

In the Matter of Merchant Mariner's Document No. Z-96137-D2 and all  
other Licenses and Documents  
Issued to: LEO WORCHESTER

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

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LEO WORCHESTER

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.

An Examiner of the United States Coast Guard conducted a hearing at Houston, Texas, and, by order dated 19 September 1956, suspended the seaman documents of Appellant upon finding him guilty of misconduct. Two specifications allege in substance that while serving as a utilityman on the American SS RUTH LYKES under authority of the document above described, on or about 3 July 1956, Appellant failed to join said vessel at Yokohama, Japan; and, on or about 2 September 1956, Appellant failed to join said vessel in Houston, Texas.

After considering the evidence, the Examiner concluded that the charge and two specifications had been proved. He then entered the order suspending Appellant's documents for a period of six months outright and six months on eighteen months' probation. This order includes a prior six months' probationary suspension.

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

FINDINGS OF FACT

Between 25 May 1956 and 2 September 1956, Appellant was serving as a utilityman on the American SS RUTH LYKES and acting under authority of his Merchant Mariner's Document No. Z-96137-D2.

On 3 July 1956, Appellant failed to join his ship upon her departure from Yokohama, Japan. Appellant rejoined the ship at Sasebo, Japan, on 6 July, 1956.

On 2 September 1956, Appellant failed to join his ship upon her departure from Houston, Texas.

Appellant's prior record is as follows: 2 months' suspension

on 9 months' probation in 1943 for failure to join; 1 months's suspension in 1952 for failure to join; 6 months' suspension on 18 months' probation in April 1955 for failing to perform duties and intoxication.

#### BASIS OF APPEAL

This appeal had been taken from the order imposed by the Examiner. Appellant requests clemency on the grounds that he has never hurt anyone on a ship and he has not worked ashore for 20 years. Appellant promises to walk a straight and narrow path if he is permitted to go to sea.

#### OPINION

Since the Examiner's order include a prior probationary suspension of 6 months, Appellant received only an additional suspension of 6 months on 18 months' probation for the offenses proved herein. Failure to join in a foreign port is considered to be a serious offense compared to a failure to join in a domestic port because it is usually much more difficult to obtain replacements in a foreign country. In the meanwhile, the ship must sail shorthanded. In view of Appellant's prior record of similar offenses, the order imposed is considered to be extremely lenient and it will not be modified.

#### ORDER

The order of the Examiner dated at Houston, Texas on 19 September 1956 is AFFIRMED.

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

Dated at Washington, D. C., this 25th day of January, 1957.