

In the Matter of Merchant Mariner's Document No. Z-226692-D1 and all other Seaman Documents

Issued to: CALVIN THOMAS

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1099

CALVIN THOMAS

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 15 August 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 9 April 1958, Appellant was convicted by the Court of General Sessions of the County of New York, a court of record, for a violation of the narcotic drug laws of the State of New York (possession of heroin). This conviction was proved by documentary evidence in addition to Appellant's plea of guilty at the hearing.

Appellant testified in his behalf and produced one witness. After considering the evidence, the Examiner rendered his decision, which he concluded that the above charge and specification was proved by plea. An order was entered revoking all documents issued to Appellant.

On appeal, Appellant states only that this is the first trouble he has had since obtaining a seaman's documents in 1941. The implication is that it is Appellant's intention to repeat his request for leniency which was expressed at the hearing when he testified.

The ground for appeal can have no bearing on the outcome of this administrative proceeding because 239b(b)(1) requires the revocation of a seaman's documents upon proof of his conviction by a court of record for violation of a narcotic drug law of the State of New York as alleged above. Hence, this conviction is the conclusive for the purpose of this proceeding. Moreover, there is no indication in the record that Appellant deserves clemency.

ORDER

The order of the Examiner dated at New York, New York, on 15 August 1958, is ~~REVERSED~~ **AFFIRMED**.

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

Dated at Washington, D.C., this 1st day of June, 1959.