

In the Matter of Merchant Mariner's Document No. Z-709086 and All
Other Seaman Documents
Issued to: James Harold Popjoy

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1378

James Harold Popjoy

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 8 October 1962, an Examiner of the United States Coast Guard at Long Beach, California revoked Appellant's seaman documents upon finding him guilty of misconduct. The specification found proved alleges that while serving as an Ordinary Seaman on board the United States SS MORMACREY under authority of the document above described, on or about 11 September 1962, Appellant wrongfully had in his possession two and one-half marijuana cigarettes while the vessel was in Wilmington, California.

At the hearing, Appellant was represented by professional counsel and entered a plea of not guilty to the charge and specification.

The Investigating Officer introduced in evidence a stipulated agreement of facts and rested. Appellant introduced the testimony of his mother and his own testimony for the sole purpose of

establishing grounds for administrative clemency.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and specification had been proved. The Examiner then entered an order revoking all documents issued to Appellant.

OPINION

The appeal taken from the order of the Examiner is a plea for clemency. Appellant states that mitigating circumstances in this case warrant a departure from the usual three-year waiting period, following the revocation of a document for possession of narcotics, before making an application for the issuance of a new document.

Appellant admitted purchasing four marijuana cigarettes in Brazil and having smoked one and a half of them while ashore. For reasons fully explained by the Examiner, this conduct cannot be condoned. There are no circumstances in this case which warrant a departure from the policy enunciated in 46 CFR 137.13-1(a) with respect to narcotic offenses. Therefore, the plea for clemency is denied.

APPEARANCE: Allan F. Bullard, Esq., San Pedro, California, on the brief for Appellant.

ORDER

The order of the Examiner dated at Long Beach, California on 9 October 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. 1378 *****

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