

In the Matter of Merchant Mariner's Document No. Z-227281 and all  
other Seaman Documents  
Issued to: JOHN ONZIK

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1157

JOHN ONZIK

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

By order dated 30 April 1959, an Examiner of the United States Coast Guard at San Francisco, California revoked Appellant's seaman documents upon finding him guilty of misconduct. The six specifications found proved allege that while serving as a fireman-water-tender on board the United States SS MORMACGULF under authority of the document above described, between 30 May and 11 July 1958, Appellant committed four offenses of assault and battery -- one of them with a dangerous weapon; he went ashore without permission; and Appellant created a disturbance on the ship.

At the hearing, Appellant was represented by counsel. He entered pleas of not guilty to the charge and each specification. Evidence was introduced by both parties. Appellant admitted the acts alleged. His defense was that he was mentally incompetent because he was not capable of telling right from wrong at the times of the alleged offenses.

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

This appeal is based solely on the general contentions that the decision is contrary to law; the decision is not supported by sufficient evidence; and the order of revocation is unduly severe.

Appellant has had no prior record during twenty years at sea.

#### *OPINION*

The Examiner's detailed findings of fact are accepted and incorporated by reference as part of this decision.

It is my opinion that there is no merit in the contentions on appeal which do not raise any specific exceptions to what appears in the record.

Appellant committed four offenses of assault and battery in a period of six weeks. One of these resulted in such serious injuries to another member of the crew that he was removed from the ship for hospitalization, and Appellant was removed for the safety of the crew. I agree with the Examiner's opinion that any inability on the part of Appellant to be able to tell right from wrong was the result of his voluntary intoxication. This does not excuse his misconduct.

Revocation was the only appropriate order under the circumstances. Appellant constitutes too disruptive an influence and danger to other seamen to permit him to continue serving on United States merchant vessels.

#### *ORDER*

The order of the Examiner dated at San Francisco, California, on 30 April 1959, is AFFIRMED.

A. C. Richmond

Vice Admiral, United States Coast Guard  
Commandant

Dated at Washington, D.C., this 19th day of April 1960.

\*\*\*\*\* END OF DECISION NO. 1157 \*\*\*\*\*

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[Top](#)