

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-1165154
Issued to: Raymond R. Hartmann

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1512

Raymonhd R. Hartmann

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 3 March 1965, an Examiner of the United States Coast Guard at San Francisco, California revoked Appellant's document upon finding him guilty of misconduct based on his pleas of guilty to two specifications. The specifications allege that while serving as a porter on board the United States SS LURLINE under authority of the document above described, on 25, 26 and 27 November 1964, Appellant entered passengers' staterooms; and on 25 and 26 November 1964, he peeked into passengers' staterooms while they were occupied.

No evidence was introduced. The Investigating Officer stated that Appellant had signed a confession in which he admitted having entered the staterooms to open the windows and then later having see female passengers undressing when looking into the staterooms through the windows which had been opened for this purpose.

Appellant declined the opportunity to make a statement at the hearing where he was not represented by counsel. On appeal,

counsel submits that revocation is unreasonable and should be modified; the psychiatrist who has been treating Appellant for six years feels that he is fit for sea duty although he still suffers from some of the emotional conflicts related to his initial breakdown. (The Public Health Service psychiatrist also concluded that Appellant is fit for sea duty.)

OPINION

This action is based on a charge of misconduct rather than incompetence. Hence, the psychiatrists' opinions that Appellant is mentally competent to go to sea are not material.

Since Appellant's conduct constituted gross and deliberate invasions of the passengers' right to privacy on repeated occasions, the only appropriate order is one of revocation. A suspension would not be adequate and there is no provision for the alternative request of counsel that Appellant be issued a document to ship on other than passenger vessels.

ORDER

The order of the Examiner dated at San Francisco, California, on 3 March 1965, is AFFIRMED.

W. D. Shields
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D. C., this 23rd day of July 1965.

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