

In the Matter of Merchant Mariner's Document No: Z-687231
Issued to: MIKE A. VILLAFANA

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

481

MIKE A. VILLAFANA

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 16 October, 1950, an Examiner of the United States Coast Guard at New York City revoked Merchant Mariner's Document No. Z-687231 issued to Mike A. Villafana upon finding him guilty of "misconduct" based upon a specification alleging in substance, that while serving as general utilityman on board the American S.S. SANTA SOFIA, under authority of the document above described, on or about 13 June, 1950, he wrongfully had marijuana in his possession while said vessel was at Boston, Massachusetts.

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 finally 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 made his opening statement and Appellant made a statement under oath in which he

stated that he knew it was wrong to have and use marijuana on shipboard but that, nevertheless, he had done so.

At the conclusion of the hearing, having heard the statements of the Investigating Officer and Appellant, the Examiner found the charge "proved" by plea and entered an order revoking Merchant Mariner's Document No. Z-687231, and all other valid documents, certificates and licenses issued to Appellant by the U.S. Coast Guard or its predecessor authority.

From that order, this appeal has been taken, and it is urged that the order is too severe since Appellant has a family to support and it has been very difficult to find work ashore.

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

FINDINGS OF FACT

On 13 June, 1950, Appellant was serving as general utilityman, under authority of his Merchant Mariner's Document No. Z-687231, on board the American S.S. SANTA SOFIA. On this date, a Customs Officer searched Appellant and found on his person four and a half marijuana cigarettes which were concealed in a package of Kool cigarettes. Subsequently, Appellant pleaded guilty to the charge of unlawful possession of marijuana, in the U.S. District Court, Boston, Massachusetts, and was sentenced to a year and a day which sentence was suspended and he was placed on two years probation.

There is no record of any prior disciplinary action having been taken against Appellant by the Coast Guard. He is 34 years of age and has been going to sea about five years.

OPINION

A perusal of the record in this case has led me to the conclusion that little or nothing need be added to the well considered opinion of the Examiner. Appellant has frankly admitted his continued use of marijuana on American ships for a period of one or two years. Although he stated that he would discontinue this practice, it is known that the use of marijuana is habit

forming and often leads to the use of more potent narcotics. Consequently, the maximum order of revocation must be imposed in such cases to protect the many other seamen on American vessels, as well as to protect the ships and their cargoes. These latter factors completely predominate any hardship which may result to Appellant and his family as a result of this action.

ORDER

The Order of the Examiner dated 16 October, 1950, should be, and it is, AFFIRMED.

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

Dated at Washington, D.C., this 26th day of December, 1950.

***** END OF DECISION NO. 481 *****

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