

In the Matter of Merchant Mariner's Document No. Z-395118-D1 and
all other Seaman Documents

Issued to: EDWARD H. THOMAS

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1345

EDWARD H. THOMAS

This appeal has been taken in accordance with Title 46 United States Code 239b and Title 46 Code of Federal Regulations 137.11-1.

By order dated 27 February 1962, an Examiner of the United States Coast Guard at Philadelphia, Pennsylvania, revoked Appellant's seaman documents upon finding him guilty of the charge of "conviction for a narcotic drug law violation". The specification found proved alleges that, on or about 22 April 1958, Appellant was convicted by the Court of Quarter Sessions of the Peace of the County of Philadelphia, Commonwealth of Pennsylvania, a court of record, for violation of a narcotic drug law of the Commonwealth of Pennsylvania (possession of narcotic drugs).

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

The Investigating Officer introduced in evidence a copy of the indictment on which the conviction is based and a record of the conviction alleged.

At the hearing, Appellant blamed his conviction on a witness who was found guilty of perjury in other cases. Appellant stated that he was innocent, but he pleaded guilty before the court, on advice of counsel, in order to be placed on probation and also on the basis of a promise that he could continue going to sea.

On appeal, Appellant has submitted two letters as to his good character and has reiterated his reason for pleading guilty before the court. Since the conviction was in 1958 and Appellant has had no difficulty at sea before or after the conviction, he requests permission to apply for a new document without waiting for three years.

OPINION

Since the order of revocation is based solely on the conviction, his only recourse with respect to the fact of the

conviction is to the court.

Appellant's record at sea is not a sufficient reason for permitting him to apply for a new document in less than three years after revocation of his document following a conviction for possession of narcotics.

ORDER

The order of the Examiner dated at Philadelphia, Pennsylvania, on 27 February 1962, is AFFIRMED.

D. McG. MORRISON
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D. C., this 8th day of October 1962.