

In the Matter of License No. 265222 and all other Seaman Documents
Issued to: Elliott W. Green

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1419

Elliott W. Green

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 18 June 1963, an Examiner of the United States Coast Guard at New Orleans, Louisiana revoked Appellant's seaman documents upon finding him guilty of misconduct. The allegations in the specification were proved by evidence that while serving as Third Assistant Engineer on the United States SS GREEN LAKE under authority of the license above described, on 13 March 1963, Appellant failed, without permission, to stand his 0800 to 1700 port watch.

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

The Investigating Officer introduced in evidence the testimony of the Chief Engineer as well as excerpts from the Shipping Articles and Official Logbook.

Appellant admitted that he stayed ashore without permission

but claims that, while drinking, he became incapacitated due to his having sugar diabetes.

Appellant's prior record includes four suspensions for failing to perform his duties and drinking or possessing intoxicants on board ship. The last of these was a twelve months' suspension for failing to stand a port watch and drinking intoxicants in August 1960.

On appeal, Appellant contends, in effect, that the order of revocation is too severe it deprives Appellant of his livelihood.

OPINION

Despite Appellant's record of similar conduct in the past, he has not been found guilty of any offense, except the current one, subsequent to his misconduct in August 1960. Since more than two and a half years intervened between offenses and because intoxication on board the ship was not involved in the case under consideration, the order will be reduced to impose another outright suspension of twelve months. Appellant is warned that any such misconduct in the future will probably result in the revocation of his license.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 18 June 1963, is modified to provide for a suspension of twelve (12) months.

As so is MODIFIED, the order is AFFIRMED.

E. J. Roland
Admiral United States Coast Guard
Commandant

Signed at Washington, D. C., this 30th day of September 1963.

***** END OF DECISION NO. 1419 *****

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