

UNITED STATES OF AMERICA

**DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD**

UNITED STATES COAST GUARD

Complainant

vs.

CHARLES EUGENE WALKER

Respondent

**Docket Number CG S&R 06-0507
CG Activity No. 2810480**

**ORDER GRANTING COAST GUARD'S
MOTION FOR DEFAULT
AND
ORDER OF SUSPENSION**

Issued : JANUARY 30TH, 2007

**Issued by: JOSEPH N. INGOLIA
Chief Administrative Law Judge**

Investigating Officer:

**PO1 Jeremiah C. Huss, IO
Sector New Orleans**

Respondent:

Charles Eugene Walker

ORDER GRANTING MOTION FOR DEFAULT
AND
SANCTION OF REVOCATION

On December 13, 2006, Sector New Orleans filed a Motion for Default Order seeking the revocation of Respondent's Merchant Mariner's Credentials for his failure to file an Answer to the Complaint dated November 1, 2006. A copy of the Motion for Default is attached hereto and incorporated herein by reference.

On January 8, 2007, this S&R proceeding was assigned to me 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 November 1, 2006, was duly served upon the Respondent via First Class Certified Mail, Return Receipt Requested on November 8, 2006. Respondent was charged with Misconduct (46 CFR 5.27) for having tested positive for alcohol (in violation of 46 CFR 16) on October 7, 2006.

On January 16, 2007 a copy of the Motion for Default Order was duly served at the Respondent's last known residence, as evidenced by the attached Domestic Return Receipt from the U.S. Postal Service.

To date, the Respondent has failed to file an Answer to the original Complaint and the Motion for Default Order (as required by 33 CFR 20.310(b)). Therefore, the Respondent has failed to respond to the Coast Guard's Motion for Default as required by 33 CFR 20.310(b).

WHEREFORE, upon consideration of the present record, the Coast Guard's Motion for Default Order is **GRANTED**. 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(c)).

Further, I find that the proposed sanction in the Coast Guard's Complaint is appropriate under the provisions of 46 CFR § 5.569. It has been noted that the Coast Guard in the Complaint dated October 31, 2006 sought a sanction of 15 days Outright Suspension followed by 6 months suspension on 12 months probation. (Emphasis added) In his Motion for Default Order, the Investigating Officer proposed a sanction of 12 months Outright Suspension. The only sanction that can be considered and approved is that as proposed in the Complaint. WHEREFORE,

ORDER

IT IS HEREBY ORDERED that your Merchant Mariner's Document and all other credentials issued to you by the U.S. Coast Guard are hereby **SUSPENDED OUTRIGHT** for **FIFTEEN (15) DAYS** commencing on the date you deposit your Merchant Mariner's credentials with the Investigating Officers at U.S. Coast Guard Sector New Orleans, and

IT IS FURTHER ORDERED, that your Merchant Mariner's credentials will be **SUSPENDED** for **SIX (6) MONTHS** on **TWELVE (12) MONTHS PROBATION** following the successful completion of the **15-DAY OUTRIGHT SUSPENSION** ordered above.

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).

JOSEPH N. INGOLIA
Chief Administrative Law Judge
U.S. Coast Guard

Dated: January 30, 2007
Washington, DC

Copy:
Sector New Orleans, Attn: PO1 Jeremiah Huss, IO
Charles E. Walker, Respondent