

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

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**UNITED STATES COAST GUARD,**

Complainant,

vs.

**RUSSELL ROBINSON**

Respondent.

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Docket Number 2023-0148  
Enforcement Activity No. 7659306

**DEFAULT ORDER**

**Issued: September 21, 2023**

**By Administrative Law Judge: Honorable Tommy Cantrell**

**Appearances:**

**CWO Gilbert W. Page  
Sector Houston/Galveston**

**For the Coast Guard**

**Russell Robinson, *pro se***

**For Respondent**

This matter comes before me on the United States Coast Guard's (Coast Guard) Motion for Default Order. As of the date of this order, Russell Robinson (Respondent) has not responded to the Complaint or the Motion for Default. Upon review of the record and pertinent authority, the Coast Guard's Motion for Default is **GRANTED**.

### **I. Background**

On April 12, 2023, the Coast Guard filed a Complaint against Respondent alleging one count of use of, or addiction to the use of dangerous drugs. The Return of Service for the Complaint filed by the Coast Guard indicates the Complaint was delivered to Respondent's residence by Federal Express and signed for by a person of suitable age and discretion residing at that residence on April 24, 2023.

On July 5, 2023, the Coast Guard filed a Motion for Default Order (Motion), explaining Respondent failed to file an Answer, and the response time has passed. See 33 C.F.R. § 20.308. The Return of Service for Motion for Default indicates Federal Express attempted to deliver the Motion on July 10, 2023, however, Respondent refused to accept the delivery.<sup>1</sup> Thereafter, the Chief Administrative Law Judge assigned the matter to me on August 11, 2023.

### **II. DISCUSSION**

The applicable regulations require a respondent to "file a written answer to the complaint 20 days or less after service of the complaint." 33 C.F.R. § 20.308(a). An administrative law judge (ALJ) may find a respondent in default "upon failure to file a timely answer to the complaint or, after motion, upon failure to appear at a conference or hearing without good cause

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<sup>1</sup> A Motion for Default Order is still considered validly served when refused by the respondent pursuant to 33 C.F.R. 20.304(h) which provides:

If a person refuses to accept delivery of any document or fails to claim a properly addressed document other than a complaint sent under this subpart, the Coast Guard considers the document served anyway. Service is valid at the date and the time of mailing, of deposit with a contract service or express-courier service, or of refusal to accept delivery.

shown.” 33 C.F.R. § 20.310(a). Default constitutes an admission of all facts alleged in a complaint and a waiver of respondent’s right to a hearing on those facts. 33 C.F.R. § 20.310(c).

The Complaint filed by the Coast Guard and properly served on Respondent included instructions that clearly stated “YOU MUST RESPOND TO THIS COMPLAINT WITHIN 20 DAYS” and provided the applicable regulatory provision, 33 C.F.R. § 20.308. The instructions also informed Respondent an extension of time could be requested “within 20 days” of receipt. As of the date of this order, Respondent has not filed a response to the Complaint or the Motion for Default. Furthermore, Respondent has not filed any requests for an extension of time.

Here, the record shows Respondent did not file an Answer and has made no attempt to provide good cause for not doing so. Furthermore, nothing in the record indicates Respondent asked for an extension of time. Accordingly, I find Respondent in default pursuant to 33 C.F.R. § 20.310(a). Default constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing. 33 C.F.R. § 20.310(c). See Appeal Decision 2682 (REEVES) (2008).

As to the charge of use of, or addiction to the use of dangerous drugs, the Complaint alleges on June 9, 2022, Respondent took a drug test pursuant to 46 C.F.R. Part 16 and tested positive for cocaine metabolites. See 46 U.S.C. § 7704(b). As noted above, by operation of the default, Respondent admits to all these factual allegations. Furthermore, after review of the factual allegations in the Complaint, I find they are legally sufficient to find Respondent is a user of, or addicted to the use of dangerous drugs and therefore the Complaint is **PROVED**. Id. Based on this finding, I also find the facts alleged in the Complaint sufficient to warrant the sanction of **REVOCATION**. See 46 C.F.R. § 5.569.

**WHEREFORE,**

### **ORDER**

Upon consideration of the record, I find Respondent in **DEFAULT**.

**IT IS HEREBY ORDERED**, in accordance with 33 C.F.R. § 20.310, I find the allegations set forth in the Complaint **PROVED**.

**IT IS FURTHER ORDERED**, all of Respondent's Coast Guard issued credentials, including Respondent's Merchant Mariner Credential (MMC), are **REVOKED**.

**IT IS FURTHER ORDERED**, Respondent shall immediately deliver all Coast Guard issued credentials, licenses, certificates, or documents, including the MMC, by mail, courier service, or in person to: U.S. Coast Guard Sector Houston/Galveston, 13411 Hillard St. Houston, TX 77034. In accordance with 18 U.S.C. § 2197, if **Respondent knowingly continues to use the Coast Guard issued MMC, Respondent may be subject to criminal prosecution.**

**IT IS FURTHER ORDERED**, pursuant to 33 C.F.R. § 20.310(e), for good cause shown, an ALJ may set aside a finding of default. A motion to set aside a finding of default may be filed with the ALJ Docketing Center in Baltimore. The motion may be sent to the U.S. Coast Guard Administrative Law Judge Docketing Center; Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street; Baltimore, MD 21202-4022.

**PLEASE TAKE NOTICE**, service of this Default Order on the parties serves as notice of appeal rights set forth in 33 C.F.R. § 20.1001-20.1004 (Attachment A).

**SO ORDERED.**

Done and dated this 21st day of September 2023, at  
Houston, Texas



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HON. TOMMY CANTRELL  
ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD