

In the Matter of Merchant Mariner's Document No. Z-123498-D7
Issued to: VINCENT KITA CARMEN

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

777

VINCENT KITA CARMEN

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.

By order dated 1 March, 1954, an Examiner of the United States Coast Guard at New York, New York, revoked Merchant Mariner's Document No. Z-123498-D7 issued to Vincent Kita Carmen upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as an able seaman on board the American SS FAIRLAND under authority of the document above described, on or about 18 February, 1954, while said vessel was in the port of Philadelphia, Pennsylvania, he wrongfully failed to join said vessel.

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. Although advised of his right to be represented by counsel of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty to the charge and specification proffered against him.

Thereupon, the Investigating Officer made his opening statement and the Appellant made a statement not under oath.

The Investigating Officer made a statement in aggravation of the offense to the effect that as a result of Appellant's disappearance after the gangway was taken in, the Coast Guard conducted an investigation to determine whether Appellant had been lost overboard.

At the conclusion of the hearing, having 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 plea to the specification. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-123498-D7 and all other licenses, certificates, endorsements and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

From that order, this appeal has been taken, and it is respectfully requested that Appellant be granted clemency because he has done no other work than seafaring since 1928 and he has always promptly performed his duties at sea for 25 years. Appellant states that he did not realize the seriousness of his indulgence in intoxicants until his document was revoked; and he has now determined to stop drinking since it has been detrimental to his welfare. Appellant claims that he has joined the Alcoholics Anonymous and requests a final chance to prove that he is a decent and respectable American seaman.

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

FINDINGS OF FACT

From 22 November, 1953, until 18 February, 1954, Appellant was serving as an able seaman on board the American SS FAIRLAND and acting under authority of his Merchant Mariner's Document No. Z-123498-D7 while the ship was on a voyage to the Far East and between several ports on the east coast of the United States.

When the ship arrived at Philadelphia, Pennsylvania, on 18 February, 1954, Appellant went ashore and overindulged in the use

of intoxicating liquor. He returned on board before the ship got under way but left again just as the ship was departing. Consequently, Appellant failed to join the ship upon her departure from Philadelphia.

Appellant is 51 years of age and has been going to sea for a period of 25 years since 1928. His prior disciplinary record consists of seven out-right or probationary suspensions and one admonition between 1943 and 1952 for one assault, two charges of intoxication, three prior offenses of failure to join and several other offenses of failing to perform his duties or being absent from his ship without permission.

OPINION

Appellant's prior record indicates that his conduct has not been conducive to furthering the statutory duty of the Coast Guard to promote the "safety of life and property on the high seas" (14 U.S.C. 2) by maintaining the necessary degree of discipline on board ships of the American Merchant Marine. Appellant's numerous repetitions of the same types of offenses require that the order of revocation be sustained. But in view of the comparatively minor nature of the majority of Appellant's offenses, he may apply to the Commandant (MVP) for a new document after a period of one year in accordance with Title 46 Code of Federal Regulations 137.03-30 (b). At such time, the Commandant might see fit to grant administrative clemency if Appellant can produce evidence of reformation.

ORDER

The order of the Examiner dated at New York, New York, on 1 March, 1954, is hereby AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D.C., this 3rd day of December, 1954.

***** END OF DECISION NO. 777 *****

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