

In the Matter of Merchant Mariner's Document No. DZ-1074382 and all
Issued to: JOHN L. O'ROURKE

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1245

JOHN L. O'ROURKE

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 9 November 1960, an Examiner of the United States Coast Guard at San Francisco, California suspended Appellant's seaman documents for four months upon finding him guilty of misconduct. The specification found proved alleges that while serving as chief electrician on board the United States SS CHOCTAW under authority of the document above described, on 11 September 1960, Appellant assaulted and battered wiper Andrew P. Mazurek while the ship was at Naha, Okinawa.

The evidence shows conclusively that Mazurek was badly beaten by Appellant with his fists. Mazurek was still receiving medical treatment at the time of the hearing almost two months later. At the hearing, Appellant did not deny this incident but stated that he did not remember because he had been drinking heavily while ashore. Appellant testified that he was angry because Mazurek had been interfering with the electrician's work.

On appeal, Appellant states that the findings are not supported by the evidence and the order is excessive.

OPINION

There is no merit in these contentions. Mazurek's testimony as to the nature of the beating received in his room on the ship is corroborated by statements of his two roommates who were present but did nothing to interfere. Appellant did not attempt to refute this evidence. In view of the fact that Mazurek had not recovered from his injuries two months after the incident occurred, the order of four months suspension is not excessive.

ORDER

The order of the Examiner dated at San Francisco, California, on 9 November 1960, is AFFIRMED.

J. A. Hirshfield

Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D. C., this 13th day of June, 1961.