

In the Matter of Merchant Mariner's Document No. Z-751595-D2 and
all other Seaman Document

Issued to: Alvin Freedman

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1363

Alvin Freedman

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137911-1.

By order dated 27 February 1962, an Examiner of the United States Coast Guard at New York, New York suspended Appellant's seaman documents on probation upon finding him guilty of negligence. The specification found proved alleges that while serving as an able seaman on board the United States SS EXPORT AIDE under authority of the document above described, on 17 September 1961, Appellant negligently failed to steer a steady course while the ship was at sea.

The testimony of the ship's Master and the Mate on watch, when Appellant was the helmsman on the morning of 17 September 1961, establish that Appellant steered very erratically in a moderate sea as the ship's heading deviated 11 to 14 degrees on either side of the course. There was nothing mechanically wrong with the steering equipment.

Also, the record is clear throughout that Appellant could not steer properly, at any time, even after considerable practice rather than that he did not steer a steady course due to negligence or carelessness on 17 September. The deck log states that Appellant was moved "removed from wheel--unable to steer." Consequently, the conclusion that Appellant was guilty of negligent steering is reversed; the charge and specification are dismissed.

ORDER

The order of the Examiner dated at New York, New York, on 27 February 1962, is VACATED.

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

Signed at Washington, D.C., this 16th day of January 1963.