

IN THE MATTER OF LICENSE NO. 1125651  
MERCHANT MARINER'S DOCUMENT NO. Z254-484  
AND ALL OTHER SEAMAN'S DOCUMENTS  
Issued to: John T. LONG

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1743

John T. LONG

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 2 August 1968, an Examiner of the United States Coast Guard at Long Beach, Cal., suspended Appellant's seaman's documents for 12 months, upon findings him guilty of misconduct. The specification found proved alleges that while serving as third assistant engineer on board SS COEUR D'ALENE VICTORY under authority of the document and license above captioned, on or about 8 April 1968, while the vessel was at sea, Appellant was, at about 1245, under the influence of alcohol while he was in charge of the engine room watch.

At the hearing, Appellant did not appear. The Examiner entered a plea of not guilty to the charge and specification.

The Investigating Officer introduced in evidence voyage records of COEUR D'ALENE VICTORY and a deposition by the chief engineer of the vessel.

There was no defense.

At the end of the hearing, the Examiner rendered a written 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 twelve months.

The entire decision was served on 12 August 1968. Appeal was timely filed on 24 August 1968. Nothing has been received since then in further support of the original notice of appeal.

#### *FINDINGS OF FACT*

On 8 April 1968, Appellant was serving as third assistant engineer on board SS COEUR D'ALENE VICTORY and acting under authority of his license and document while the ship was at sea.

On that date, Appellant was in charge of the engine room watch for the period 1200-1600. At about 1245, the oiler of the watch sent for the first assistant engineer because of a loss of water in the boilers.

Both the first assistant and, a short time later, the chief engineer found Appellant to be in an intoxicated condition. Appellant was relieved of all duties for the remainder of his time on the ship. An immediate search was made of his quarters and an open bottle of whiskey was found.

#### *BASES OF APPEAL*

This appeal has been taken from the order imposed by the Examiner. Appellant concedes that he was guilty of misconduct as charged but urges that the twelve month suspension, which he admits to be appropriate for his license, should not extend to his document which authorizes him to serve in an unlicensed capacity.

APPEARANCE: Appellant, pro se.

#### *OPINION*

I

Since Appellant admits the misconduct and the propriety of the twelve month suspension period, no discussion is needed of the obvious and extreme seriousness of the offense or of Appellant's lengthy prior record. The single issue is whether it is proper to suspend Appellant's authority to serve in an unlicensed capacity.

46 CFR 137.20-170(c) provides that except in cases of negligence or professional incompetence an order will be directed against all licenses, certificates, and documents held by the person. The rationale of this rule is clear. The ordinary act of misconduct would be misconduct whether the person was serving in a licensed or unlicensed capacity. There is no doubt that the misconduct in this case is of such a nature. To be drunk on watch is an offense whether the person is serving as engineer of the watch or an oiler.

The Examiner has noted, from Appellant's record, that he has a "drinking problem." It is certain that the temptation to abuse is greater the less responsible the position that the person holds. The offense here is precisely the kind that the regulation referred to was designed to reach.

*CONCLUSION*

No reason appear to disturb the Examiner's order.

*ORDER*

The order of the Examiner dated at Long Beach, cal., on 2 August 1968, is AFFIRMED.

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

Signed at Washington, D. C., this 3rd day of December 1968.

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