

In the Matter of License No. 237256 Merchant Mariner's Document No. Z-101896 and all other Seaman Documents

Issued to: VERNON A. WILTSHIRE

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1214

VERNON A. WILTSHIRE

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 10 December 1959, an Examiner of the United States Coast Guard at New Orleans, Louisiana revoked Appellant's seaman documents upon finding him guilty of misconduct based on his plea of guilty to a single specification. The specification alleges that while serving as Junior Engineer on board the United States SS ALMERIA LYKES under authority of the document above described, on or about 25 November 1959, Appellant assaulted and battered the ship's baker with a coffee cup. although no evidence was introduced at the hearing, the Investigating Officer stated that Appellant was in an intoxicated condition when he threw coffee on the cook for no apparent reason and then hit him over the eye with the coffee cup; the wound required three stitches. None of this was denied by Appellant.

After concluding that the charge and specification had been proved by plea, the Examiner then entered an order revoking all documents issued to Appellant. Appellant's prior record during about 33 years at sea consists of a probationary suspension and two admonitions.

OPINION

This appeal is based solely on the ground that the order is excessive under the circumstances.

The record does not indicate that the cook was seriously injured. In the absence of this or any other evidence to establish matters of aggravation, I am inclined to agree with Appellant's contention in view of his reasonably good record during many years service at sea. Hence, the order will be modified.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 10 December 1959, is modified to provide for an outright suspension of one year.

As so MODIFIED, said order is AFFIRMED.

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

Signed at Washington, D. C., this 10th day of February 1961.