

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

UNITED STATES COAST GUARD
Complainant

vs.

GREGORY JOHN HEDRICK
Respondent

Docket Number 2019-0518
Enforcement Activity No. 5774912

DECISION AND ORDER
Issued: February 05, 2021

By Administrative Law Judge: Honorable George J. Jordan

Appearances:

Jennifer Mehaffey, Esq.
S&R National Center of Expertise
Mr. Travis J. Nolen
Marine Safety Unit Portland OR
For the Coast Guard

Gregory John Hedrick, Pro se
For the Respondent

I. PROCEDURAL HISTORY

The United States Coast Guard (Coast Guard) initiated these proceedings on December 16, 2019, by filing a Complaint alleging Gregory John Hedrick (Respondent) is a user of, or addicted to the use of dangerous drugs. The Coast Guard specifically alleges Respondent took a random urinalysis drug test which tested positive for marijuana metabolites (THC). Accordingly, the Coast Guard seeks revocation of Respondent's merchant mariner credentials (MMC). *See* 46 U.S.C. § 7704(c); 46 C.F.R. § 5.35.

Respondent filed a timely Answer in which he admitted the jurisdictional and certain factual allegations. He does not disagree that the drug test yielded a positive result, but argues he is neither a user nor abuser of dangerous drugs. Respondent asserts the positive test resulted from his use of CBD products to ease severe elbow pain. Respondent contends he believed the products he was using did not contain THC in concentrations over the federal limit, and therefore, thought these products were legal to use. Respondent sought a hearing on the merits of the case and, if applicable, the sanction.

The Chief Administrative Law Judge (ALJ) assigned this case to me for adjudication on January 16, 2020. The parties submitted a Joint Stipulation of Fact and Joint Stipulation to the Authenticity of Exhibits on October 8, 2020. I held a hearing on December 7, 2020 using Zoom for Government software.¹ The Coast Guard presented testimony from two witnesses and entered nineteen exhibits into evidence. Respondent testified on his own behalf, called four additional witnesses, and entered twenty-seven exhibits into evidence. During the pendency of this proceeding, Respondent also proactively sought to establish cure, as defined in Appeal Decision 2535 (SWEENEY) (1992). At the time of the hearing, he had completed a SAP-recommended drug education program and received a MRO return-to work letter and demonstrating

¹ The use of Zoom for Government was necessitated by the ongoing COVID-19 pandemic, which precluded an in-person hearing. The parties agreed a video hearing was appropriate in this case.

approximately eleven months of non-association with drugs, as evidenced by negative drug tests and participation in support groups. Accordingly, I continued the hearing until January 29, 2021, to allow him time to submit his final proof of cure.

At the conclusion of the presentation of witnesses and evidence at the December 7, 2020 Zoom hearing, I found the Coast Guard proved a prima facie case of drug use. Therefore, in accordance with Appeal Decision (COOK) (2020) and the applicable regulations, I ordered Respondent to forward his MMC to my office. Normally, the mariner presents the MMC to the ALJ at the beginning of the hearing, however, since this hearing occurred virtually, I was unable to take possession of the MMC when the hearing commenced and received it by Federal Express shortly after the hearing took place. It has been in my possession ever since. Respondent submitted this evidence on December 22, 2020 and the one-year time period expired on January 15, 2021. Accordingly, the record is ripe for decision.

For the reasons detailed below, I find the Coast Guard **PROVED** Respondent used a dangerous drug. However, I also find Respondent satisfactorily demonstrated cure. Revocation is therefore not an appropriate sanction. The period of deposit will be converted to an **OUTRIGHT SUSPENSION** and I will return Respondent's MMC. See Appeal Decision (COOK) (2020).

II. FINDINGS OF FACT

The following Findings of Fact are based on a thorough analysis of the parties' Joint Stipulation, other documentary evidence, the witness testimony, and the record as a whole.

1. Respondent holds MMC No. [REDACTED], which the Coast Guard issued on February 3, 2016 and which expires on February 3, 2021. (Joint Stip. ¶ 1).
2. Respondent owns and is the sole operator of Greg Hedrick's Guide Service, a fishing guide service company located in Springfield, Oregon. (Joint Stip. ¶ 2).
3. At all times relevant to these proceedings, Greg Hedrick's Guide Service contracted with Bio-MED Testing Services, Inc. (Bio-MED) for drug and alcohol testing services to comply with federally mandated regulations for marine employers. (Joint Stip. ¶ 3; Ex. CG-02).

4. On October 16, 2019, Bio-MED randomly selected 93 mariners for drug testing, including Respondent, using the DrugPak software system. (Joint Stip. ¶ 4; Ex. CG-04, CG-05).
5. Bio-MED notified [REDACTED], who acted as the Designated Employer Representative for Greg Hedrick's Guide Service, of Respondent's selection. (Joint Stip. ¶ 5; EX. CG-05; Tr. at 107).
6. Ms. [REDACTED] properly notified Respondent he was required to submit to a random drug test. (Joint Stip. ¶ 5; Tr. at 107).
7. On November 27, 2019 Respondent reported to Legacy Lab Services Metro Lab Chemical Testing Mobile Service in Eugene, Oregon, to provide the required urine specimen. (Joint Stip. ¶ 5).
8. [REDACTED] collected a urine specimen, ID #F881296718 from Respondent, following the regulatory procedures outlined in 49 C.F.R. Part 40, and documented the collection on a Federal Custody and Control Form (CCF). (Joint Stip. ¶ 6; Ex. CG-06).
9. Respondent did not sign the CCF before leaving the testing site, but returned to correct the error when Mr. [REDACTED] notified him. (Joint Stip. ¶ 7).
10. Legacy Laboratory Services in Portland, Oregon, conducted the analytical testing on Respondent's urine specimen, ID # F881296718, in accordance with 49 C.F.R. Part 40. (Joint Stip. ¶ 8, 10).
11. At all times relevant to this proceeding, Legacy Laboratory Services was a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified laboratory that met the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs. (Joint Stip. ¶ 9).
12. Respondent's specimen tested positive for THC at 28 ng/ml. (Joint Stip. ¶ 11; Ex. CG-10).
13. There are no scientific tests that can determine the source of THC in a person's urine sample. (Tr. at 43-44, 46).
14. K. Chinn, the Certifying Scientist, reviewed the results on November 29, 2019. (Joint Stip. ¶ 11).
15. Dr. Matthew Noble, the Medical Review Officer (MRO), reviewed Respondent's drug test results and the chain of custody forms on December 2, 2019. (Joint Stip. ¶ 12, 13).
16. Dr. Noble conducted a phone interview with Respondent on December 2, 2019. (Joint Stip. ¶ 14).
17. Respondent admitted to Dr. Noble that he had used CBD products. (Joint Stip. ¶ 14).

18. On December 2, 2019, Dr. Noble marked Step 6 on the CCF as positive for THC. (Joint Stip. ¶ 15).
19. Respondent has no prior or subsequent record of testing positive for THC or any other illegal or dangerous drugs. (Joint Stip. ¶ 16).
20. Respondent began receiving physical therapy for right elbow pain at McKenzie Crossing Orthopedic Physical Therapy on December 3, 2019. (Joint Stip. ¶ 17).
21. The State of Oregon requires manufacturers of hemp-derived CBD and marijuana-derived THC products to place certain symbols on those products to designate which products contain which type of cannabinoid substances. (Tr. at 20-21, 26-28; Ex. CG-17).
22. Respondent gave the Coast Guard several examples of products he may have used, one of which contained the symbol for hemp-derived CBD and three that had the symbol for a Marijuana product. Ex. R-K (Tr. at 24; Ex. CG-18).
23. The Coast Guard contacted the manufacturer of one product, Wild Strawberry Gummies, which confirmed that the product in question was only available through state-licensed cannabis distributors and was not federally legal. (Tr. at 21-22; Ex. CG-18).
24. Respondent relied on information from workers at the retail stores where he purchased the products, as well as his own calculations, to determine that the products contained less than .3% THC. (Tr. At 26, 27).
25. Respondent was evaluated by a Substance Abuse Professional (SAP) on January 6, 2020, in accordance with 49 C.F.R. Part 40. (Joint Stip. ¶ 18).
26. Respondent complied with the SAP's recommendation to complete a 4-Hour Marijuana Awareness class administered by Risk Prevention Online, which he completed on January 7, 2020. (Joint Stip. ¶ 19).
27. Respondent has taken 12 Department of Transportation (DOT) drug tests since his SAP evaluation, all of which were negative for the presence of illegal or dangerous drugs. (Joint Stip. ¶ 20; Ex. Resp.-E; Ex. Resp. CC).
28. Respondent attended 11 Narcotic Anonymous meetings between May 2020 and January 2021. (Joint Stip. ¶ 21; 3).
29. Dr. Noble, the MRO, issued a return-to-work letter for Respondent. (Ex. Resp, AA).

III. DISCUSSION

The purpose of Coast Guard suspension and revocation proceedings is to promote safety at sea. 46 U.S.C. § 7701(a). In furtherance of this goal, ALJs have the authority to suspend or revoke Coast Guard-issued credentials or endorsements. See 46 C.F.R. § 5.19(b). These

proceedings are conducted under the Administrative Procedure Act (APA), 5 U.S.C. § 551 *et seq.* 46 U.S.C. § 7702(a). Administrative actions against a mariner's credentials "are remedial and not penal in nature," and are intended to maintain the necessary standards of conduct for safety at sea. 46 C.F.R. § 5.5.

A. Burden of Proof

Section 7(c) of the APA places the burden of proof on the proponent of a rule or order, unless otherwise provided by statute. Accordingly, in a suspension or revocation hearing, the Coast Guard bears the burden of proof. 33 C.F.R. § 20.702(a). Under the APA, the fact-finder must consider the "whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence" before assessing a sanction. 5 U.S.C. § 556(d). The standard of proof in administrative proceedings is the "preponderance of the evidence" standard, meaning a party must prove that "a fact's existence is more likely than not." Steadman v. SEC, 450 U.S. 91, 98 (1981); Greenwich Collieries v. Dir., Office of Workers' Comp. Programs, 990 F.2d 730, 736 (3d. Cir. 1993); see also Dir., Office of Workers' Comp. Programs v. Greenwich Collieries, 512 U.S. 267 (1994).

B. Jurisdiction

Respondent admitted to all jurisdictional elements relating to the allegations. However, the burden of establishing jurisdiction nevertheless remains. See, e.g., Appeal Decision 2656 (JORDAN). Pursuant to 46 U.S.C. § 7704(c), "[i]f it is shown that a holder has been a user of, or addicted to, a dangerous drug, the license . . . or merchant mariner's document shall be revoked unless the holder provides satisfactory proof that the holder is cured." Id.; see also Appeal Decision 2668 (MERRILL) (2007).

The record before me clearly establishes Respondent was the holder of an MMC at the time he submitted the urine sample in question. Here, the Coast Guard alleged Respondent is a user of, or addicted to the use of dangerous drugs in violation of 46 U.S.C. § 7704(c); therefore,

Respondent's status as the holder of an MMC establishes jurisdiction for this suspension and revocation proceeding. See Appeal Decision 2668 (MERRILL).

C. Use of Dangerous Drugs

The Coast Guard uses the procedures found in the Federal Transportation Workplace Drug Testing Programs, and has implemented regulations to that effect. See 46 C.F.R. Part 16; 49 C.F.R. Part 40. In an effort to “safeguard the constitutional rights of affected mariners” the Coast Guard mandates only pre-employment, periodic, random, serious marine incident, and reasonable cause drug testing. See Appeal Decisions 2704 (FRANKS) (2014) and 2697 (GREEN) (2011). Title 46 U.S.C. § 7704(c) mandates revocation of a Coast Guard-issued credential when the Coast Guard proves by reliable, credible, and probative evidence that the holder of an MMC has used dangerous drugs. A respondent who is shown to have used drugs may avoid revocation by providing reliable, credible, and probative evidence of cure. Id.

Here, the Coast Guard alleges Respondent used marijuana. The definition of “dangerous drug” in 46 U.S.C. § 2101(8a) is “a narcotic drug, a controlled substance, or a controlled substance analog (as defined in section 102 of the Comprehensive Drug Abuse and Control Act of 1970 (21 U.S.C. 802)).” This Act defines a “controlled substance” as “a drug or other substance . . . included in schedule I, II, III, IV, or V of part B of this subchapter” but not distilled spirits, wine, malt beverages, or tobacco. 21 U.S.C. § 802(6). Marijuana is controlled under Schedule I of the Act (21 U.S.C. § 812) and is a dangerous drug for the purposes of 46 U.S.C. § 7704(c).

In 2018, however, Congress removed certain hemp products from the definition of marijuana under the Controlled Substances Act. See Agricultural Improvement Act of 2018, Pub. L. 115-334 (Farm Bill). Consequently, “hemp-derived products containing a concentration of up to 0.3% tetrahydrocannabinol (THC) are not controlled substances,” but any product containing more than 0.3% THC—including those derived from hemp—remain classified as marijuana. (Ex.

Resp.-Q, DOT Office of Drug and Alcohol Policy and Compliance Notice). Both the DOT and the Coast Guard have cautioned persons in safety-sensitive positions who are subject to DOT drug testing regulations that product labeling can be misleading, as there is no federal oversight or certification for CBD products. (Ex. Resp.-Q, Resp.-R). The Coast Guard has also warned mariners of its position that “Claimed use of hemp products or CBD products is not an acceptable defense for a THC-positive drug test result.” (Ex. Resp.-R).

In order to establish a *prima facie* case of drug use based on a mandated urinalysis test, “the Coast Guard must prove three elements: (1) that Respondent was tested for a dangerous drug, (2) that Respondent tested positive for a dangerous drug, and (3) that the test was conducted in accordance with 46 C.F.R. Part 16.” Appeal Decision 2697 (GREEN). However, “minor technical infractions of the drug testing regulations do not violate due process unless the infraction breaches the chain of custody or violates the specimen's integrity.” Appeal Decision 2685 (MATT) (2010).

If the Coast Guard establishes a *prima facie* case of drug use, the “burden then shifts to the Respondent to produce persuasive evidence to rebut the presumption.” Appeal Decision 2632 (WHITE) (2002). If the respondent’s evidence is insufficient to rebut the presumption of use, the ALJ may find the allegations proved based on the presumption itself. Id.

1. The Coast Guard Proved a Prima Facie Case of Drug Use

The parties stipulated to the major elements of the Coast Guard’s *prima facie* case. Respondent was properly selected for a random drug test by Bio-MED, the consortium he used for his fishing guide business, and Ms. ██████ properly notified him of the requirement to test. (Joint Stip. ¶¶ 3-5). Respondent gave a urine sample at Legacy Lab Services Metro Lab Chemical Testing Mobile Service in Eugene, Oregon, on November 27, 2019, and the sample subsequently tested positive for THC. (Joint Stip. ¶¶ 5-11). Neither party asserted testing irregularities or chain-of-custody issues, with the exception of Respondent’s initial failure to sign

the CCF. However, this type of error can be remedied, and the collector promptly remedied the error. See 49 C.F.R. § 40.205(a)(1); Joint Stip. ¶ 7; Tr. at 30-31; Ex. CG-15.

The Coast Guard called Dr. Dave Roberts, the manager and scientific director of the Toxicology Section of Legacy Lab Services, and Dr. Matthew Noble, the MRO, to testify about the testing and certification processes. Both witnesses testified that the laboratory analyzed the specimen in compliance with the DOT regulations, and Dr. Noble reported it as a positive test because Respondent did not have a medically valid reason for the positive result. The testimony was consistent with the stipulations and is additional evidence of the test's validity.

I therefore find the Coast Guard met its burden to establish that Respondent took a random drug test, the test was positive for THC, and the test was conducted in accordance with 46 C.F.R. Part 16. Accordingly, the Coast Guard established its *prima facie* case and Respondent is presumed to be a user of dangerous drugs.

2. Respondent Did Not Rebut the Presumption of Use

The burden now shifts to Respondent to rebut the presumption of use established through the Coast Guard's *prima facie* case. Respondent argued he is neither a "user of" nor "addicted to" dangerous drugs; rather, he intended to use only products containing less than 0.3% THC, which are considered federally legal under the Farm Bill, and therefore, any ingestion of higher levels of THC was accidental or unintentional.

Respondent presented evidence that he has an elbow injury, lateral epicondylitis of the right elbow. (Tr. at 58; Ex. R-J). He decided to use CBD products to relieve the pain, and relied in part on statements from the salesperson at the dispensary that the products he purchased were non-intoxicating and would not cause positive drug tests. (Tr. at 60). Respondent also relied on his own calculations, based on the product labels, to determine whether any of the products he consumed contained over 0.3% THC. (Tr. at 61-62). Further, Respondent presented affidavits

and testimony from several witnesses to support his contention that he does not use illegal or dangerous drugs.

After thoroughly examining the evidence, I conclude Respondent indeed suffers from an elbow impairment which causes him pain and loss of function. The weight of the evidence also supports his contention that he did not intend to use marijuana and took some steps to avoid doing so. However, those steps were insufficient. Whether Respondent was entirely unaware of the Oregon Liquor Control Board's labeling scheme or simply did not understand what the different symbols meant, he did not verify that the products he purchased were marked with the symbol showing they contained hemp-derived CBD. It is also plausible the products Respondent ingested contained more THC than the labels indicated, rendering his calculations about the THC concentration inaccurate.

Regardless of the reason Respondent used these products and his good intentions to follow the law as he understood it, the results of his random drug test show these products did, indeed, contain sufficient levels of THC to exceed the threshold for a positive result. Respondent was not tricked or coerced into using the products; rather, he voluntarily obtained and consumed them. His reliance on statements from the salespeople at the dispensary that the products he purchased were non-intoxicating and would not cause a positive drug test result was, unfortunately for Respondent, misplaced and does not excuse him of the need to exercise extreme caution in the use of CBD products. See Appeal Decision 2729 (COOK) (2020).

While Respondent has credibly shown he is not a recreational user of, or addicted to marijuana, he nevertheless knowingly consumed or used at least three separate products that contain sufficient THC to be considered marijuana products for purposes of both Federal and Oregon law. Consequently, I find Respondent failed to rebut the presumption that he used dangerous drugs, specifically marijuana.

3. Respondent Proved Cure

Respondent presented evidence that, while this case was pending, he took steps to establish cure so his MMC could be returned more quickly in the event the Coast Guard was able to prove its allegations. Respondent was first evaluated by a SAP, as required under 49 C.F.R. Part 40, on January 6, 2020. The SAP did not diagnose Respondent with a substance abuse disorder, as there are eleven criteria for doing so and he did not meet them.² (Tr. at 80). She felt an online education course that provides a transcript upon completion would be appropriate and beneficial to Respondent. (Tr. at 81-82). Respondent took and completed the four-hour course on January 7, 2020. (Ex. Resp.-C). The SAP was satisfied at Respondent's follow-up assessment that he had met the goals of the course, and sent a letter to the MRO containing the information he needed to issue a return-to-work letter. (Tr. at 82, 88).

Respondent also submitted evidence that he has been subject to random drug testing since January 15, 2020, and attended a Narcotics Anonymous support group. As of the hearing, the Coast Guard was satisfied with the evidence Respondent provided, but requested a full year on non-association with drugs. I therefore held the record open so Respondent could submit additional documentation of cure. In compliance with Appeal Decision 2729 (COOK), Respondent deposited his MMC to my office on December 15, 2020. See COOK at 13. The one-year time-period has now elapsed, and Respondent has provided the documentation of for his final negative drug test, taken on December 16, 2020. (Exhibit R-CC).

The Commandant explained the requirements for cure in Appeal Decision 2535 (SWEENEY) (1992). There are two parts to the cure standard: first, the mariner must successfully complete a bona fide drug abuse rehabilitation program, and second, must demonstrate a complete non-association with drugs for a minimum of one year following the

² The Diagnostic Statistical Manual for Mental Disorders (DSM-5) uses specific criteria to establish if a person is a "substance abuser." This is a separate standard than the terms "user of, or addicted to dangerous drugs" as set out in Coast Guard law and regulations. A person who is not a "substance abuser" according to the DSM-5 may nevertheless be a "user" under Coast Guard law.

successful completion of the drug abuse program. SWEENEY at 5. Sweeney derived this standard from 46 C.F.R. § 5.901(d), which prescribes requirements for waiving the three-year waiting period that applies when a mariner whose credential was revoked as a result of use or simple possession of dangerous drugs seeks a new credential. See COOK at 9.

I have reviewed the evidence and find it established Respondent is cured of his association with dangerous drugs. He completed a bona fide drug abuse rehabilitation program, as prescribed by his SAP, on January 7, 2020. He has also demonstrated a complete non-association with dangerous drugs for one year after completing the program, as evidenced by twelve random drug tests that all yielded negative results. Additionally, the MRO has provided a return-to-work letter. I therefore find he is eligible for the immediate return of his MMC. See COOK at 17.

IV. SANCTION

Having found the allegations in the Complaint proved, I am required to issue a decision and appropriate order against Respondent. 33 C.F.R. § 20.902(a)(2). When the Coast Guard proves a mariner used or is addicted to the use of dangerous drugs, the only appropriate sanction is revocation, unless the mariner has proven cure. See 46 U.S.C. § 7704(c); 46 C.F.R. § 5.569; Appeal Decision 2535 (SWEENEY) (1992). However, at the time of the hearing, Respondent showed “substantial involvement in the cure process” and I therefore granted a continuance. Based on the guidance of the recent Cook decision, I directed Respondent to deposit his credential with my office. 46 C.F.R. § 5.21(b). Respondent deposited his MMC, and was therefore unable to work under his credential while the continuance was in effect.

As discussed above, Respondent’s proof of cure is now complete. I will therefore convert the period during which his MMC was on deposit to an **OUTRIGHT SUSPENSION**. See COOK, supra. I will also return Respondent’s MMC upon issuance of this Decision and Order.

ORDER


IT IS HEREBY ORDERED that the Coast Guard's allegation of drug use in violation of 46 U.S.C. § 7704(c) and 46 C.F.R. § 5.35 is **PROVED**.

IT IS FURTHER ORDERED that Respondent submitted satisfactory evidence that he completed the cure process, and may therefore safely hold an MMC in the future.

IT IS FURTHER ORDERED that the appropriate sanction in this matter is a period of **OUTRIGHT SUSPENSION** beginning on December 15, 2020 and ending on February 5, 2021.

PLEASE TAKE NOTICE that service of this Decision on the parties and/or parties' representative(s) serves as notice of appeal rights set forth in 33 C.F.R. §§ 20.1001–20.1004.

(Attachment B).



George J. Jordan
US Coast Guard Administrative Law Judge

Date:

ATTACHMENT A
WITNESS AND EXHIBIT LISTS

Coast Guard’s Witnesses:

1. David Roberts
2. Matthew Noble
3. LT Carl Eschler

Coast Guard’s Exhibits:

<u>Exhibit</u>	<u>Description</u>
CG – 01	A copy of Respondent’s Merchant Marine Credential (MMC) [REDACTED].
CG – 02	Certification of Respondent’s enrollment in random selection with Bio-Med Testing Services.
CG – 03	Scanlon Associates' DrugPak statement of scientific randomness for computer-generated random selections upon a pool of participants.
CG – 04	Respondent random selection.
CG – 05	Notice to Respondent on selection for controlled substance test.
CG – 06	Federal Drug Testing Custody and Control Form (FCCF) copy 3, Specimen ID F881296718 (Collector Copy).
CG – 07	DOT Drug Screen Collection Technician Certificate for Mark Phillips.
CG – 08	FCCF copy 1, Specimen ID F881296718 (Testing Facility Copy).
CG – 09	Federal Register Notice of Certified Testing Facilities Labs – (84 FR , 1 November 2019).
CG – 10	Legacy Laboratory Services Report for positive results Specimen ID F881296718.
CG – 11	FCCF copy 2, Specimen ID F881296718 (Medical Review Officer Copy).
CG - 12	Medical Review Officer (MRO) certification for Dr. Noble.
CG – 13	Drug test results certified by the MRO.
CG – 14	Statement from the MRO regarding FCCF copy 2 (MRO Copy).

CG – 15	Video from the collection site showing Respondent signing paperwork on the day of collection.
CG - 16	Picture of WYLD Strawberry gummies packaging (same as Respondent proposed Exhibit K, IMG-0732, and 0733; image with Oregon symbol Respondent sent to Coast Guard on March 24, 2020)
CG – 17	Oregon Liquor Control Commission Packaging and Labeling Guide for Medical and Recreational Marijuana (v. 4 August 2018)
CG – 18	Email to LT Carl Eschler from WYLD representative explaining THC content in the product (July 20, 2020)
CG- 19	Forensic urine drug testing document pack for positive results Specimen ID F881296718.

Respondent’s Witnesses:

1. [REDACTED]
2. Ms. Fudge
3. Dr. Noble
4. [REDACTED]

Respondent’s Exhibits:

<u>Exhibit</u>	<u>Description</u>
Respt. Exhibit A	SAP Verification of Compliance and Assistance Plan and recommendations for follow-up testing.
Respt. Exhibit B	Proof of enrollment in an active drug abuse monitoring program.
Respt. Exhibit C	Certification of Completion of Marijuana Awareness Course that was recommended by SAP after evaluation
Respt. Exhibit D	Certificate of Enrollment in DOT Drug and Alcohol Testing Program for 2020.
Respt. Exhibit E	Results letters of DOT controlled substance tests.
Respt. Exhibit F	USCG v Robert K. Cook, III, D&O issued November 1, 2018.
Respt. Exhibit G	USCG v Robert K. Cook, III, Cure Order issued April 17, 2019.
Respt. Exhibit H	USCG v Raymond E. Summer, March 27, 2018.

Respt. Exhibit I	Legacy Laboratory Services positive sample result.
Respt. Exhibit J	McKenzie Crossing Physical Therapy records.
Respt. Exhibit K	Pictures of CBD products (7).
Respt. Exhibit L	Heather Fudge Statement. (SAP)
Respt. Exhibit M	██████████ Statement.
Respt. Exhibit N	██████████ Statement.
Respt. Exhibit O	██████████ Statement.
Respt. Exhibit P	██████████ Statement.
Respt. Exhibit Q	DOT Office of Drug and Alcohol Policy and Compliance Notice.
Respt. Exhibit R	USCG CBD Safety Advisory Letter.
Respt. Exhibit S	Evidence identified by the USCG.
Respt. Exhibit T	Email USCG -- CCF signature Dec. 13.
Respt. Exhibit U	Email USCG -- SAP recommended rehab class January 24-28.
Respt. Exhibit V	Email USCG -- Settlement questions Feb 13 - March 9.
Respt. Exhibit W	Email USCG -- Settlement discussions March 10-31.
Respt. Exhibit X	Email SAP -- Rehab discussion March 9.
Respt. Exhibit Y	Email SAP -- Return to Work March 16.
Respt. Exhibit Z	Email -- Narcotics Anonymous attendance.
Respt. Exhibit AA	MRO Return to Work Letter.
Respt. Exhibit BB	Email ██████████ notifying Respondent of his selection for random drug test.
Respt. Exhibit CC	Result Letter Dec 2020