

In the Matter of License No. 322878 Merchant Mariner's Document No. BK - 242381-D1 and all other Seaman Documents

Issued to: Ulric D. Duncan

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1504

Ulric D. Duncan

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 25 February 1965, an Examiner of the United States Coast Guard at Galveston, Texas suspended Appellant's seaman documents upon finding him guilty of misconduct. The specification found proved alleges that while serving as First Assistant Engineer on board the United States SS SANTA EMILIA under authority of the license above described, on 23 October 1964, Appellant improperly performed his duties due to intoxication while the ship was at sea.

There is no evidence of either improper performance of duties or intoxication. The evidence indicates that after having four drinks over a period of four hours, Appellant went to the engine room at 0200 to locate the source of some engine trouble. He became irritated, spoke in a loud voice, kicked a box used by firemen on watch as a seat, and extensively questioned the firemen on watch about his duties in attempting to find the cause of the engine trouble.

What the alleged improper performance of his duties consisted of is not disclosed by the Investigating Officer, the Examiner, or the hearing record. Although Appellant testified that he had been drinking to some extent, there is no evidence of intoxication and he was not charged with wrongful possession of intoxicating liquor on the ship.

The conclusion that Appellant was guilty of the alleged offense is set aside. The charge and specification are dismissed.

ORDER

The order of the Examiner dated at Galveston, Texas, on 25 February 1965, is VACATED.

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

Signed at Washington, D. C., this 3rd day of June 1965.

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