

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

UNITED STATES COAST GUARD,

Complainant,

vs.

BRADLEY MORRIS VERRET

Respondent.

**Docket Number: 2023-0297
Enforcement Activity Number: 7745142**

DEFAULT ORDER

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

I. BACKGROUND

On August 15, 2023, the Coast Guard filed a Complaint against Respondent, seeking revocation of his merchant mariner credential (MMC), pursuant to 46 U.S.C. § 7701, et seq. The Coast Guard asserted one charge alleging Respondent is a security risk as described by 46 U.S.C. § 7703(5). The Return of Service filed by the Coast Guard shows the Complaint was delivered to a person of suitable age and discretion at Respondent's residence on August 17, 2023. As of the date of issuance of this Order, Respondent has not filed an answer.

On September 19, 2023, the Coast Guard filed the Motion, asserting Respondent failed to file an answer and the response time had elapsed. See 33 C.F.R. § 20.308. The Return of Service for the Motion shows it was delivered to Respondent at his residence on September 22, 2023. To date, Respondent has not filed a response to the Motion. The Chief Administrative Law Judge (ALJ) assigned the matter to me on October 19, 2023.

II. DISCUSSION

The 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 shown." 33 C.F.R. § 20.310(a). Default constitutes an admission of all facts alleged in a complaint and a waiver of the respondent's right to a hearing on those facts. 33 C.F.R. § 20.310(c); Appeal Decision 2682 (REEVES) (2008), 2008 WL 5765851, at *1.

Here, the Coast Guard properly served the Complaint on Respondent on August 17, 2023. Contained within the Complaint are instructions that clearly state, "YOU MUST RESPOND TO THIS COMPLAINT WITHIN 20 DAYS" and provide 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 of the Complaint. Respondent failed to file an answer and has made no attempt to provide good cause for not doing so. Similarly, the Coast Guard properly served the Motion on Respondent on September 22, 2023, and Respondent failed to file a response. 33 C.F.R. § 20.310(b) ("[t]he respondent alleged to be in default shall file a reply to the motion 20 days or less after service of the motion."). Accordingly, I find Respondent in

default, and his failure to file an answer 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).

Regarding the substance of the allegations, I find the facts alleged are sufficient to prove Respondent poses a security risk as described by 46 U.S.C. § 7703(5). On May 15, 2023, the Transportation Security Administration (TSA) determined Respondent does not meet the security threat assessment standards described in 49 C.F.R. § 1572.5 and revoked Respondent's Transportation Worker Identification Credential (TWIC). Pursuant to 46 C.F.R. §§ 10.235(h) and 10.101(c), TSA's determination to revoke an individual's TWIC is not subject to review and is to be treated as proof that a mariner is not eligible for an MMC. Therefore, the regulations require a finding that Respondent poses a security risk under 46 U.S.C. § 7703(5), and the charge is **PROVED**. Based on this finding, I also find the facts alleged in the Complaint sufficient to warrant the sanction of **REVOCATION**.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED, the Coast Guard's Motion for Default Order is **GRANTED**.

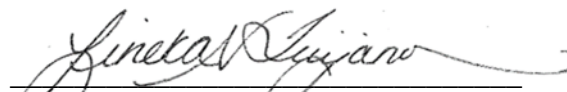
IT IS FURTHER ORDERED, Respondent's MMC and all other Coast Guard-issued credentials are **REVOKED**.

IT IS FURTHER ORDERED, Respondent shall immediately deliver the MMC and all other Coast Guard-issued credentials by mail, courier service, or in-person to: Mr. Eric Bauer, Suspension & Revocation National Center of Expertise, 100 Forbes Drive, Martinsburg, WV 25404. If Respondent knowingly continues to use the MMC, or other Coast Guard-issued credentials, Respondent may be subject to criminal prosecution. See 18 U.S.C. § 2197.

IT IS FURTHER ORDERED, 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. 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. See 33 C.F.R. § 20.310(e).

PLEASE TAKE NOTICE of the appeal rights set forth in 33 C.F.R. § 20.1001-20.1004 (Attachment A).

Done and dated November 2, 2023
Baltimore, Maryland



HON. LINEKA N. QUIJANO
ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD