

In the Matter of Merchant Mariner's Document No. Z-113600-D2 and
all other Seaman Documents
Issued to: HENRY M. THORSTENSEN

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

1215

HENRY M. THORSTENSEN

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 2 March 1960, an Examiner of the United States Coast Guard at New York, New York suspended Appellant's seaman documents upon finding him guilty of misconduct. The five specifications found proved allege that while serving as the fire watchman on board the United States SS SANTA CECILIA under authority of the document above described, on 10, 17, 22 and 23 January 1960, Appellant wrongfully failed to perform his duties as fire watchman; and on 23 January 1960, he wrongfully went to sleep while on fire watch.

At the hearing, Appellant was not represented by counsel. Pleas of not guilty were entered by the Examiner to the charge and each specification when Appellant did not appear at the beginning of the hearing. The Examiner later reopened the hearing in order to permit Appellant to testify in his defense.

The Investigating Officer introduced in evidence the testimony

of the Third Mate, a certified copy of an entry in the Official Logbook, and discs from the time clock carried by Appellant on his fire watch.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and five specifications had been proved. The Examiner then entered an order suspending all documents, issued to Appellant, for a period of four months outright plus two months on twelve months' probation.

FINDINGS OF FACT

Between 22 December 1959 and 2 February 1960, Appellant was serving as the fire watchman on board the United States SS SANTA CECILIA and acting under authority of his document while the ship was on a foreign voyage. He was on watch from 2200 each night until 0600 the following morning. During every half-hour period of the watch, except at 0230, Appellant was supposed to punch his time clock at each of the ten stations located in various parts of the ship.

On 10, 17, 22 and 23 January 1960, Appellant failed to punch his clock at various stations on numerous occasions. On two of these dates, the ship was at sea and she was in South American ports on the other two dates.

On 23 January 1960, the Third Mate, after standing the midwatch, found Appellant sleeping. When wakened by the Mate, Appellant stated that he was tired. He then continued on his rounds.

Appellant's prior record consists of a probationary suspension in 1957 for failure to perform his duties.

OPINION

On appeal, Appellant insists that he never missed a watch on the ship but admits that he sometimes failed to punch his clock at every station, primarily because he could not get more than three hours sleep during the day.

This and other equally weak explanations by Appellant do not excuse him from failing to perform his duties as a security fire watchman in the proper manner. Since Appellant did not punch his clock as required and, admittedly, was often tired during the night, the natural presumption is that he did not go to the vicinity of the various stations in order to perform his duties which were important for the safety of the passengers, crew and ship. Consequently, there will be no modification of the suspension order by the Examiner.

ORDER

The order of the Examiner dated at New York, on 2 March 1960, is AFFIRMED.

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

Signed at Washington, D. C., this 13th day of February 1961.

***** END OF DECISION NO. 1215 *****

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