

In the Matter of License No. R-376 and all Other Seaman Documents  
ISSUED TO: JOSEPH P. ELDRIDGE

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

1104

JOSEPH P. ELDRIDGE

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 May 1958, Examiner of the United States Coast Guard at New York, New York admonished Appellant upon finding him guilty of misconduct. The three specifications found proved allege that while serving as a radio officer on board the United States SS MORMACTEAL under the authority of the document above described, on or about 18 November 1957, Appellant wrongfully created a disturbance by using loud, profane and obscene language; this was in the presence of a female visitor; and Appellant wrongfully disobeyed a lawful order of the vessel's Master.

At the hearing, Appellant was represented by counsel of his own choice. He entered a plea of not guilty to the charge and each specification. Both the investigating Officer and Appellant introduced in evidence the testimony of witnesses and documentary exhibits. Appellant testified in his behalf.

After considering the evidence, the Examiner rendered the decision in which he concluded that the charge and three specifications had been proved, but that the first two specifications were considered to be merged as one offense. An order was entered admonishing Appellant for this misconduct.

FINDINGS OF FACT

On 18 November 1957, Appellant was serving as a radio operator on board the United States SS MORMACTEAL and acting under authority of his License No. R-376 while the ship was in the port of Jacksonville, Florida. During the course of the voyage, Appellant had been continually annoyed and aggravated by the conduct of the ship's Second Officer and Purser.

On 18 November, Appellant used loud, profane and obscene language while in a passageway complaining about the conduct of these two members of the crew. This language was directed to the Master but was intended to pertain to the behavior of the Second Officer and Purser and Appellant's opinion of these two seamen. The wife of one of the ship's officers was within hearing distance.

As a result of this conduct, the Master ordered Appellant to remain on board until a Coast

Guard Officer arrived later in the day. Appellant disobeyed this order by leaving the ship on the same day before this officer came on board.

Appellant has no prior record.

#### BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant contends that there was conspiracy against him on the ship; the Master's testimony is not reliable; the Master made false charges against Appellant as he has done with respect to other seaman in the past; the logbook entries are false.

Character references are submitted to support Appellant's claim that he is not guilty.

#### OPINION

This appeal presents nothing more than an issue of credibility which was resolved against Appellant by the Examiner who heard and observed the witnesses testifying at the hearing. There appears to be no reason why his findings as to credibility should be reversed except Appellant's general and extensive accusations against the Master and other members of the crew. This is not an adequate basis for reversal. The Examiner's findings, conclusions and order are sustained.

#### ORDER

The order of the Examiner dated at New York, New York, on 14 May 1958, is AFFIRMED.

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

Dated at Washington, D.C., this 4th day of August, 1959.