

IN THE MATTER OF LICENSE NO. 363734 MERCHANT MARINER'S DOCUMENT
Z-998941 AND ALL OTHER SEAMAN'S DOCUMENTS

Issued to: Leland O. DAZEY

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1707

Leland O. DAZEY

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 21 December 1967, an Examiner of the United States Coast Guard at Galveston, Texas, suspended Appellant's seaman's documents for two months upon finding him guilty of misconduct. The specifications found proved allege that while serving as third mate on board SS COLUMBIA under authority of the document and license above described, Appellant:

- (1) on 12 October 1967 was wrongfully absent from the vessel at Bomboy, India;
- (2) at the same place, on 13 through 20 October 1967, was wrongfully absent from the vessel;
- (3) at the same place wrongfully failed to perform duties on 27 through 30 October 1967;

- (4) at the same place, on 4 through 7 November 1967, wrongfully failed to perform duties; and
- (5) at the same place, on 4 through 7 November 1967, was wrongfully absent from the vessel.

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

The Investigating Officer introduced no evidence in view of the guilty plea.

In defense, Appellant offered in evidence, in mitigation, the character evidence of the master of COLUMBIA to the effect that Appellant's conduct and performance were good at sea.

At the end of the hearing, the Examiner rendered a decision in which he concluded that the charge and five specifications had been proved by plea. The Examiner then entered an order suspending all documents issued to Appellant for a period of two months outright plus four months on twelve months' probation.

The entire decision was served on 22 December 1967. Appeal was timely[filed on 11 January 1968. While a transcript of proceeding was provided to Appellant on 22 January 1968, no further perfection of the original appeal has been made.

FINDINGS OF FACT

On all dates in question, Appellant was serving as third mate on board SS COLUMBIA and acting under authority of his license and document. Appellant, during this time, performed all the acts in the specifications found proved.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged that the findings of the Examiner are not supported by the evidence.

APPEARANCE: Phipps, Smith & Alexander, of Galveston, Texas, by
Irwin M. Herz, Esq.

OPINION

The only ground for appeal urged was that the evidence did not support the Examiner's findings. All of the Examiner's findings were predicated on pleas of guilty. A plea of guilty is sufficient predicate for a finding that the facts alleged are true.

CONCLUSION

No grounds have been urged to dispute the Examiner's findings and no change is indicated.

The order of the Examiner dated at Galveston, Texas on 21 December 1967, is AFFIRMED.

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

Signed at Washington, D. C., this 27th day of June 1968.

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