

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-376074-D1 AND
ALL OTHER SEAMAN'S DOCUMENTS
Issued to: GEORGE B. SUPRIK, JR.

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1611

GEORGE B. SUPRIK, 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 1 April 1966, an Examiner of the United States Coast Guard at San Francisco, California revoked Appellant's seaman's documents upon finding him guilty of misconduct. The specifications found proved allege that while serving as a fireman-watertender on board the United States SS SANTA MONICA under authority of the document above described, during the period of 14 January through 25 February, Appellant wrongfully failed to perform his duties on fourteen different occasions, and disobeyed lawful orders on four occasions.

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

The Investigation Officer introduced in evidence the Officer Logbook of the vessel and the testimony of the Chief Engineer.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and specifications had been proved. The Examiner then served a written order on Appellant revoking all documents issued to him.

The entire decision was served on 8 June 1966. Appeal was timely filed on 8 July 1966.

FINDINGS OF FACT

From 3 December 1965 to 29 March 1966, Appellant was serving as a fireman-watertender on board the United States SS SANTA MONICA and acting under authority of his document while the ship was on a foreign voyage.

On 14, 15, and 21 January, and 1 through 4 February, 1966, the vessel then being in the port of Guam, Appellant wrongfully failed to perform his regular duties.

On 14 and 21 January 1966, Appellant wrongfully disobeyed the lawful orders of superior officers in the engine department.

On 16 and 17, and 23 through 25 February 1966, Appellant wrongfully failed to perform his regular duties while the ship was at sea.

On 14 and 15 February 1966, Appellant wrongfully failed to perform his duties while the vessel was at Subic Bay.

On 16 and 17 February 1966, Appellant wrongfully failed to comply with the lawful orders of his superior officers in the engine department.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. The Appellant claims he was sick on the occasions alleged.

OPINION

There is substantial evidence to support all the specifications and the charge.

Appellant was given due notice of the time and place of hearing and voluntarily chose not to appear. On this appeal he asserts his misconduct was due to his medical problems. On the other hand, evidence in the record of hearing indicates Appellant's difficulties were due to intoxication and the debilitating effects thereof.

In any event, Appellant waived his opportunity to present this evidence by failing to appear at the hearing. The Examiner's findings and the order of revocation, which was no doubt based in part on Appellant's long previous record of misconduct, are found correct and are approved.

ORDER

The order of the Examiner dated at San Francisco, California on 1 April 1966, is AFFIRMED.

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

Signed at Washington, D. C., this 10th day of May 1967.

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