

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT Z-976837
AND ALL OTHER SEAMAN'S DOCUMENTS
Issued to: St. Clair GREENIDGE

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1703

St. Clair GREENIDGE

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 30 June 1967, an Examiner of the United States Coast Guard at New York, New York, suspended Appellant's seaman documents for two months on six months' probation upon finding him guilty of misconduct. The specifications found proved allege that while serving as oiler on board the United States SS ARGENTINA under authority of the document above described, on or about 24 November 1966, Appellant twice disobeyed orders of the third officer of the vessel, first, not to use a passenger gangway, and second, not to use a passenger bus, at Bridgetown, Barbados.

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

The Investigating Officer introduced in evidence voyage records of ARGENTINA.

In defense, Appellant offered in evidence his own testimony and that of a witness.

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

The entire decision was served on 5 July 1967. Appeal was timely filed on 11 July 1967.

FINDINGS OF FACT

On 24 November 1966, Appellant was serving as oiler on board the United States SS ARGENTINA and acting under authority of his document while the ship was in the port of Bridgetown, Barbados.

At about 0915, when Appellant was leaving the vessel, he was told by the boatswain not to use the crew gangway. As Appellant was going down the passenger gangway, he was ordered by the third officer not to use it. Appellant continued down and ashore.

He proceeded to enter a bus reserved exclusively for passengers. The third officer ordered him to leave the bus, Appellant refused.

The first order was delivered in the presence of passengers.

BASIS OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged that the order is excessive under the circumstances of the case.

APPEARANCE: Abraham E. Freedman, Esquire, New York, New York,
by Irwin J. Tenenbaum, Esquire

OPINION

A suspension of two months on six months' probation is not excessive for two acts of disobedience of orders of a superior officer. Considering that passengers were present at the time, the order is actually lenient.

Without question, had it not been for Appellant's long good record, the order would have been much more severe.

CONCLUSION

The findings of the Examiner did not go far enough, in that there is substantial evidence that at least the first order disobeyed was given in the presence of passengers. My findings above reflect this evidence.

ORDER

The findings of the Examiner are MODIFIED by the additional finding that the disobedience to the first order by Appellant occurred in the presence of passengers. As MODIFIED, the findings of the Examiner made, and the order of the Examiner entered, at New York, New York, on 30 June 1967, are AFFIRMED.

P.E. TRIMBLE
Vice Admiral, U. S. Coast Guard
Acting Commandant

Signed at Washington, D. C., this 19th day of April 1968.

Disobedience of orders
appropriate suspension
leniency, when disobedience in presence of passengers

Examiner's order
lenient, when disobedience of order was in presence of
passengers

not excessive for disobedience of orders

Examiner's findings
modified by additions to

Findings of fact
addition to examiner's findings, based on evidence

***** END OF DECISION NO. 1703 *****

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