

In the Matter of Merchant Mariner's Document No. Z-579813R
Issued to: RICHARD PADDOCK

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

633

RICHARD PADDOCK

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 18 August, 1952, an Examiner of the United States Coast Guard at Portland, Oregon, suspended Merchant Mariner's Document No. Z-579813R issued to Richard Paddock upon finding him guilty of inattention to duty based upon a specification alleging in substance that while serving as a member of the Engine Department on board the American SS AUGUSTIN DALY under authority of the document above described, on or about 12 June, 1952, while said vessel was anchored off Sokcho-Ri, Korea, and while said vessel was experiencing a fire on board and following two distinct soundings of the vessel's general alarm, he wrongfully departed from the vessel, thereby failing to man his fire station and placing the vessel, crew and cargo in jeopardy.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Appellant was represented by counsel of his own selection and he entered a plea of "not guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer made his opening statement and introduced in evidence the testimony of the Master, Purser, and Third Mate who was on watch at the time of the fire.

In defense, Appellant testified under oath in his own behalf.

At the conclusion of the hearing, having heard the argument of the Investigating Officer and given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by proof of the specification. He then entered the order suspending Appellant's Merchant Mariner's Document No. Z-579813R and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority for a period of six months.

From that order, this appeal has been taken, and it is urged that the Examiner erred in Findings Nos. 3, 7, 9 and 10, because these findings are not supported by the evidence. It is argued that Appellant acted reasonably when he left the ship after hearing an "off and on signal," seeing other men abandoning the ship, and finding no officer to direct him at his fire station.

APPEARANCES: Nels Peterson, Esquire, of Portland,
Oregon, by Frank H. Pozzi, Esquire,
of Counsel.

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

FINDINGS OF FACT

On 12 June, 1952, Appellant was serving as a fireman on board the American SS AUGUSTIN DALY, a Liberty-type tanker, and acting under authority of his Merchant Mariner's Document No. Z-579813R while the ship was anchored off Sokcho-Ri, Korea, and discharging her cargo of drums of gasoline to lighters alongside. Notice was posted that no shore leave would be granted while the ship was at this anchorage in a forward area.

At about 0600 on this date, about four drums of gasoline dropped on the fore deck and started a fire on the port side by number two hatch. The Third Mate, who was on watch, went to the wheelhouse and sounded the general alarm continuously for a period of between ten and fifteen seconds. (The alarm for fire was a continuous ringing of the general alarm for at least ten seconds and the abandon ship alarm was seven blasts of the ship's whistle.) This alarm was repeated in or about the crews' quarters and other parts of the ship. Fire drills had been held regularly on the ship and three station bills were posted.

The Master was awakened by the alarm sounded by the Third Mate. About a minute after the first alarm was sounded, the Master again rang the general alarm continuously for about fifteen to twenty seconds. He then directed the fight against the fire which had spread to the edge of the number two hatch coaming. The fire was too large to control with foamite fire extinguishers and water from hoses was used to wash the fire over the side. The fire on the vessel was extinguished by about 0630.

Appellant was awakened by the first or second fire alarm signal. He went on deck near his forecandle back aft and he heard shouts of "fire" although he could only see smoke forward of the deck house. Appellant went to his fire station at the number seven hydrant on the after deck. He knew that he was supposed to report to his station and await orders but when he could not find an officer to instruct him and he saw other members of the crew leaving the ship, Appellant crossed over to a lighter which was alongside the after deck near his fire station. The lighter cast off and did not come back alongside the AUGUSTIN DALY until after the fire had been extinguished. Then Appellant and other members of the crew returned on board by means of a Jacob's ladder.

There is no record of any prior disciplinary action having been taken against Appellant during his ten years at sea.

OPINION

The points raised on appeal are not persuasive. The Examiner's findings of fact are supported by substantial evidence. The testimony of the Master and Third Mate that they each sounded the general alarm for more than ten seconds is corroborated by the

Purser's testimony that he heard two separate alarms approximately a minute apart. Appellant's contention that he thought the alarm meant to abandon ship is contra to the facts that the general alarm was sounded continuously, rather than short blasts of the whistle; Appellant saw the smoke rising over the fore deck; and he went to his assigned fire station before leaving the ship. Appellant also testified that he heard the other man stationed at hydrant number seven had been ordered to go up forward; and that Appellant received no verbal order to abandon ship. Thus, Appellant wrongfully departed from the ship.

The offense was aggravated by the fact that the ship was carrying a cargo of gasoline. Consequently, the slightest fire created a grave danger to the lives of all on board. And no doubt, there would have been loss of life and considerable property damage if the fire had spread to the drums of gasoline in the number two hold. This was prevented only by the swift action of those members of the crew who remained on board and carried out their duty to protect the ship and its cargo as well as themselves. For these reasons, I do not think the order imposed was excessive.

ORDER

The order of the Examiner dated at Portland, Oregon, on 18 August, 1952, is AFFIRMED.

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

Dated at Washington, D. C., this 10th day of March, 1953.

***** END OF DECISION NO. 633 *****

[Top](#)