

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z364980 AND ALL
OTHER SEAMAN'S DOCUMENTS

Issued to: Leroy J. Broussard

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1560

Leroy J. Broussard

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 17 February 1966, an Examiner of the United States Coast Guard at New York, N. Y. suspended Appellant's seaman's documents for 12 months outright upon finding him guilty of misconduct. The specifications found proved allege that while serving as an able bodied seaman on board the United States SS MORMACGULF under authority of the document above described, or about 29 August 1964, Appellant wrongfully sailed for a foreign port without registering as a person who had been convicted of a violation of the narcotic drug laws of the State of Texas; that on or about 26 October 1965 Appellant wrongfully entered the United States at Jacksonville, Florida, from Brazil without registering as a person who had been convicted of a violation of the narcotic drug laws of the State of Texas; that on 24 August 1964, while entitled to hold Merchant Mariner's Document Z-364980 "R" Appellant fraudulently did apply for a duplicate merchant mariner's document in that he did falsely deny that he had been convicted of a violation of a narcotic drug law of the United States; and that on 17 September 1965, while entitled to hold Merchant Mariner's Document Z-364980 "R", Appellant fraudulently did apply for a duplicate merchant mariner's document in that he did falsely deny that he had been convicted of a violation of a narcotic drug law of the United States.

At the hearing, Appellant was represented by professional counsel. Appellant entered a plea of guilty to the charge and each specification.

The Investigating Officer introduced in evidence documentary proof of conviction in a District Court of the United States at Jacksonville, Florida, of violation of 18 U.S.C. 1407 in that on the date alleged on sailing for a foreign port he failed to register as alleged in the specification and that on the date alleged he failed to register as alleged in the specification on his return to the United States. Photostatic copies of Appellant's applications for duplicate merchant mariner's documents were submitted in support of the third and fourth specifications.

In defense, Appellant offered in evidence a letter from the pastor of his church and made a

plea in mitigation.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and all specifications had been proved by plea. The Examiner then entered an order suspending all documents issued to Appellant for a period of 12 months outright.

The entire decision was served on 18 February 1966. Appeal was timely filed on 21 February 1966.

FINDINGS OF FACT

While Appellant was serving as an able bodied seaman on board the United States SS MORMACGULF and acting under the authority of his document, he sailed from the port of Brunswick, Georgia, on 29 August 1964, and entered the United States at Jacksonville, Florida, on 26 October 1964, and on both occasions he wrongfully failed to register with the U. S. Customs as a person who had been convicted of the violation of the narcotic drug laws of the State of Texas. On both 24 August 1964 and 17 September 1965 Appellant, while entitled to hold Merchant Mariner's Document Z-364980 "R", Appellant fraudulently applied for a duplicate merchant mariner's document, in that on both occasions he falsely denied that he had been convicted for violation of a narcotic drug law.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged that the order be reduced because of mitigating circumstances.

APPEARANCE: Benjamin B. Sterling, Esq. of New York, N. Y. of counsel

OPINION

Since these are serious offenses for which revocation would be warranted, it is apparent that the evidence in mitigation offered by the Appellant was considered by the Examiner in determining that a suspension was to be ordered.

ORDER

The order of the Examiner dated at New York, New York on 17 February 1966, is AFFIRMED.

W. J. SMITH
Admiral, United States Coast Guard
Commandant

Signed at Washington, D. C., this 3rd day of June 1966.

INDEX

Documents

fraudulent application for duplicate

Narcotics Statute

conviction, failure to register under 18 USC 1407

Registration of narcotics conviction

registration, conviction