

U.S. DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD

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Complainant

vs.

DIETER P. DUBROC,

Respondent.

Docket Number CG S&R 03-0432
CG Case No. 1849289

REVOCATION ORDER

Issued: September 14, 2004

Issued by: Peter A. Fitzpatrick, Administrative Law Judge

On August 5, 2004, the Investigating Officer at Marine Safety Office New Orleans filed a Motion for Default Order, seeking revocation of the Respondent's Merchant Mariner's Document, which Motion is incorporated herein by reference and made a part hereof.

On September 10, 2004, this Suspension and Revocation proceeding was assigned to the undersigned Administrative Law Judge for the U.S. Coast Guard for adjudication of the Motion for Default. The matter was taken under advisement and a complete review of this case was made. According to the case file, a copy of the original Complaint, dated July 17, 2003, was duly served upon the Respondent, via Certified Mail, Return Receipt, on July 22, 2003. Respondent was charged with Use of or Addiction to the Use of Dangerous Drugs under 46 USC 7704(c). To date, Respondent has not filed an Answer to the original Complaint, with either the Investigating Officer or the Coast Guard Administrative Law Judge Docketing Center.

Upon consideration of the record, I find that the Respondent is in **DEFAULT**. A default constitutes an admission of all facts alleged in the Complaint and a waiver of the Respondent's right to a hearing. (33 CFR § 20.310)

Accordingly, I hereby **ORDER** that the alleged violation of Use of or Addiction to the Use of Dangerous Drugs is **PROVED**. I have carefully reviewed the Complaint and the Motion for Default and find that the proposed sanction is appropriate under the provisions of 46 CFR § 5.569.

SANCTION

IT IS ORDERED that your Merchant Mariner's Document is hereby **REVOKED**. You must immediately surrender your document to the Coast Guard. If you knowingly continue to use your document, you may be subject to criminal prosecution.

Under 33 CFR 20.310(e) for good cause shown, an Administrative Law Judge may set aside this finding of Default. You may file a motion to set aside the finding with the ALJ Docketing Center, Baltimore.

Service of this Order of Revocation upon you serves to notify you of your right to appeal as set forth in 33 CFR Subpart J, Section 20.1001. (Attachment A).


PETER A. FITZPATRICK
Administrative Law Judge
United States Coast Guard

Done and Dated on September 14, 2004 at
Norfolk, VA