

In the Matter of Merchant Mariner's Document No. Z-384450-D1 and
all other Seaman Documents

Issued to: ALPHONSUS E. SMITH

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1084

ALPHONSUS E. SMITH

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 28 July 1958, an Examiner of the United States Coast Guard at New York, New York revoked Appellant's seaman documents upon finding him guilty of the charge of "conviction for a narcotic drug law violation." The specification alleges that, on or about 28 December 1956, Appellant was convicted by the Criminal Court of Baltimore, Maryland, a court of record, for a violation of the narcotic drug laws of the State of Maryland (possession and control of marijuana).

The conviction as alleged was proved by the evidence in addition to Appellant's plea of guilty. On appeal, Appellant states that no vessel was involved; this is his only livelihood; Appellant is not a trafficker in narcotics; and the Examiner made several errors in his decision. These factors have no bearing on the outcome because the revocation of Appellant's documents is required by law upon proof of his conviction by a court of record for violation of a narcotic drug law of any State of the United States. 46 U.S.C. 239b(b)(1). Hence, this conviction is conclusive for the purpose of this proceeding. The minor errors of the Examiner are not material in view of the definite proof of the conviction. The order of revocation must be sustained despite the personal hardship to Appellant and his prior clear record.

ORDER

The order of the Examiner dated at New York, New York, on 18 July 1958, is AFFIRMED.

J. A. Hirshfield
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D.C., this 20th day of January, 1959.