

In the Matter of Merchant Mariner's Document No. Z-663396  
Issued to: JOSEPH HENRI COOKE BROWN

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

915

JOSEPH HENRI COOKE BROWN

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

By order dated 16 March 1956, an Examiner of the United States Coast Guard at San Francisco, California revoked Merchant Mariner's license.

At approximately 1310, Appellant was awakened by the Master. Appellant was not aware that the Master and Chief Mate had gone ashore at 1130 and remained there until about 1300.

Appellant has no prior record.

*BASIS OF APPEAL*

This appeal has been taken from the order imposed by the Examiner. Appellant contends that by contract with the various steamship companies, a licensed officer is entitled to a full hour for lunch - until 1320 in this case. Also, there were no stevedores at work on the vessel at 1310 and, therefore, there were no

duties for Appellant to perform at this time.

APPEARANCES: Messrs. Mandell and Wright of Houston, Texas, by  
Arthur J. Mandell, of Counsel

*OPINION*

Appellant was the officer on watch and he was responsible for the general safety of the ship in addition to the specific loading operation then in progress. Since Appellant was not relieved of his duties for the full hour agreed to in the contract while in port, it was his duty to remain awake and alert, particularly for any emergency, even though there were no specific duties to be performed immediately. As stated in the contract, he would be entitled to one hour's penalty pay if not allowed the full hour for lunch. It is my opinion that the specification was proved by substantial evidence and that the ordh 1957.

*ORDER*

The order of the Examiner dated at San Francisco, California,  
on 16 March 1956 is AFFIRMED.

J. A. Hirshfield  
Rear Admiral, United States Coast Guard  
Acting Commandant

Dated at Washington, D. C., this 13th day of September, 1956.

\*\*\*\*\* END OF DECISION NO. 915 \*\*\*\*\*

---

[Top](#)