

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-502826-D10 AND
ALL OTHER SEAMAN'S DOCUMENTS

Issued to: Leonard WIGREN

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1921

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 15 October 1969, an Administrative Law Judge of the United States Coast Guard at New Orleans, La., suspended Appellant's seaman's documents for 12 months outright upon finding him guilty of misconduct. The specification found proved alleges that while serving as an Oiler on board the United States SS RAMBAM under authority of the document above described, on or about 22, 23, 24, 25, 26, and 27 August 1969 while said vessel was at the port of Inchon, Korea, Appellant wrongfully failed to perform his assigned duties.

At the hearing, Appellant failed to appear. A plea of not guilty to the charge and specification was entered on behalf of Appellant.

The Investigating Officer introduced in evidence certified copies from the ship's logbook and the Shipping Articles.

Since Appellant failed to appear there was no defense.

At the end of the hearing, the Administrative Law Judge rendered a written decision in which he concluded that the charge and specification had been proved. The Administrative Law Judge then entered an order suspending all documents, issued to appellant, for a period of 12 months outright.

The entire decision was served on 30 November 1971. Appeal was timely filed on 1 December 1971.

FINDINGS OF FACT

On all dates in question, Appellant was serving as an Oiler on board the United States SS RAMBAM and acting under authority of his document while the ship was in the port of Inchon, Korea. On all dates in question, Appellant failed to act as alleged in the specification found proved.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Administrative Law Judge. The grounds appear to be that Appellant has been prejudiced by the delay in being notified of the decision of the Administrative Law Judge and that the twelve month suspension creates an extreme personal hardship.

APPEARANCE: Appellant, *pro se*.

OPINION

I

Appellant complains of a delay of a little over two years between the time of the hearing and the service of the decision and order upon him. No specific prejudice is alleged and none appears from the record. Since Appellant did not surrender his document until he was actually served with the decision, his ability to obtain employment was not affected by the delay. It is clear from the record that Appellant had notice of the proceedings, including the date and time of the hearing; therefore, it was incumbent upon him to advise the Coast Guard of his whereabouts and to inquire as to his status. He cannot now be heard to complain of a delay in

serving him with the decision and order of the Administrative Law Judge. See Decision on Appeal Nos. [1489](#) and [1399](#).

II

Appellant's second ground of appeal is actually a plea for clemency. It is urged that the order was too severe, but only that it would cause the Appellant much hardship. The extensive prior disciplinary record compiled by the Appellant, including the violation of a probationary order, clearly calls for the order entered at the hearing. Since no compelling reasons have been advanced for setting aside an otherwise appropriate order, it will be affirmed.

ORDER

The order of the Administrative Law Judge dated at New Orleans, La., on 15 October 1969, is AFFIRMED.

C. R. BENDER
Admiral, U. S. Coast Guard
Commandant

Signed at Washington, D. C., this 5th day of April 1973.

INDEX

Clemency

Plea for rejected

Order of Examiner

Not excessive

Delay in service of order, not rejudicial

***** END OF DECISION NO. 1921 *****

[Top](#)