

In the Matter of Merchant Mariner's Document No. Z-982299 and
all other Seaman Documents
Issued to: JOSEPH MOSS

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1286

JOSEPH MOSS

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

By order dated 10 July 1961, an Examiner of the United States Coast Guard at Philadelphia, Pennsylvania revoked Appellant's seaman documents upon finding him guilty of the charge of "conviction for a narcotic drug law violation". The specification found proved alleges that, on 13 January 1956, Appellant was convicted by the Court of Quarter Sessions of the Peace, County of Philadelphia, Pennsylvania, a court of record, for a violation of the narcotic drug laws of the Commonwealth of Pennsylvania (unlawful possession and sale of marijuana).

At the hearing, Appellant acted as his own counsel. Appellant entered a plea of not guilty to the charge and specification.

The Investigating Officer introduced documentary evidence proving the conviction alleged.

In defense, Appellant testified that he has never used or sold drugs.

At the end of the hearing, the Examiner concluded that the charge and specification had been proved. He then entered an order revoking all documents issued to Appellant.

Appellant has no prior record.

OPINION

On appeal, it is requested that the order of revocation be vacated because of the age of the conviction and Appellant's reputation of good character. It is contended that Appellant has never possessed or used marijuana; he has never used his document and has never sailed.

The order of revocation must be affirmed. In proceedings under 46 U.S. Code 239b(b), this order is required after proof of a conviction by a court of record, after 15 July 1954 and within ten years prior to the institution of the proceeding, for a violation of a narcotic drug law. Confronted with the record of this conviction, Appellant's contentions cannot prevail. The fact that Appellant has never sailed, his testimony as to his innocence, and his good reputation, have no bearing on the result.

ORDER

The order of the Examiner dated at Philadelphia, Pennsylvania, on 10 July 1961, is AFFIRMED.

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

Dated at Washington, D. C., this 12th day of February 1962.

***** END OF DECISION NO. 1286 *****

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