

In the Matter of Merchant Mariner's Document No. Z-1109381 and all  
other Seaman Documents  
Issued to: Gene H. Peterson

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1320

Gene H. Peterson

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 8 September 1961, an Examiner of the United States Coast Guard at New Orleans, Louisiana suspended Appellant's seaman documents for one month outright plus six months on twelve months' probation upon finding him guilty of misconduct. The two specifications found proved allege that while serving as an oiler on board the United States SS DEL NORTE, under authority of the document above described, on 4 August 1961, Appellant wrongfully failed to perform his duties due to being under the influence of intoxicants; on 17 August 1961, Appellant wrongfully failed to perform his duties.

At the hearing, Appellant voluntarily elected to act as his own counsel. Appellant entered a plea of not guilty to the alleged offense of 4 August and guilty to the offense of 17 August.

The allegations pertaining to 4 August are established by the testimony of the First Assistant Engineer and corroborated by an entry in the ship's Official Logbook. The First Assistant testified that, at 1045, he observed that Appellant was too intoxicated to perform the duties assigned to him and he was relieved of his duties.

Appellant testified briefly but did not attempt to refute the above testimony of the First Assistant.

Appellant's prior record consists of a suspension in 1959 for assault and battery.

OPINION

The grounds for appeal are that the testimony does not support the findings and the order is harsh.

As indicated above, the uncontradicted testimony of the First Assistant Engineer is adequate proof of the offense of 4 August and Appellant pleaded guilty to the offense of 17 August. Hence, Appellant was properly found guilty of both offenses.

The order imposed is not considered to be excessive for these offenses since, on both occasions, Appellant inexcusably failed to do the work he had been employed to perform.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 8 September 1961, is AFFIRMED.

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

Signed at Washington, D. C., this 30th day of July 1962.