request had been granted, and setting a definite date for the hearing. See 46 C.F.R. 137.09-5(d). On appeal, Appellant states that he received no acknowledgement of his letter and the record does not disclose any information to the contrary.

ORDER

The order of the Examiner dated at New York, New York, on 8 June, 1953, is VACATED and SET ASIDE. The entire record is REMANDED for such further proceedings as may be deemed appropriate in accordance with the views expresses by the Commandant in the last two paragraphs of Headquarters Appeal No. 743 dated 26 May, 1954.

M. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 9th day of July, 1954.