

In the Matter of Merchant Mariner's Document No. Z-147419-D2 and  
all other Seaman Documents

Issued to: Henry G. Keefer

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1303

Henry G. Keefer

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 7 April 1961, an Examiner of the United States Coast Guard at New Orleans, Louisiana suspended Appellant's seaman documents for two months outright plus two months on twelve months' probation upon finding him guilty of misconduct. The specifications found proved allege that while serving as a deck maintenanceman on board the United States SS SOUTHPORT under authority of the document above described, between 15 October 1960 and 29 March 1961, Appellant failed to perform his duties on five different occasions while the ship was on a foreign voyage.

When Appellant did not appear at the hearing, the Examiner entered pleas of not guilty to the charge and specifications and proceeded in absentia.

The Investigating Officer introduced in evidence entries in the ship's Official Logbook which prove the offenses alleged and the testimony of the Chief Mate who stated that Appellant did not turn to on the five days in question because he was intoxicated. Appellant has a prior record of five admonitions or probationary suspensions for similar offenses.

On appeal, Appellant requests another chance by being placed on probation since the outright suspension deprives him of a livelihood; Appellant was not intoxicated as stated by the Chief Mate.

OPINION

Whether Appellant was intoxicated is not material to the proof of the allegations that he did not do his work. The outright suspension will be sustained because Appellant has been given "another chance" several times in the past without producing the desired result.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 7 April 1961, is AFFIRMED.

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

Signed at Washington, D. C., this 25th day of April 1962.