

In the Matter of Certificate of Service No. 358502
Issued to: ANDREW LEE DUDLEY

Decision and Final order of the Commandant
United States Coast Guard

311

ANDREW LEE DUDLEY

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

On 4 January, 1949, an Examiner of the United States Coast Guard revoked Certificate of Service No. E-358502 and all other certificates of service or documents issued by the Coast Guard to Andrew Lee Dudley upon finding him guilty of misconduct under one specification reciting that on or about 7 March, 1948, while serving as a messman on the American SS SHOOTING STAR in the port of New York, he unlawfully had in his possession certain narcotics, to wit, 8 ounces of marijuana.

At the hearing, Appellant voluntarily waived his right to representation by counsel; announced his understanding of the nature of the proceedings, and possible results; but entered a plea of "guilty" to the charge and specification. Thereupon the Examiner ordered Appellant's documents revoked as stated above.

On this appeal, it is urged:

- a. That Appellant be given a chance to prove he is a good citizen;
- b. That his wife is in delicate condition; his parents

- need his help;
- c. That he has been unsuccessful in holding a position because he has no education;
 - d. That he has been going to sea since 1942;
 - e. That he has learned a lesson and has suffered because he made an unfortunate selection of companions.

Based upon a careful examination of the Record, I make the following:

FINDINGS OF FACT

On 7 March, 1948, this Appellant was serving as messman on the American SS SHOOTING STAR under authority of his Certificate of Service No. E-358502.

On that date he was intercepted by an officer of the Customs Service when leaving said vessel at Pier 3, North River, New York, and 7 ounces 50 grains of marijuana were found on his person; a small additional quantity of marijuana was discovered on the vessel, also belonging to Appellant. Appellant frankly admitted he had purchased the narcotic in Antwerp; that he had used some of it, but intended to carry the balance to his home.

When arraigned before a United States Commissioner for the United States District Court for the Southern District of New York, he waived hearing and before the Court pleaded guilty to violation of 26 United States Code 2593. A sentence of 6 months incarceration was suspended, and Appellant was put on probation for 3 months - which he satisfactorily completed.

Appellant holds certificates showing substantially continuous service from 1942.

OPINION

I have, several times in the past, stated my conviction that users or purveyors of narcotic drugs are undesirable as merchant seamen. Their presence on shipboard is a constant menace to the safety of their shipmates.

CONCLUSION AND ORDER

Nothing appears in this Record, or by the appeal, which warrants my intervention in this case.

The order of the Examiner dated 4 January, 1949, revoking Certificate of Service No. E-358502 and all other valid licenses or certificates issued by the Coast Guard should be, and it is AFFIRMED.

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

Dated at Washington, D.C., this 23rd day of February, 1949.

***** END OF DECISION NO. 311 *****

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