

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO.Z-1199792
AND ALL OTHER SEAMAN'S DOCUMENTS
Issued to: Andrew SAVAGE, JR.

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1927

Andrew SAVAGE, JR.

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 1971, an Administrative Law Judge of the United States Coast Guard at New York, N.Y., suspended Appellant's seaman's documents for two months on nine months' probation upon finding him guilty of misconduct. The specifications found proved allege that while serving as a Galley Utilityman on board the United States SS HOPE under authority of the document above captioned, on 7 March 1971, Appellant did, while said vessel was in Kingston, Jamaica, wrongfully fail to turn to on time, and did on 9 April 1971, while said vessel was in Kingston, Jamaica, fail to take his regularly assigned fire and lifeboat stations.

At the hearing, Appellant was represented by counsel and entered a plea of not guilty to the charge and each specification.

The Investigating Officer introduced in evidence abstracts of the shipping articles and pertinent Records of Official Logbook

Entries, all certified under Consular Seal.

In defense, Appellant offered no evidence.

At the end of the hearing, the Administrative Law Judge rendered an oral decision in which he concluded that the charge and specifications had been proved. The Administrative Law Judge entered an order suspending all documents, issued to Appellant, for a period of two months on nine months' probation.

The entire decision and order was served on 30 November 1971. Appeal was timely filed on 2 November 1971.

FINDINGS OF FACT

On 7 March and 9 April 1971, Appellant was serving as a Galley Utilityman on board the United States SS HOPE and acting under authority of his document while the ship was in the port of Kingston, Jamaica.

The Appellant, on 7 March 1971 wrongfully failed to turn to on time by being 30 minutes late in reporting for duty. On 9 April 1971 the Appellant wrongfully failed to take his regularly assigned fire and lifeboat stations.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Administrative Law Judge. The single ground for appeal is the assertion that Appellant was denied a fair opportunity to present a defense against the charges.

APPEARANCE: Abraham E. Freedman by Martin L. Katz, Esq.

OPINION

The Appellant and his counsel were both present on the first hearing dated 2 September 1971 with the Investigating Officer completing his case and resting. The hearing was continued at the

request of counsel and subsequent continuances were granted for the convenience of counsel and occasioned by his fruitless attempts to make contact with the Appellant. After the initial session the Appellant failed to appear to continue a defense to the charge. Finally, on 6 October 1971, after four continuances had been granted, the Administrative Law Judge denied counsel's request for another continuance. Counsel rested asserting inability to continue a defense because of the Appellant's absence. In view of Appellant's own voluntary disregard of the proceedings I find no merit in his contention that he was denied fair opportunity to present a defense against the charges.

ORDER

The order of the Administrative Law Judge dated at New York, N.Y., on 15 October 1971, is AFFIRMED.

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

Signed at Washington, D.C., this 15th day of May 1973.

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