

In the Matter of Merchant Mariner's Document No. Z-595858 and all other Seaman Documents
Issued to: EDGAR A. POLBERG

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1216

EDGAR A. POLBERG

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 13 May 1960, an Examiner of the United States Coast Guard at Seattle, Washington suspended 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 an able seaman on board the United States SS STEEL KING under authority of the document above described, on or about 4 April 1960, Appellant wrongfully failed to join his vessel upon her departure from the port of Yokohama, Japan. Appellant later rejoined the vessel at the same port.

After concluding that the charge and specification had been proved by plea, the Examiner entered an order suspending all documents, issued to Appellant, for a period of nine months outright plus one month on three months' probation. This order included a prior nine months' suspension which had been placed on eighteen months' probation by a different Examiner whose decision was served on Appellant in January 1959.

OPINION

The prior hearing which led to this nine months' outright suspension was completed in June 1955 except for the Examiner's decision which is dated 20 November 1957 and was not served on Appellant until 26 January 1959. Neither of these excessive delays is satisfactorily explained in the record. Therefore, I agree with counsel's contention on appeal that it is unfair and inequitable to impose this nine months' suspension as the result of a relatively minor offense since the eighteen months' period of probation would have been completed long before Appellant failed to join his ship in April 1960 if these delays had not occurred. It will be considered that the period of probation expired prior to April 1960 and the order will be modified accordingly.

ORDER

The order of the Examiner dated at Seattle, Washington, on 13 May 1960, is modified to provide for a suspension of one month on

three months' probation commencing on 13 May 1960.

As so MODIFIED, said order is AFFIRMED.

A.C Richmond
Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 13th day of February, 1961.