

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-262851-D1 AND
ALL OTHER SEAMAN'S DOCUMENTS

Issued to: PAUL E. BARRE

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1630

PAUL E. BARRE

This appeal had 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 7 October 1966, an Examiner of the United States Coast Guard at Houston, Texas, suspended Appellant's seaman's documents for six months upon finding him guilty of misconduct. The specifications found proved allege that while serving as an electrician on board the United States SS RUTH LYKES under authority of the document above described, on or about 15 June 1966, Appellant wrongfully failed to perform his duties; and on or about 17 August 1966, Appellant wrongfully failed to perform his duties, cursed the Chief Engineer, and refused to obey the lawful order of the Chief Engineer.

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

The Investigating Officer introduced in evidence the shipping articles and official log book of the vessel.

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

The entire decision and order was served on 26 October 1966. Appeal was timely filed on 7 November 1966.

FINDINGS OF FACT

On the dates mentioned hereinafter Appellant was serving as an electrician on board the United States SS RUTH LYKES and acting under authority of his document.

On 15 June 1966, while the vessel was at sea, Appellant wrongfully failed to perform his duties by reason of being under the influence of intoxicants.

On 17 August 1966, while the vessel was in the port of Saigon, Vietnam, Appellant wrongfully failed to perform his duties by reason of being under the influence of intoxicants. The Chief Engineer ordered Appellant to his room. Appellant refused the order and cursed the Chief Engineer.

BASIS OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is contended that the order of the Examiner is excessive.

OPINION

The log book entries were in proper form and constituted a prima facie case.

Appellant's prior record consists of a one-month suspension, plus six months on twelve months probation at New Orleans, Louisiana, 25 September 1965, for similar offenses.

The present offenses directly affect the discipline, and therefore the safety of the personnel aboard. The order of the Examiner is not considered excessive, since it takes into account Appellant's earlier probationary suspension.

ORDER

The order of the Examiner dated at Houston, Texas, on 7 October 1968 is AFFIRMED.

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

Signed at Washington, D. C., this 2nd day of June 1967.

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