

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

UNITED STATES COAST GUARD

Complainant

vs.

DAVID ALEXANDER McCANN,

Respondent.

**Docket Number 2023-0289
Enforcement Activity Number 7759944**

ADMISSION ORDER

Issued: August 28, 2023

By Administrative Law Judge: Honorable George J. Jordan

Appearances:

**WILLIAM TAYLOR
Investigating Officer
Sector Honolulu
For the Coast Guard**

**DAVID ALEXANDER McCANN, *Pro se*
For the Respondent**

DECISION AND ORDER

On August 9, 2023, the United States Coast Guard (Coast Guard) initiated this administrative action seeking four (4) Months' Outright Suspension of Merchant Mariner's License Number [REDACTED] issued to David Alexander McCann (Respondent) by issuing a Complaint alleging Respondent committed Misconduct, pursuant to the legal authority contained in 46 U.S.C. § 7703(1)(B) and defined by 46 CFR § 5.27.

In support of the Complaint, the Coast Guard specifically alleges Respondent:

1. On June 13, 2023, Respondent was employed by Norwegian Cruise Lines, Inc. (NCL), PRIDE OF AMERICA and subject to NCL (Bahamas) policies.
2. On June 13, 2023, NCL, PRIDE OF AMERICA had a drug and alcohol policy prohibiting PRIDE OF AMERICA employees from having a blood alcohol content (BAC) above 0.04% while onboard.
3. On June 13, 2023, Respondent was intoxicated with a BAC greater than .04%, in violation of NCL, PRIDE OF AMERICA's drug and alcohol policy.
4. Respondent's violation of NCL PRIDE OF AMERICA's drug and alcohol policy is Misconduct, as described by 46 U.S.C. § 7703(1)(B) and defined by 46 CFR § 5.27.
5. In Aggravation: Respondent was on duty performing ships work when found with a BAC over .04%.

After the complaint had been filed, Respondent filed an Answer admitting to all the jurisdictional and factual allegations and indicating they agreed with the proposed order of 4 Months' Outright Suspension, with no additional conditions requested. The Chief Administrative Law Judge assigned the matter to the undersigned Administrative Law Judge (ALJ) on August 15, 2023.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED that Respondent's violation of negligence 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 FOUR (4) MONTHS**, commencing on the date it is deposited with the Coast Guard.

PLEASE TAKE NOTICE, 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 A).

Done and dated August 28, 2023,
Seattle, WA

A handwritten signature in blue ink, appearing to read "George J. Jordan", is written over a horizontal line.

HON. GEORGE J. JORDAN
ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD