

In the Matter of Merchant Mariner's Document No. Z-200726-D1 and
all other Seaman Documents

Issued to: KIYOSHI YOKOMICHI

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1340

KIYOSHI YOKOMICHI

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 17 April 1962, an Examiner of the United States Coast Guard at New York, New York suspended Appellant's seaman documents for one year outright plus six months on one year probation upon finding him guilty of misconduct. The three specifications found proved allege that while serving as a wiper on board the United States SS AMERICAN GUNNER under authority of the document above described, on 28 March 1962, Appellant attempted to pilfer a case of gin from the ship's cargo; he created a disturbance in and about the Master's cabin; Appellant used his fist to strike the Master.

At the hearing, Appellant voluntarily elected to act as his own counsel. Appellant entered a plea of guilty to the charge and each specification.

The Investigating Officer introduced in evidence the testimony of the Master and another officer in order to establish matters in aggravation.

On appeal, Appellant requests a reduction of the suspension because this is his only livelihood. Appellant states that some of the matters stated as facts in the Examiner's decision are not true.

OPINION

The detailed findings of fact of the Examiner, which are based on the testimony of the two witnesses, are adopted and incorporated by reference in this decision. Appellant had the opportunity at the hearing to attempt to convince the Examiner that some of this testimony was not true. It is now too late to refute it on appeal by presenting Appellant's version of what happened.

The offenses proved justify the severe order imposed. It will not be reduced as requested on appeal.

ORDER

The order of the Examiner dated at New York, New York, on 17 April 1962, is AFFIRMED.

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

Signed at Washington, D. C., this 12th day of September 1962.