

In the Matter of License No. 239260
and all other Seaman Documents
Issued to: Kenneth F. Curtin

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1242

Kenneth F. Curtin

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 17 October 1960, an Examiner of the United States Coast Guard at San Francisco, California suspended Appellant's seaman documents, for two months outright plus three months on eighteen months' probation, upon finding him guilty of misconduct. The specification found proved alleges that while serving as a licensed Junior Engineer on the United States SS PRESIDENT WILSON under authority of the license above described, on 7 August 1960, Appellant failed to join his vessel upon her departure from Yokohama, Japan. He later rejoined the ship.

At the hearing, Appellant voluntarily elected to act as his own counsel. Appellant entered a plea of guilty to the charge and specification. Appellant made a statement that he left the ship temporarily to obtain treatment for an injured foot. This is reiterated on appeal.

Appellant's prior record consists of a suspension in 1956 and

one in 1957 for offenses of failure to join.

OPINION

No evidence was introduced by the Investigating Officer since Appellant entered a plea of guilty to the offense alleged under a charge of misconduct. The Investigating Officer mentioned that there was a physician serving on the ship at the time. Considering the latter together with Appellant's plea, it seems that Appellant recognized the fact that he could have obtained adequate medical treatment for his foot without leaving the ship; and, therefore, he realizes that his conduct was wrongful.

Appellant's prior record of two similar offenses justifies the order imposed.

ORDER

The order of the Examiner dated at San Francisco, California, on 17 October 1960, is AFFIRMED.

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

Dated at Washington, D. C., this 7th day of June 1961.

***** END OF DECISION NO. 1242 *****

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