

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD**

UNITED STATES OF AMERICA *
UNITED STATES COAST GUARD *

vs.

GREGORY B. MUSK *

Docket No. 99-0427
Case No: [REDACTED]

ORDER

1. The Decision and Order in this case was issued on November 13, 2000. It found that the Jurisdictional and Factual Allegations of the Complaint were Proved by a Preponderance of the Evidence. The Complaint alleged that Mr. Musk committed an act of Misconduct for failing to submit to a random chemical test for dangerous drugs. Specifically, the Decision held that the Respondent substituted a urine sample in connection with a chemical test for dangerous drugs and that such act constituted a “refusal to test.”

The parties were afforded an opportunity to submit recommendations with regard to the Order to be issued against Respondent’s Coast Guard License and Merchant Mariner’s Document and those pleadings have been received.

2. I have considered the evidence of record, the submissions of the parties, and the applicable law. In view of the Commandant’s Decision in Appeal Decision 2578 (CALLAHAN) and the Third Circuit’s holding in Exxon Shipping Company v. Exxon Seaman’s Union, 73 F.3d 1287 (3rd Cir. 1996) the Investigating Officer’s recommendation that Mr. Musk’s credentials be revoked is approved.

Accordingly, **IT IS ORDERED THAT** Coast Guard License No. 683036 and all other

Coast Guard issued licenses and documents issued to Gregory B. Musk are hereby **REVOKED**.

IT IS FURTHER ORDERED THAT License No. 683036 and all other Coast Guard licenses and documents issued to Mr. Musk must be surrendered to the Coast Guard Marine Safety Office, Miami on or before January 26, 2001.

IT IS FURTHER ORDERED THAT Gregory B. Musk is prohibited from serving under the authority of License No. 683036 or any other license or Merchant Mariner's document issued by the United States Coast Guard after January 26, 2001.

PETER A. FITZPATRICK
Administrative Law Judge
United States Coast Guard

Dated on the ____ day of January 2001
Norfolk, Virginia

Certificate of Service

I hereby certify that I have this day served the foregoing document(s) upon the following parties and limited participants (or designated representatives) in this proceeding at the address indicated by Facsimile:

Commanding Officer
MSO Miami, Attn: LT Mark Hammond
100 MacArthur Causeway
Miami Beach, FL 33139
(Fax #) 305-535-8742

Andrew Anderson, Esq.
Keller & Houck
200 S. Biscayne Blvd, Suite 3460
Miami, FL 33131-5308
(Fax #) 305-372-5044

Dated at Norfolk, Virginia, this ____ day of January 2001.

Lucinda H. Shinault, CLA
Legal Assistant to the Administrative Law Judge