

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-866626 AND ALL
OTHER SEAMAN DOCUMENTS
Issued to: HAYWARD MAYFIELD

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1499

HAYWARD MAYFIELD

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 20 November 1964, an Examiner of the United States Coast Guard at Baltimore, Maryland, revoked Appellant's seaman documents upon finding him guilty of misconduct. The specification found proved alleges that while serving as Third Cook on board the United States SS GREEN ISLAND under authority of the document above described, on or about 6 September 1964, Appellant wrongfully had in his possession certain narcotics, to wit: hashish.

At the hearing, Appellant was represented by professional counsel. Since Appellant entered a plea of guilty to the charge and specification, no evidence was introduced.

The record shows that Appellant admitted trading cigarettes for hashish in India because he "wanted to get drunk;" three hashish cigarettes and two packages of hashish were found on Appellant; as a result, he was convicted in the Criminal Court of

Baltimore, Maryland, on his plea of nolo contendere.

Pleas for clemency were submitted both by Appellant and his counsel requesting that Appellant be allowed to continue sailing in order to support his family. In mitigation, Appellant testified that he never before had used narcotics, he had not sold any of the hashish, and he has no prior record.

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

The sole bases of appeal are that Appellant was not convicted in any court of law as charged and reiteration of the request for administrative clemency.

APPEARANCE: Frank J. McCourt, Esquire, of
Baltimore, Maryland, of Counsel

OPINION

As stated by the Examiner, 46 CFR 137.03-3(a) requires revocation of a seaman's documents when he is found guilty of wrongful possession of narcotic drugs, including marijuana. Hashish is basically the same as marijuana since both are prepared from the tops and leaves of the plant *cannabis sativa*.

Although it was conceded at the hearing that Appellant was convicted in the Baltimore court, the contention on appeal that Appellant was not convicted as charged could have no bearing on the outcome of this case because there is no allegation in the specification that Appellant was convicted. At the hearing, Appellant pleaded guilty to the offense of wrongful possession of hashish.

Appellant's plea for clemency is denied because the remedial purpose of these proceedings, which is to promote safety at sea, can be properly served only by requiring Appellant to remain ashore for three years before he is given the opportunity to apply for a

new document by presenting evidence that he is completely rehabilitated with respect to narcotics. Relative to the latter factor, it cannot be definitely determined on the present record that Appellant had no experience with narcotics prior to this incident regardless of his denial of any such experience.

ORDER

The order of the Examiner dated at Baltimore, Maryland, on 20 November 1964, is AFFIRMED.

W. D. Shields
Vice Admiral, U. S. Coast Guard
Acting Commandant

Signed at Washington, D. C., this 20th day of April 1965.

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