

In the Matter of Merchant Mariner's Document No. Z-907270
Issued to: WILLIAM CARTER, JR.

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

762

WILLIAM CARTER, JR.

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 25 January, 1954, an Examiner of the United States Coast Guard at Seattle, Washington, revoked Merchant Mariner's Document No. Z-907270 issued to William Carter, Jr., upon finding him guilty of misconduct based upon three specifications alleging in substance that while serving as a wiper on board the American SS EVANS CREEK under authority of the document above described, on or about 25 January, 1954, he wrongfully had in his possession altered and fraudulent Certificates of Discharge issued by the U. S. Coast Guard; and he wrongfully presented forged and fraudulent Certificates of Discharge to the U. S. Coast Guard at Seattle, Washington, in an attempt to obtain a fireman's endorsement on his Merchant Mariner's Document.

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 counsel of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered plea "guilty" to the charge and each specification proffered against him.

Thereupon, the Investigating Officer made his opening statement. Appellant submitted testimony in which he frankly admitted that he had typed two of the Certificates of Discharge to assist him in obtaining a fireman's endorsement; and that he had altered two other validly issued Certificates of Discharge for the same purpose.

At the conclusion of the hearing, the Examiner announced his findings and concluded that the charge had been proved by plea to the three specifications. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-907270 and all other licenses, certificates 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 was severe. Appellant also states that going to sea is his livelihood and he requests that the order be modified in consideration of his promise of good conduct in the future.

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

FINDINGS OF FACT

On 25 January, 1954, Appellant was serving as a wiper on board the American SS EVANS CREEK and acting under authority of his Merchant Mariner's Document No. Z-907270 while the ship was at Seattle, Washington.

On this date, Appellant presented twelve Certificates of Discharge to the U. S. Coast Guard at Seattle, Washington, and made application to obtain a fireman's endorsement on his Merchant Mariner's Document. Eight of the Certificates were valid discharges which had been issued to Appellant; two of the Certificates were documents forged by Appellant; and two of the Certificates were valid when originally issued but they had been altered by Appellant. The purpose of these forgeries and alterations was to enable Appellant to submit evidence that he had served the necessary six months, in certain capacities, which was one of the prerequisites to his being able to obtain a fireman's endorsement. This fraudulent attempt was discovered by the Coast Guard personnel at Seattle.

Appellant is 19 years of age and single. There is no record of prior disciplinary action having been taken against him during two years at sea.

As stated by the Examiner, this type of offense is a serious threat to the safety of life and property at sea because, if such offenses were not detected, ships could become unseaworthy when manned by seamen who are incompetent to hold the ratings in which they are hired to serve on the ships. This is true in Appellant's case although he would also have been required to pass a written or oral examination, based on certain subjects (46 C.F.R. 12.15-9), in order to obtain a fireman's endorsement even if his fraudulent presentation of the invalid Certificates of Discharge had not been discovered by the Coast Guard authorities.

The order of revocation will be sustained but, in accordance with 46 C.F.R 137.03-30(b), Appellant may apply to the Commandant (MVP) for a new document after a period of one year.

ORDER

The order of the Examiner dated at Seattle, Washington, on 25 January, 1954, is ~~AFFIRMED~~.

A. C. Richmond
Vice Admiral, U. S. Coast Guard
Commandant

Dated at Washington, D. C., this 31st day of August, 1954.