

In the Matter of Certificate of Service No.: E-174633 and Merchant
Mariner's Document No.: Z-153655
Issued to: PHILIP LIGHTBOURNE

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

432

PHILIP LIGHTBOURNE

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 17 January 1950 an Examiner of the United States Coast Guard at New York City revoked Certificate of Service No. E-174633 issued to Philip Lightbourne upon finding him guilty of "misconduct" based upon one specification alleging in substance, that while serving as second cook on the American S. S. AFRICAN GLEN, under authority of the document above described, on or about 8 September 1947, while said vessel was at Brooklyn, New York, he wrongfully had in his possession a certain narcotic substance, to wit, marijuana.

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 "guilty" to the charge and specification.

Thereupon, the Investigating Officer stated the circumstances under which the case came to his attention.

In defense, Appellant offered his own testimony, under oath.

At the conclusion of the hearing, having heard the statements of the Investigating Officer and Appellant, the Examiner found the charge and specification "proved" by plea and entered an order revoking Certificate of Service No. E-174633 and any and all other valid documents issued to Philip Lightbourne by the United States Coast Guard or its predecessor authority.

From that order, this appeal has been taken, and it is urged:

- (1) Appellant has been incarcerated for six (6) months because of his offense;
- (2) Appellant has also paid \$400.00 as a fine imposed for this offense;
- (3) Appellant did not receive a fair decision from the Examiner;
- (4) Appellant's service during 14 years was unblemished; and
- (5) Revocation of Appellant's documents works hardships upon his family as well as himself.

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

FINDINGS OF FACT

On or about and prior to 8 September 1947, the person charged was serving as second cook under authority of his Certificate of Service, aboard the S. S. AFRICAN GLEN, a merchant vessel of the United States, then at Brooklyn, New York.

While so serving, on that date, Appellant was arrested by a Customs officer on board the vessel, and found to have in his possession 4 oz. 260 grains of marijuana. He admitted ownership of the marijuana; and later pleaded guilty to a charge of illegal possession of marijuana before a United States District Court, Eastern District of New York, for which he was sentenced to and did serve six months' imprisonment.

OPINION

For the purpose of this decision, I adopt the Examiner's comments under the same caption.

I have carefully considered the several grounds urged on appeal but find no sound reason for disturbing the Examiner's Order.

It is regrettable that innocent persons may suffer because of Appellant's misconduct, but that possibility should have been considered by Appellant when he brought marijuana on board his vessel, with knowledge that it was marijuana; and with knowledge that he should not do so. (R. p. 7)

The Coast Guard has consistently held that seamen who expose themselves, their shipmates and their vessels to risk of injury, death or disaster by associating with narcotics or drugs are undesirable and unsafe persons in the American merchant marine. This case does not justify a departure from that policy.

ORDER

The Order of the Examiner dated New York, New York on 17 January 1950 should be, and it is AFFIRMED.

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

Dated at Washington, D. C. this 10th day of April, 1950.

***** END OF DECISION NO. 432 *****

