

In the Matter of Merchant Mariner's Document No. Z-86363-D2 and all
other Seaman Documents
Issued to: WALTER JUZWIAK

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

1112

WALTER JUZWIAK

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

By order dated 31 October 1958, an Examiner of the United States Coast Guard at New York, New York, revoked Appellant's seaman documents upon finding him guilty of the charge of "conviction for a narcotic drug law violation." The specification alleges that, on or about 30 January 1958, Appellant was convicted in the United States District Court for the Southern District of New York, a court of record, for violation of 18 U. S. Code 1407, a narcotic drug law of the United States (failure to register a prior narcotics conviction upon departure from the United States).

Since Appellant did not appear at the hearing, the Examiner entered pleas of not guilty to the charge and specification. The Investigating Officer introduced in evidence documentary evidence showing that Appellant was convicted as alleged. Appellant's one-year sentence was suspended on condition that he voluntarily surrender for treatment of drug addiction at the U. S. Public Health Service Hospital in Lexington, Kentucky, and remain there until officially discharges as cured.

After considering the evidence, the Examiner rendered the decision in which he concluded that the charge and specification had been proved. An order was entered revoking all documents issued to Appellant.

On appeal, Appellant simply states that he did not know that such a law (18 U.S.C. 1407) existed.

The ground for appeal has no bearing on this proceeding because the order of revocation is based solely on Appellant's conviction for violation of a narcotic drug law. Title 46 U.S.C. 239b(b)(1) requires revocation for this conviction which was later affirmed on appeal in *United States v. Juzwiak* (c.A. 2, 1958), 258 F2d 844. See the latter case and Commandant's Appeal Decision No. [1098](#) for the reasons why lack of knowledge of the requirement to register is not material to such a conviction. In any event, I have no authority to question the merits of this conviction on which the revocation is based.

ORDER

The order of the Examiner dated at New York, New York, on 31 October 1958, is AFFIRMED.

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

Dated at Washington, D.C., this 15th day of September, 1959.

***** END OF DECISION NO. 1112 *****

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