

In the Matter of License No. 314375 Merchant Mariner's Document
No. Z-174103-D7 and all other Seaman Documents
Issued to: JAMES H. CUTTS

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1386

JAMES H. CUTTS

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 27 December 1962, an Examiner of the United States Coast Guard at New Orleans, Louisiana, revoked Appellant's seaman documents upon finding him guilty of misconduct. The three specifications found proved allege that while serving as Third Assistant Engineer on board the United States SS TILLIE LYKES under authority of the license above described, on 10, 11, 12, 25 and 26 July 1962, Appellant failed to perform his duties between 0800 and 1700 due to intoxication; on 26 July 1962, Appellant damaged ship's property by burning a mattress and urinating on it while intoxicated.

The alleged offenses were proved by entries in the ship's Official Logbook and Appellant's plea of guilty to one of the specifications.

Appellant did not testify but stated that he does not drink any more and requested leniency since sailing is his only

livelihood.

The Examiner ordered revocation because Appellant was found guilty of numerous similar offenses in 1956 and 1960.

On appeal, Appellant states that he has been going to sea for thirty years and his knowledge of his work has never been questioned; Appellant has stopped drinking completely; he is near retirement age and will probably lose union benefits if denied the right to go back to sea.

OPINION

Appellant's extensive record of intoxication while sailing as an engineering officer marks him as a definite threat to the safety of life and property at sea. The duties of engineering officers are too important to expose others to the risk of such conduct by Appellant. Although Appellant may be perfectly competent while sober, the knowledge of his duties cannot be applied while he is intoxicated. Appellant has not shown sustained improvement after prior hearings in 1956 and 1960 for similar offenses. Therefore, Appellant will be required to establish his rehabilitation ashore for at least a year before an application for another license will even be considered.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 27 December 1962, is AFFIRMED.

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

Signed at Washington, D. C., this 22nd day of April 1963.

***** END OF DECISION NO. 1386 *****

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