

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-1209042
AND ALL OTHER SEAMAN DOCUMENTS
Issued to Michael ANTALAN

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1604

Michael ANTALAN

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 16 September 1966, an Examiner of the United States Coast Guard at New Orleans, Louisiana, revoked Appellant's seaman documents upon finding him guilty of misconduct. The specification found proved alleges that while serving as a Steward Utility on board the United States SS CHARLES LYKES under authority of the document above described, on or about 27 August 1966, Appellant wrongfully battered a fellow crewmember with a bottle.

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

The Investigating Officer introduced in evidence the Shipping Articles and official Logbook of the vessel, and the testimony of two witnesses to the incident.

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 revoking all documents issued the Appellant.

The entire decision was served on 16 September 1966. Appeal was timely filed on 6 October 1966.

FINDINGS OF FACT

On 27 August 1966, Appellant was serving as Steward Utility on board the United States SS CHARLES LYKES and acting under authority of his document while the ship was at sea.

At breakfast on the day alleged Appellant and a messman got into an argument over who should go below and get some apple juice. Appellant finally performed this chore and upon returning to the crew's messroom overhead another member of the crew, Mr. Fred Lewis, say it was a shame that there should be an argument over such a trivial thing as getting apple juice. At this time Appellant seemed to lose all self-control and attacked Lewis with his fists. He then picked up a napkin holder and tried to strike Lewis with it, but was prevented from doing so by a fellow crewmember. Then he grabbed a bottle of hot sauce and struck Lewis with it repeatedly over the back of the head. Before the Chief Cook could break up the scuffle Lewis suffered cuts on his head and right eye.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. No assignments of error have been specified, but Appellant request a new hearing.

OPINION

The evidence clearly support the charge of assault and battery with a bottle. At the time charges were served on Appellant he was advised that if he did not show up at the specified time and place that the proceedings would proceed to conclusion in his absence. Appellant indicated he understood this warning as shown by his signature on the reverse of the charge sheet. He did not ask for

a postponement or continuance, nor has he offered any excuse for his absence. A rehearing is not warranted.

Due to the seriousness of the proved misconduct, and its effect on the safety of life at sea, the Examiner's order of revocation of Appellant's documents if found proper and is affirmed.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 16 September 1966, is AFFIRMED.

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

Signed at Washington, D.C., this 4th day of May 1967.

INDEX

Assault (including battery)

With bottle, evidence held sufficient

With bottle, requires revocation

Hearing

Absence from held not barring revocation

Misconduct

Revocation proper for assault and battery with bottle

Revocation

Held proper for assault and battery with bottle

***** END OF DECISION NO. 1604 *****

[Top](#)