

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-648745-D8 AND
ALL OTHER SEAMAN'S DOCUMENTS
Issued to: SHERMAN MCGRUDER

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1655

SHERMAN MCGRUDER

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 12 August 1966, an Examiner of the United States Coast Guard at New Orleans, Louisiana suspended Appellant's seaman's documents for four months outright plus four months on twelve months' probation upon finding him guilty of misconduct. The specifications found proved allege that while serving as an oiler on board the United States SS AMERICAN PLANTER under authority of the document above described, in May, June, and July 1966, Appellant failed to perform his duties on eleven dates.

At the hearing, Appellant elected to act as his own counsel. Appellant entered a plea of guilty to the charge and each specification.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and specifications had been proved by plea. The Examiner then served a written order on Appellant suspending all documents issued to him for a period of

four months outright plus four months on twelve months' probation.

The entire decision was served on 9 September 1966. Appeal was timely filed on 9 September 1966.

FINDINGS OF FACT

At the times hereinafter mentioned, among others, Appellant was serving as an oiler on board the United States SS AMERICAN PLANTER and acting under authority of his document while the ship was on a trip to the Orient.

Appellant wrongfully failed to perform his assigned duties by reason of being absent from the vessel over leave, while the ship was in Manila Harbor, P. I., on the following dates: 14, 17, 18, 19, 20, 21, 22 and 25 May, and 1 June 1966.

Appellant wrongfully failed to perform his duties on 2 June 1966, while the ship was at sea.

Appellant wrongfully failed to perform his duties on 6 July 1966, while the ship was in Yokohama, Japan, by reason of prior intoxication.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is contended that Appellant may have been ill at the times he failed to perform his duties.

APPEARANCE: Ungar, Dulitz and Martzel of New Orleans; by Harris M. Dulitz, Esquire, of counsel

OPINION

Appellant pleaded guilty to each specification of misconduct. He was given the opportunity to explain the reason for his misconduct, which he declined to do. He called the master to the stand, and the latter related that there was no excuse for the

Appellant's actions.

Under these circumstances, no defense has been raised. The Examiner's findings of guilty, and his order of four month's suspension, plus probation, is approved.

ORDER

The order of the Examiner dated at New Orleans, Louisiana on 12 August 1966, is AFFIRMED.

W. J. SMITH
Admiral, U. S. Coast Guard
Commandant

Signed at Washington, D. C., this 10th day of August 1967.

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Plea of guilty
as an admission

***** END OF DECISION NO. 1655 *****

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