

IN THE MATTER OF LICENSE NO. R-19578 MERCHANT MARINER'S DOCUMENT
NO. Z-839749-D3 AND ALL OTHER SEAMAN DOCUMENTS
Issued to: ROBERT L. STEPHENS

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1613

ROBERT L. STEPHENS

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 27 June 1966, an Examiner of the United States Coast Guard at Jacksonville, Florida, suspended Appellant's seaman documents for three months on eighteen months' probation upon finding him guilty of misconduct. The specification found proved alleges that while serving as a radio officer on board the United States SS HERCULES VICTORY under authority of the license above described, on or about 16 January 1965, Appellant was, by reason of intoxication, unable to perform his regularly assigned duties. Three additional specifications were found not proved.

The hearing in this matter was first convened on 10 June 1965. Appellant was present and elected to act as his own counsel. Appellant entered a plea of not guilty to the charge and each specification, and the Government then asked for a continuance to secure the depositions of witnesses. The hearing was reconvened on 25 October 1965 and on 11 January 1966 after notice to this person charged, but he did not appear.

The Investigating Officer introduced in evidence the testimony of the master and the chief mate with respect to the events giving rise to the specification found proved. Appellant did not offer any evidence in defense and did not testify in his own behalf.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and one specification had been proved. The Examiner then served a written order on Appellant suspending all documents issued to Appellant for a period of three months outright plus three months on eighteen months' probation.

The entire decision was served on 30 August 1966. Appeal was timely filed on 9 September 1966. A transcript of the hearing was furnished 5 December 1966 on request of Counsel, in order that a statement of grounds might be made. No statement has been forwarded on behalf of Appellant.

FINDINGS OF FACT

On or about 16 January 1965, Appellant was serving as radio officer on board the United States SS HERCULES VICTORY and acting under authority of his license while the ship was in the port of Augusta, Italy. When called to stand his regular radio watch in the morning hours, Appellant was found by the master and chief mate in his quarters lying on the deck in a completely intoxicated and unconscious condition. As a result of this intoxication, Appellant was unable to stand his assigned watch and perform his duties as radio officer. It was necessary for the vessel to leave port without his services.

Appellant has no prior record.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Nothing has been furnished in support of the appeal and no grounds have been presented.

APPEARANCE: Kane & Spellman of Seattle, Washington, by Joseph S.

Kane, Esq.

OPINION

The findings of the Examiner are based on substantial and probative evidence in the form of sworn testimony by the master and the chief mate. The offense was not officially logged but the master warned Appellant in writing of the offense committed and obtained his reply ("Nuts"), witnessed by the chief mate. Appellant did not deny the offense. The Examiner's decision was influenced by the responsible nature of the position held by Appellant aboard ship on a foreign voyage.

ORDER

The order of the Examiner dated at Jacksonville, Florida, on 27 June 1966 is AFFIRMED.

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

Signed at Washington, D. C., this 11th day of May 1967.

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