

In the Matter of Certificate of Service No: E-638658  
Issued to: ALFRED HENRY WILLIAMS

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

428

ALFRED HENRY WILLIAMS

This appeal comes before me by virtue of Title 46 United States Code 239(g) and 46 Code of Federal Regulations Sec. 137.11-1.

On 11 January 1950 an Examiner of the United States Coast Guard at New York City revoked Certificate of Service No. E 638658 issued to Alfred Henry Williams upon finding him guilty of "misconduct" based upon one specification alleging in substance, that while serving as Chief Cook on the American S. S. KYSKA under authority of the document above described, on or about 10 December 1946; while said vessel was at sea, he wrongfully killed a crew member of that vessel.

At the hearing, Appellant was given a full explanation of the nature of the proceedings and the possible consequences. Although advised of his right to be represented by counsel of his own selection, he elected to waive that right and act as his own counsel. He entered a plea of "not guilty" to the charge and specification.

Thereupon, the Investigating Officer introduced a certified copy of indictment, judgment, conviction and commitment order of

the U.S. District Court for the Eastern District of New York in an action against Appellant.

In defense, Appellant offered his unsworn statement explaining the circumstances attending the incident.

At the conclusion of the hearing, having heard the statements of the Investigating Officer and Appellant, the Examiner found the charge "proved" by proof of the specification and entered an order revoking Certificate of Service No. E-638658, and all other valid certificates, documents and/or licenses issued to this Appellant.

From that order, this appeal has been taken, and Appellant points to his long service as a merchant mariner without "trouble"; and that the present action prevents him from making a living.

Based upon my examination of the Record submitted, I hereby make the following

#### *FINDINGS OF FACT*

On December 1946, Appellant was serving as Chief Cook on the S.S. KYSKA, under authority of his duly issued certificate of service No. E-638658; Alphonse Syville was a cook or second cook and a member of the crew of the same vessel.

While the vessel was at sea on said date, Appellant reproached Syville because of the latter's continuous unsatisfactory service. In the ensuing verbal and physical altercation, Appellant claims Syville, with a knife in his hand, approached Appellant, who did not retreat but met the assailant and stabbed Syville in the neck, causing wounds from which Syville later died.

Appellant was convicted in the United States District Court for the Eastern District of New York, of unlawfully and voluntarily killing without malice, said Alphonse Syville, and was sentenced on 6 March 1947 to serve a term of imprisonment for six years.

It is claimed Appellant has served in the American merchant marine for 37 years; no record appears of any prior disciplinary action by the Coast Guard.

*OPINION*

I have carefully considered the Record in this case, but, in view of the serious nature of the offense charged against Appellant, I find no sound reason for modifying the Examiner's Order.

*ORDER*

The Order of the Coast Guard Examiner dated at New York City on 11 January 1950 is AFFIRMED.

Merlin O'Neill  
Vice Admiral, United States Coast Guard  
Commandant

Dated at Washington, D.C., this 28th day of March, 1950.

\*\*\*\*\* END OF DECISION NO. 428 \*\*\*\*\*

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