

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

UNITED STATES COAST GUARD,	)	
Complainant,	)	
	)	Docket Number: 2024-0018
vs.	)	
	)	MISLE Activity ID: 7846817
KENARD KILBY,	)	
Respondent.	)	

**ADMISSION ORDER**

**Issued:** January 26, 2024

**By Order of Chief Administrative Law Judge:** Walter J. Brudzinski

**Appearances:**

**For the Coast Guard**

LT Brian Talerico  
USCG Sector Honolulu

**For the Respondent**

Kenard Kilby, *Pro se*

## **ADMISSION ORDER**

On or about January 23, 2024, the United States Coast Guard Sector Honolulu (Coast Guard) issued a Complaint against Kenard Kilby (Respondent), alleging a violation of misconduct under 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27. Specifically, the Coast Guard alleges on December 29, 2023, Respondent was an employee of Norwegian Cruise Lines and subject to its policies. Norwegian Cruise Lines has a policy prohibiting employees from being onboard the PRIDE OF AMERICA with a blood alcohol content (BAC) above 0.04%.

On December 29, 2023, Respondent underwent two breath alcohol tests. The read result for the first test was 0.334% BAC, and the read result for the second test was 0.318% BAC, which is a violation of Norwegian Cruise Lines' Drug and Alcohol Policy. Respondent's violation of Norwegian Cruise Lines' Drug and Alcohol Policy is misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27. The Coast Guard further states, in aggravation, Respondent was on duty with a BAC over 0.04%. As a result, the Coast Guard proposes a sanction of five (5) months outright suspension of Respondent's Merchant Mariner Credential (credential).

In Respondent's Answer, dated January 23, 2024, he admits to all jurisdictional and factual allegations, and agrees with the proposed sanction. Further, the Coast Guard advises that Respondent deposited his credential with the Coast Guard on this date.

WHEREFORE,

**ORDER**

**IT IS HEREBY ORDERED** that Respondent's violation of misconduct under 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27 is **PROVED BY ANSWER**. I have carefully reviewed the file and find that the proposed sanction is appropriate under the provisions of 46 C.F.R. § 5.569.

**IT IS FURTHER ORDERED** that Respondent's Merchant Mariner Credential is **SUSPENDED OUTRIGHT FOR FIVE (5) MONTHS**, commencing on January 23, 2024, the date it was deposited with the Coast Guard.

Done and dated January 26, 2024  
New York, NY



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HON. WALTER J. BRUDZINSKI  
CHIEF ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD