

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-674103-D1 AND
ALL OTHER SEAMAN DOCUMENTS
Issued to: Patrick J. Dabner

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1541

Patrick J. Dabner

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 17 June 1965, an Examiner of the United States Coast Guard at Port Arthur, Texas, suspended Appellant's seaman documents for two months outright plus two months on twelve months's probation upon finding him guilty of misconduct. The offenses alleged were proved by evidence that while serving as an able seaman on board the United States SS SOUTHPORT II under authority of the document above described, Appellant wrongfully failed to perform his duties and was absent from his ship, without permission, from 10 May through 13 May 1965 in the port of Bhavnagar, India.

Since Appellant was not present at the hearing on 17 June 1965, the hearing was conducted in absentia after the Examiner entered not guilty pleas to the specifications on behalf of the Appellant.

Appellant was properly logged for these offenses and the entry in the Official Logbook was introduced in evidence. Also, the

Chief Mate testified that Appellant was not on board the ship on these four working days (Monday through Thursday).

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and specifications had been proved and entered the above order of suspension. The decision was served on Appellant on 30 September 1965.

Appellant's prior record consists of an admonition in 1952 for failure to perform his duties due to intoxication.

On appeal, it is urged that the order imposed is too severe.

OPINION

The order of suspension is not considered to be excessive for these offenses as a result of which the ship was deprived of Appellant's services for four consecutive days in a foreign port. Unauthorized absence from a ship and duties interferes with the orderly operation which is essential for safety of life and property on board ships.

ORDER

The order of the Examiner dated at Port Arthur, Texas, on 17 June 1965, is AFFIRMED.

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

Signed At Washington, D. C., this 28th day of January 1966.

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