

In the Matter of Merchant Mariner's Document No. Z-462710-D1 and
all other Seaman Documents

Issued to: Arnold H. Isabell

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1250

Arnold H. Isabell

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 3 August 1960, an Examiner of the United States Coast Guard at New Orleans, Louisiana suspended Appellant's seaman documents upon finding him guilty of misconduct. The specification found proved alleges that while serving as a quartermaster/able seaman on board the USNS SHOSHONE under authority of the document above described, on 16 December 1959, Appellant used abusive and obscene language toward, and threatened, the ship's Third Mate.

The hearing was conducted in absentia since Appellant was not present or represented by counsel. The Investigating Officer introduced in evidence two depositions, extracts from the Shipping Articles, and an entry in the ship's Official Logbook.

The evidence shows that when the Third Mate told Appellant to stop writing letters while on watch, Appellant told the Third Mate that all mates were no good, Appellant would not take orders from any mate, the Third Mate was a homosexual and a queer. Appellant also threatened to "dump" the Third Mate and shoot him.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and specification had been proved. The examiner then entered an order suspending all documents, issued to Appellant, for a period of six months outright plus six months on eighteen months' probation.

Appellant's prior record consists of an assault, an assault and battery, and a threat against a ship's Master.

On appeal, Appellant contends that he was a valid defense but he was not given adequate notice of the date of the hearing.

OPINION

The carbon copy of the charge and specification sheet which Appellant signed is in the record. The original of this was served on Appellant on 28 May 1960. It ordered Appellant to be present for the hearing on 15 June 1960 at the Custom House in New Orleans.

Appellant was not there and he did not contact anyone in the Coast Guard to explain his absence.

In addition to the fact Appellant waived the right to submit a defense at the hearing, the complete corroboration of the Third Mate's version by the deposition of the Chief Mate indicates the improbability that Appellant has a valid excuse for the behavior alleged.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 3 August 1960, is AFFIRMED.

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

Signed at Washington, D.C., this 22nd day of June 1961.