

In the Matter of Merchant Mariner's Document No. Z-169409  
Issued to: ARNOLD HOLT

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

336

ARNOLD HOLT

This appeal comes before me by virtue of Title 46 United States Code 239(g) and 46 Code of Federal Regulations 137.11-1.

On 1 March, 1949, the Appellant was tried before an Examiner of the United States Coast Guard at New York on a charge of misconduct supported by a specification alleging that while Appellant was serving as fireman-watertender on board the American SS ROCK SPRING VICTORY, under authority of a duly issued Merchant Mariner's Document (Z-169409), he had in his possession, contrary to law, on or about 12 January, 1948, a quantity of narcotics; to wit, marijuana.

Appellant voluntarily waived his right to representation by counsel and entered a plea of "guilty" to the charge and specification. After the hearing, the Examiner entered an order revoking said Merchant Mariner's Document and all other valid licenses, certificates and documents held by the Appellant.

Appellant indicates in his appeal that he feels his documents should not be revoked in view of the lesser punishment meted out to one George Griffith for a similar type offense. Both Appellant and George Griffith received probationary suspensions from U. S.

District courts. Griffith also had his documents suspended outright for two months and was placed on probation for two years.

The appeal is also a plea for clemency based on the lack of security which has burdened his wife, his two young children and himself since he has been deprived of employment at sea.

Appellant further states he is most desirous of returning to sea and trusts this appeal may meet with favorable consideration.

Appellant's documents were suspended for one month with six month's probation in July, 1944, for failing to join the SS CORINTH.

#### *FINDINGS OF FACT*

On or about 12 January, 1948, Appellant was serving as a member of the crew in the capacity of fireman-watertender on board the American SS ROCK SPRING VICTORY under authority of Merchant Mariner's Document No. Z-169409.

During a routine investigation of the ship, by the master, a quantity of marijuana was discovered in the quarters of the Appellant. Appellant was subsequently convicted in the U. S. District Court of the Eastern District of New York, after having pleaded guilty to the offense of having unlawfully under his control a quantity of marijuana.

#### *OPINION*

The instance mentioned by the Appellant is thought to be the only case in which a narcotic offense has not resulted in outright revocation of documents. There is no requirement which specifies that Examiner must impose similar penalties when the sentences in parallel criminal cases are the same.

Due to the much more widespread insecurity which might result to others, Appellant's plea for clemency in behalf of his family cannot be sustained.

In view of the testimony, Appellant's own admissions and the consistency with which this policy of revocation has been pursued

in narcotics offenses, there is no cause for deviation in this case.

*CONCLUSION AND ORDER*

The Order of the Examiner dated 1 March, 1949, should be, and it is, AFFIRMED.

J. F. FARLEY  
Admiral, United States Coast Guard  
Commandant

Dated at Washington, D. C., this 2nd day of June, 1949.

\*\*\*\*\* END OF DECISION NO. 336 \*\*\*\*\*

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