

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

UNITED STATES COAST GUARD
Complainant

vs.

ROBERT RYAN BOUDREAUX
Respondent

Docket Number 2018-0071
Enforcement Activity No. 5748463

ORDER MODIFYING BENCH DECISION

Issued: December 06, 2018

By Administrative Law Judge: Honorable Dean C. Metry

On December 6, 2018, the undersigned Administrative Law Judge (ALJ) convened a post-hearing telephonic conference to address Robert Ryan Boudreaux's (Respondent) Request for Temporary Merchant Mariner Credentials (MMC). See 46 C.F.R. § 5.707. Lineka Quijano, Esq., appeared on behalf of the United States Coast Guard (Coast Guard). David Kish, Esq., appeared on Respondent's behalf.

During the conference, the ALJ and parties discussed whether, in lieu of granting a temporary credential under 46 C.F.R. § 5.707, the undersigned could amend the sanction set forth in the Court's bench decision, memorialized on October 18, 2018. After discussing the various avenues of relief, the Coast Guard and Respondent mutually agreed to amend the sanction in the October 18, 2018 Order as follows:

MMC 000385169 and all other existing Coast Guard licenses, certificates, credentials and documents issued to Respondent are **SUSPENDED OUTRIGHT FOR NINETY (90) DAYS, COMMENCING ON OCTOBER 18, 2018. HOWEVER, THIRTY (30) DAYS OF THE NINETY (90) DAYS' SUSPENSION IS REMITTED, AND**

RESPONDENT SHALL NOT SERVE THE FINAL (30) DAYS UNTIL ADMINISTRATIVE EXHAUSTION OF ALL APPEALS OF THIS DECISION. AFTER ADMINISTRATIVE EXHAUSTION, RESPONDENT SHALL SERVE THE FINAL 30 DAYS OF SUSPENSION, UNLESS OTHERWISE ORDERED.

THE COAST GUARD SHALL RETURN ANY TEMPORARY CREDENTIAL TO RESPONDENT ON DECEMBER 18, 2018. BEGINNING OCTOBER 18, 2018, RESPONDENT SHALL BE ON PROBATION FOR A PERIOD OF ONE YEAR. DURING THE PROBATION PERIOD, IF THE USCG PROVES BY PREPONDERANT EVIDENCE THAT RESPONDENT VIOLATED ANY FEDERAL, STATE, OR LOCAL LAW OR REGULATION, HIS MMC SHALL BE SUSPENDED OUTRIGHT FOR AN ADDITIONAL PERIOD OF NOT MORE THAN EIGHT MONTHS.

All other provisions of the October 18, 2018 Order remain in full effect.

Either party may request another post-hearing telephone conference to discuss this Order by contacting Paralegal Specialist Janice Emig at 409-765-1300 or Attorney Advisor Tommy Cantrell at 480-249-6471.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED, the Order Memorializing Bench Decision is amended as set forth above.

Dean C. Metry
U.S. Coast Guard Administrative Law Judge

Date: December 06, 2018