

In the Matter of Merchant Mariner's Document No. Z-817269-D1 and  
all other Seaman Documents

Issued to: Ishmael Martinez

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1415

Ishmael Martinez

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 9 April 1963, an Examiner of the United States Coast Guard at New York, New York suspended Appellant's seaman documents upon finding him guilty of misconduct. The specification found proved alleges that while serving as a deck utilityman on the United States SS SANTA ELISA under authority of the document above described, on 11 March 1963, Appellant wrongfully failed to join his ship at Valparaiso, Chile.

At the hearing, Appellant elected to act as his own counsel. Appellant entered a plea of guilty to the charge and specification. Appellant stated that he misread the departure time which was posted on the sailing board.

At the end of the hearing on 9 April, the Examiner rendered a written decision in which he entered an order suspending all documents, issued to Appellant, to extend for a period of three months beyond 4 April plus three months on twelve months' probation. This included a prior two months' suspension in June or July 1962 which was placed on probation for twelve months.

OPINION

Appellant's only contention on appeal is that the outright suspension is excessive since it imposes a personal hardship on his family.

It is my opinion that this portion of the order is not too severe since it includes a prior two months' suspension which would not have become effective if Appellant had satisfactorily completed a twelve months' period of probation imposed for failure to perform duties due to intoxication and possession of intoxicants. Consideration of personal hardship is not relevant to the purpose of these proceedings to promote the safety of life and property at

sea.

ORDER

The order of the Examiner dated at New York, New York, on 9 April 1963, was effective on the latter date. For the purpose of giving Appellant credit for the preceding five days when his document was in the custody of the Examiner or other Coast Guard personnel, the order was worded to remain in effect for three months after 4 April. Therefore, the period of outright suspension from 9 April to 4 July is two months and twenty-five days.

The order is the Examiner is AFFIRMED.

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

Signed at Washington, D. C., this 18th day of September 1963.