

In the Matter of Merchant Mariner's Document No. Z-758742-D1 and  
All Other Seaman Documents  
Issued to: PELHAM G. PERCIVAL

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1211

PELHAM G. PERCIVAL

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 22 June 1960, an Examiner of the United States Coast Guard at New York, New York revoked Appellant's seaman documents upon finding him guilty of misconduct based on his plea of guilty to a single specification. The specification alleges that while serving as a messman on board the United States SS AMERICA under authority of the document above described, on or about 20 March 1953, Appellant wrongfully had five marijuana cigarettes in his possession.

After concluding that the charge and specification had been proved by plea, the Examiner entered an order revoking all documents issued to Appellant.

Appellant has no prior record with the Coast Guard.

*OPINION*

As a result of this offense, Appellant was convicted in 1953 before a United States District Court of New York and given a mandatory sentence of ten years imprisonment due to two prior narcotics convictions. He was released on parole on 18 December 1959. This accounts for the delay in taking action against Appellant's document.

In this appeal, Appellant has submitted several letters of reference in support of his claim of rehabilitation while imprisoned. Appellant requests the opportunity to pursue his livelihood at sea.

At the hearing, Appellant submitted that he formerly had smoked marijuana cigarettes regularly and had used heroin "at one time". In view of this and the difficulty of proving voluntary rehabilitation during a period of incarceration, no favorable consideration will be given to Appellant's request that his documents be returned to him. It is my opinion that unqualified affirmance of the revocation is required in furtherance of the statutory duty of the Coast Guard to promote safety of life and property on vessels of the United States.

*ORDER*

The order of the Examiner dated at New York, New York, on 22 June 1960, is AFFIRMED.

A. C. Richmond  
Admiral, United States Coast Guard  
Commandant

Dated at Washington, D.C., this 23rd day of December, 1960.

\*\*\*\*\* END OF DECISION NO. 1211 \*\*\*\*\*

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