

In the Matter of Merchant Mariner's Document No. Z-733683  
Issued to: MARIANO ROSADO

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

498

MARIANO ROSADO

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 19 February, 1951, an Examiner of the United States Coast Guard at New York, N.Y. revoked Merchant Mariner's Document No. Z-733683 issued to Mariano Rosado upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as Crew Pantry Utility on board the American SS SANTA MARIA under authority of the document above described, on or about 4 December, 1950, while said vessel was in the port of New York, N.Y., he wrongfully had cocaine in his possession.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer stated the facts

attending the discovery of cocaine in Appellant's possession.

In defense, Appellant offered an explanation of his acquisition of the drug in Antofagasta, Chile.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by plea and entered the order revoking Appellant's Merchant Mariner's Document No. Z-733683 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

From that order, this appeal has been taken, and it is urged: The Order should be modified because:

1. Appellant is thirty-six years of age; married, lives with and supports his wife and five children;
2. He received a suspended sentence and probation in the Federal Court because he is not an addict;
3. He asks to resume the only livelihood for which he is qualified.

Based upon my examination of Record submitted, I hereby make the following

#### *FINDINGS OF FACT*

On 4 December, 1950, Appellant was serving as Crew Pantry Utility on board the American SS SANTA MARIA and acting under authority of his Merchant Mariner's Document No. Z-733683. On that date, the SANTA MARIA was in the port of New York; Appellant was searched by Customs authorities, and twelve packets containing twenty-four grains of cocaine were found in his trouser pockets.

This cocaine had been acquired by Appellant while his vessel was in Antofagasta, Chile; he discontinued use of the drug when three packages had caused nosebleed, but retained possession of the remainder, until they were discovered on his person in New York.

#### *OPINION*

The Examiner has fully stated the position of the Coast Guard in cases of this kind.

I find nothing presented by the appeal which justified modification of the Examiner's Order

*ORDER*

The Order of the Coast Guard Examiner dated at New York, N.Y., on 19 February, 1951, should be, and it is, *AFFIRMED*.

A. C. Richmond  
Rear Admiral, United States Coast Guard  
Acting Commandant

Dated at Washington, D. C., this 15th day of June, 1951.

\*\*\*\*\* END OF DECISION NO. 498 \*\*\*\*\*

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[Top](#)