

In the Matter of Merchant Mariner's Document No. Z-406356-D1 and
all other Seaman Documents
Issued to: Francis H. Paschang, Jr.

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1372

Francis H. Paschang, Jr.

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 25 July 1962, an Examiner of the United States Coast Guard at Long Beach, California 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 15 August 1958, Appellant was convicted, on his plea of guilty, by the Superior Court of the State of California in and for the County of Los Angeles, a court of record, for violation of a narcotic drug law of the State of California (possession of marijuana).

At the hearing, Appellant was represented by a union representative. Appellant entered a plea of guilty to the charge and specification.

The Investigating Officer introduced documentary evidence of the offense alleged. Appellant testified that he has never used narcotics but had some marijuana in his pocket to take ashore when he was apprehended and convicted. Appellant also stated that he

has been going to sea steadily as a professional seaman since 1943. (He was imprisoned only a short period of time as a result of the conviction.)

On appeal, it is urged that revocation is not mandatory under the statute and revocation in this case is shown to be excessive by the fact that the Judge in the California Court reduced the offense to a misdemeanor; clemency should be granted by permitting Appellant to apply for a document at this time due to the four year interim of steady sailing between the conviction and revocation of Appellant's documents.

Appearance on appeal: John C. Brazil, Esquire, of Yonkers,
New York, of Counsel.

OPINION

Revocation is required when proof of a narcotics conviction by a court of record is presented at a hearing before a Coast Guard examiner. *Commandant's Appeal Decision [No. 1362](#)*. Other factors have no bearing with respect to the propriety of the order.

ORDER

The order of the Examiner dated at Long Beach, California, on 25 July 1962, is AFFIRMED.

D. McG. MORRISON
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D. C., this 11th day of March 1963.

***** END OF DECISION NO. 1372 *****

[Top](#)
