

In the Matter of Merchant Mariner's Document No. Z-742324-D3 and all other Seaman Documents

Issued to: CARL K. JEWELL

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1060

CARL K. JEWELL

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

By order dated 14 February 1958, an Examiner of the United States Coast Guard at San Francisco, California, revoked Appellant's seaman documents upon finding him guilty of misconduct. Six specifications allege that while serving as an able seaman on board the United States SS PIONEER GULF under authority of the document above described, Appellant was unfit to perform his duties due to intoxication or he was wrongfully absent from his ship and duties on seven different dates in 1956; Appellant wrongfully interfered with the First Assistant Engineer while he was attempting to stop a fight on 24 October 1956; and Appellant failed to join his vessel on 21 December 1956.

At the hearing, Appellant entered a plea of guilty to the charge and each specification except the one alleging unfitness to perform duties due to intoxication on 6 December 1956. The Investigating Officer made his opening statement and introduced in evidence a certified copy of an Official Logbook entry pertaining to the alleged offense on 6 December 1956. Appellant stated that he was drunk on the latter date as well as numerous other occasions and that he received medical treatment for mental illness.

The Examiner concluded that the charge and six specifications had been proved. An order was entered revoking all documents issued to Appellant. The decision was served on 7 April 1958. Appeal was timely filed on the same date.

FINDINGS OF FACT

From 7 September to 21 December 1956, Appellant was serving as an able seaman on board the United States SS PIONEER GULF and acting under authority of his Merchant Mariner's Document No. Z-742324-D3 while the ship was on a foreign voyage.

On 24 October 1956, Appellant was unable to perform his duties due to intoxication while the ship was at Brisbane, Australia. Also on this date, Appellant interfered with the First Assistant Engineer while he was trying to stop a fight between two other seaman and to take a fire ax away from one of them.

On 25 October 1956, Appellant was unfit to stand his sea watch due to intoxication. Again, on 6 December 1956, Appellant was intoxicated and unfit to perform his duties.

On 7, 18, 19 and 20 December 1956, Appellant was wrongfully absent from his ship and duties. On 21 December, Appellant failed to join the PIONEER GULF upon her departure from Brisbane.

Appellant's prior record consists of two months' suspension in 1953 for creating a disturbance, intoxication and failure to join; six months' suspension in 1953 for striking the Master, threatening his life, using foul and obscene language, and applying for a duplicate document under fraudulent conditions; admonished in 1956 for fighting while intoxicated. Appellant has been sailing fairly steadily for the past 10 years.

OPINION

On appeal, it is contended that this order depriving Appellant of his livelihood is too severe. It is my opinion that the order is justified in view of Appellant's prior record and the accumulation of offenses committed by Appellant in 1956. Although the record does not indicate that Appellant's admitted mental illness is such as to cause Appellant to be unfit for sea duty on this account alone, it is considered as a matter of aggravation in connection with Appellant's numerous offenses within a period of a year. This leads me to believe that Appellant would continue to foster unsafe shipboard conditions if permitted to work on merchant vassals of the United States. Hence, the revocation of his documents will be sustained as the only appropriate order under the circumstances.

ORDER

The order of the Examiner dated at San Francisco, California, on 14 February 1958, is AFFIRMED.

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

Dated at Washington, D. C., this 29th day of July, 1958.

