

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-967493-D1 AND
ALL OTHER SEAMAN'S DOCUMENTS

Issued to: William HANSON

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1649

William HANSON

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 September 1966, an Examiner of the United States Coast Guard at Long Beach, Calif., suspended Appellant's seaman's documents for three months outright plus three months' probation upon finding him guilty of misconduct. The specification found proved alleges that while serving as second electrician on board the United States SS MUHLENBERG VICTORY under authority of the document above described, on or about 2 July 1966, Appellant assaulted and battered with his fist a fellow crew member, one Barry Raichlin, when the vessel was at St. Jacques, Vietnam.

At the hearing, Appellant was represented by professional counsel. Appellant entered a plea of not guilty to the charge and specification.

The Investigating Officer introduced in evidence the testimony of two witnesses and documentary evidence.

In defense, Appellant offered in evidence the testimony of a witness and his own testimony.

At the end of the hearing, the Examiner rendered an oral decision in which he concluded that the charge and specification had been proved. The Examiner then served a written order on Appellant suspending all documents issued to him for a period of three months outright plus three months on 12 months' probation.

The entire decision was served on 13 September 1966. Appeal was timely filed on 19 September 1966.

FINDINGS OF FACT

On 2 July 1966, Appellant was serving as second electrician on board the United States SS MUHLENBERG VICTORY and acting under authority of his document while the ship was in the port of St. Jacques, Vietnam.

On that date, Appellant and other members of the crew, off duty, were drinking beer and vodka during the afternoon for a period of two or three hours. At 1715 Appellant went to the messroom for the evening meal. He demanded a clean glass from Raichlin, the messman. Raichlin made a derogatory comment about Appellant's intoxicated condition. Remarks were exchanged, with Appellant threatening to "poke" the messman's eye out. When the messman turned away, Appellant rose and hit him in the face with his fist. In the ensuing struggle, Appellant bit the messman's arm before they were separated.

OPINION

The only issue raised at the hearing and on appeal is the credibility of the witnesses.

The trier of the facts is in the best position to settle that issue and unless there has been a clear abuse of discretion his findings will not be disturbed. No such abuse appears in this case.

ORDER

The order of the Examiner dated at Long Beach, Calif., on 2 September 1966, is AFFIRMED.

W. J. Smith
Admiral, United States Coast Guard
Commandant

Signed at Washington, D.C., this 27th day of July 1967.

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