

In the Matter of Certificate E-311299
Issued to: HIRAM R. LUHRNING

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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HIRAM R. LUHRNING

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

On 23 December, 1948, an Examiner of the United States Coast Guard at New York revoked Certificate of Service No. E-311299 and all other valid certificates or documents issued to Hiram Luhrning upon finding him guilty of misconduct based upon evidence to support a specification alleging that while serving as crew messman on the American SS COURSER, on or about 10 May, 1948, while said vessel was at sea, he unlawfully had in his possession 2 ounces, 243 grains of marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings and the possible consequences; he voluntarily waived his right to representation by counsel, and entered a plea of guilty to the charge and specification. Whereupon the Examiner entered the order above mentioned.

This appeal followed, and it is urged by counsel for Appellant:

a. Appellant has been a seaman for about 5 years; he has a

- limited knowledge of English; and was not represented by counsel at the hearing;
- b. Appellant possessed the marijuana solely for medicinal uses; there is on file with the Probation Department of the United States District Court, Eastern District of New York, a certificate of a doctor that he had treated Appellant for asthma; for inhaling vapors or use as tea;
 - c. Appellant was not an habitual user or did not intend to sell the narcotic;
 - d. Appellant has learned his lesson, and
 - e. Deprivation of his seaman's document will work a hardship.

Based upon a careful study and consideration of the Record in this case, I make the following

FINDINGS OF FACT

On 10 May, 1948, Appellant was serving under authority of Certificate of Service No. E-311299 as crew messman on the American SS COURSER, which vessel was then at sea.

In the course of an inspection for contraband on said vessel, a small package was found by the Master and other ship's officers in the locker of this Appellant who admitted it was marijuana and was his property.

Appellant was arrested; indicted by a Grand Jury in the United States District Court for the Eastern District of New York and before the Court pleaded guilty to the indictment. Sentence of imprisonment for 6 months was suspended and Appellant was placed on probation for one year.

OPINION

I am not favorably impressed by the explanation offered by Appellant. The admitted unlawful possession of the marijuana creates a potential menace to himself and his shipmates.

I reiterate that which has been stated on previous occasions: The Coast Guard has an obligation to do whatever it can to

discourage the illegal introduction of narcotic drugs into the United States and to prevent potential violators from engaging in a service where such operations can be carried into effect.

CONCLUSION AND ORDER

My review of the Record and consideration of the grounds of appeal in this case do not satisfy me that modification of the Examiner's decision is warranted.

The decision and order of the Examiner dated 23 December, 1948, are AFFIRMED.

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

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

***** END OF DECISION NO. 313 *****

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