

In the Matter of Merchant Mariner's Documents No. Z-1157012 and all  
Issued to: DONALD CONRAD NELSON

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1180

DONALD CONRAD NELSON

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 18 October 1959, an Examiner of the United States Coast Guard at New York, New York suspended Appellant's seaman documents upon finding him guilty of misconduct based on pleas of guilty to three specifications. These specification allege that while serving as an able seaman on board the United States SS STEEL ROVER under authority of the document above described, on 3 August 1959, appellant was wrongfully absent from his duties and ship while at Jakarta, Indonesia; on 4 August 1959, Appellant wrongfully left his post as gangway watch while the ship was at Jakarta; on 9 September 1959, Appellant wrongfully failed to perform his duties as lookout by falling asleep while the ship was underway at night in a busy channel.

After concluding that the charge and three specifications had been proved by plea, the Examiner entered an order suspending all documents, issued to Appellant, for a period of three months outright plus six months on twelve months' probation.

Appellant has no prior record during eighteen years at sea.

OPINION

This appeal is based solely on Appellant's contention that the suspension is too severe.

The offenses on 4 August and 9 September were aggravated by the fact that Appellant was somewhat intoxicated on both occasions. The latter offense was a particularly serious one in view of the very important function of a lookout at night in busy waters. Hence, I do not agree that the order imposed by the Examiner was excessive. Except for Appellant's prior clear record, the suspension would have been much more severe.

ORDER

The order of the Examiner dated at New York, New York, on 18 October 1959, is  
AFFIRMED.

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

Dated at Washington, D. C., this 12th day of July 1960.