

In the Matter of Merchant Mariner's Document No. Z-962551 and all other Seaman Documents
Issued to: STANLEY F. OSTROM

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

1221

STANLEY F. OSTROM

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 1960, an Examiner of the United States Coast Guard at Jacksonville, Florida suspended Appellant's seaman documents upon finding him guilty of misconduct. The seven specifications found proved allege that while serving as an ordinary seaman on board the United States SS MAXTON under authority of the document above described between 5 July and 13 October 1960, Appellant was intoxicated two times; he twice threatened various members of the crew; he failed to perform his duties on two occasions; and he created a disturbance.

Appellant was not present or represented by counsel at the hearing although he had been given timely notice of the time when it would take place. The Examiner conducted the hearing in absentia after entering pleas of not guilty to the charge and seven specifications on behalf of the Appellant.

The Investigating Officer introduced in evidence excerpts from the Shipping Articles and entries in the ship's Official Logbook for the voyage covering the above dates.

After considering the evidence, the Examiner made his findings and later rendered his entire decision in which he concluded that the charge and seven specifications had been proved. The Examiner entered an order suspending all documents, issued to Appellant, for a period of eighteen months' probation. The outright suspension includes a prior suspension of four months which had been placed on twelve months' probation by an Examiner in December 1959.

FINDINGS OF FACT

Between 5 July and October 1960, Appellant was serving as an ordinary seaman on board the United States SS MAXTON and acting under authority of his document on a foreign voyage.

While the ship was at Port Said, Egypt on 31 July 1960, Appellant became intoxicated and addressed various members of the crew with threatening language during the evening meal. Appellant

was so belligerent that he was handcuffed by the Master and Chief Mate. Appellant remained handcuffed and under guard for approximately four hours until he was sober.

At Bombay, India on 17 August 1960, Appellant was under the influence of intoxicating liquor. As a result, Appellant was unable to perform his assigned duties between 0800 and 1700.

On 8 October 1960, the ship was at Curacao Island, Netherlands Antilles. Appellant threatened another ordinary seaman by assaulting and attempting to injure him. Appellant was severely beaten by the other seaman. As a result, Appellant was unable to stand his 1200 to 1600 sea watch on the following day.

Appellant's prior record consists of the four months' suspension on twelve months' probation in December 1959 for failure to perform duties, intoxication, and using abusive language.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant states that he has no excuse for his behavior which was caused by drinking. Appellant has stopped drinking and promises that he will never again be in trouble if he is permitted to sail under probation for any length of time.

OPINION

Since the logbook entries were made in accordance with the statutory requirements of 46 U.S.C. 702, the entries are adequate proof of the offenses alleged.

In his appeal, Appellant does not deny his improper conduct but simply pleads for clemency so that he may serve on United States merchant vessels under some term of probation. This plea will not be granted because Appellant was, in effect, given a warning in 1959 when he was placed on probation for the same type of offenses. Since this threat of suspension did not sufficiently impress Appellant to cause him to remain sober while on board his ship, the present order of suspension will be affirmed.

A drunken seaman not only disrupts discipline and interferes with the orderly operation of a ship, but he is also a distinct hazard to the safety of others and the ship. Hence, Appellant's repeated conduct of this nature warrants a lengthy suspension.

ORDER

The order of the Examiner dated at Jacksonville, Florida, on 18 October 1960, is AFFIRMED.

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

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