

In the Matter of License No. 243165 Merchant Mariner's Document No.
Z-355788-D1 and all other Seaman Documents
Issued to: William E. Scott

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

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William E. Scott

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 26 May 1960, an Examiner of the United States Coast Guard at Long Beach, California suspended Appellant's seaman documents for two months outright plus four months on twelve months' probation upon finding him guilty of misconduct. The nine specification found proved allege that while serving as an able seaman on board the United States SS STEEL DESIGNER under authority of the document above described, from 13 through 25 April 1960, Appellant failed to perform his duties on nine separate occasions while the ship was on a foreign voyage.

Since Appellant was not present at the hearing on 25 May 1960, the Examiner entered not guilty pleas and proceeded in absentia.

The Investigating Officer introduced in evidence certified copies of entries in the ship's Official Logbook which prove the offenses alleged.

The decision was served on 17 August 1961. On appeal, it is contended that the order is excessive and leniency is requested on the basis of Appellant's prior record which consisted only of an admonition in 1956.

OPINION

I am not impressed by the minor nature of Appellant's prior record in view of the three additional admonitions Appellant received before the Examiner's decision was served and the numerous offenses involved in this appeal. Appellant did not offer any excuse for his conduct in answer to the log entries, at the hearing, or on appeal. Consequently, the order is considered to be lenient rather than excessive.

ORDER

The order of the Examiner dated at Long Beach, California, on 26 May 1960, is AFFIRMED.

E. J. ROLAND
Vice Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D. C., this 18th day of April 1962.