

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-314898-D3 and
All Other Seaman Documents
ISSUED TO: FREDERICK HAUSER

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

1252

FREDERICK HAUSER

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

By order dated 29 September 1960, an Examiner of the United States Coast Guard at New Orleans, Louisiana, suspended Appellant's seaman documents upon finding him guilty of misconduct. The three specifications found proved allege that while serving as a fireman-watertender on board the United States SS TOPA TOPA under authority of the document above described, on 18 August, 22, August and 1 September 1960, Appellant failed to perform his duties in a foreign port.

At the hearing, Appellant was represented by a union partolman. Since Appellant entered a plea of guilty to the charge and each specification, no evidence was introduced.

The Examiner concluded that the charge and three specifications had been proved by plea. He then entered an order suspending all documents, issued to Appellant, for a period of six months outright plus six months on twenty-four months probation.

Appellant's prior record consists of two probationary suspensions and two admonitions for failure to perform his duties, including a four months' suspension on eighteen months' probation in August 1959. This four months' suspension is part of the present order.

On appeal, it is urged that the order is excessive because Appellant was logged for these offenses, fined \$100 by the union, and he offered to pay the seaman who stood watches for him.

OPINION

This order is not considered to be excessive in view of Appellant's prior record of similar offenses. Three of these four prior records were in 1959. In addition to the revocation of the probation of August 1959, the present order imposes only an additional two months' outright suspension. This order is justified, despite other action against Appellant, because he has habitually failed to perform his duties in violation of his contracts of employment.

ORDER

The order of the Examiner date at New Orleans, Louisiana, on 29 September 1960, is AFFIRMED.

J. A. Hirshfield
Vice Admiral, U. S. Coast Guard
Acting Commandant

Signed at Washington D. C., this 27th day of June, 1961

***** END OF DECISION NO. 1252 *****

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