

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT Z-913665-D4
AND ALL OTHER SEAMAN'S DOCUMENTS

Issued to: Ramon AGUEDA

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1682

Ramon AGUEDA

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 23 August 1967, an Examiner of the United States Coast Guard at Seattle, Washington, suspended Appellant's seaman's documents for nine months outright upon finding him guilty of misconduct. The specification found proved alleges that while serving as a mess man on board the United States SS AMES VICTORY under authority of the document above described, from 8 July 1967 through 19 July 1967, Appellant was absent from the vessel without permission while the ship was at Sattatip, Thailand.

Appellant did not appear for hearing. The Examiner entered a plea of not guilty to the charge and specification.

The Investigating Officer introduced in evidence voyage records of AMES VICTORY.

At the end of the hearing, the Examiner rendered written decision in which he concluded that the charge and specification has been proved. The Examiner then entered an order suspending all documents issued to Appellant for a period of nine months.

The entire decision was served on 28 August 1967. Appeal was timely filed on 20 September 1967.

FINDINGS OF FACT

On all dates in question, Appellant was serving as a mess man on board the United States SS AMES VICTORY and acting under authority of his document while the ship was in the port of Sattatip, Thailand. On all dates in question Appellant absented himself from the vessel without permission.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged that the order is excessive for the offenses involved.

APPEARANCE: Appellant, pro se

OPINION

In determining an appropriate order in the case, the Examiner considered Appellant's prior record. Appellant had been admonished for failure to join SS DEL MUNDO. In 1961, he was admonished again for pawning his Merchant Mariner's Document.

The offenses in the instant case were all violations of a probation order at Philadelphia on 19 August 1966, for intoxication aboard and failure to join ALCOA TRADER. By virtue of the violation of probation, the Examiner was required to make effective the three months' suspension earlier ordered.

In addition to considering the twelve days of absence in the present case, the Examiner was also faced with the fact that this was Appellant's fourth record of misconduct. It was not an abuse of discretion for the Examiner to add six months' suspension on his own initiative.

CONCLUSION

The order is not excessive.

ORDER

The order of the Examiner dated at Seattle, Washington, on 23 August 1967, is AFFIRMED.

P. E. TRIMBLE
Vice Admiral, U. S. Coast Guard
Acting Commandant

Signed at Washington, D. C., this 14th day of March 1968.

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