

In the Matter of Merchant Mariner's Document No. Z-700270 and all
other Seaman Documents
Issued to: RAYMOND C. McDONALD

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

1045

RAYMOND C. McDONALD

This appeal has been taken in accordance with Title 46 United States Code 239b and Title 46 Code of Federal Regulations 137.11-1.

By order dated 23 October 1957, an Examiner of the United States Coast Guard at Norfolk, Virginia, revoked Appellant's seaman documents upon finding him guilty of the charge of "conviction of a narcotic drug law violation." The specification alleges that, on or about 5 November 1947, Appellant was convicted by a District Court of the United States for violation of a narcotic drug law of the United States, to wit: 21 U.S.C. 184a.

OPINION

The allegations in the specification were proved by a properly certified copy of the record of Appellant's conviction. Nevertheless, the order of revocation must be set aside because the Coast Guard has no jurisdiction to take action under 46 U.S.C. 239b to revoke a seaman's document based on a narcotics conviction unless the conviction occurred subsequent to 15 July 1954. This limitation is specified in 46 U.S.C. 239b(b)(1). The conviction in question took place on 5 November 1947.

ORDER

The charge and specification are dismissed. The order of the Examiner dated at Norfolk, Virginia, on 23 October 1957, is VACATED.

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

Dated at Washington, D. C., this 11th day of June, 1958.