

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

---

**UNITED STATES COAST GUARD,**  
Complainant,

vs.

**THOMAS RICHARD PERRY JR.,**  
Respondent.

---

Docket No. 2023-0322  
Enforcement Activity No. 7781454

**DEFAULT ORDER**

**Issued: March 25, 2024**

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

**Appearances:**

**LT Bobbi Jo Robertson,  
Sector Mobile,**

**For the Coast Guard.**

**Thomas Richard Perry Jr., *pro se*,**

**For Respondent.**

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, Thomas Richard Perry Jr. (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 September 12, 2023, the Coast Guard filed a Complaint against Respondent alleging one count of use of or addiction to the use of a dangerous drug as described by 46 U.S.C. § 7704(b). 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 September 14, 2023.

On December 18, 2023, the Coast Guard filed the instant Motion, explaining Respondent failed to file an Answer within the time allotted (i.e., within 20 days or less of service of the complaint) and never requested an extension. See 33 C.F.R. § 20.308(a). Regarding the instant Motion, the Return of Service indicates Federal Express delivered it to Respondent on January 9, 2024, and was signed for by "T. Perry." Thereafter, the Chief Administrative Law Judge (ALJ) assigned the matter to me on February 27, 2024.

## **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 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 Respondent's right to a hearing on those facts. 33 C.F.R. § 20.310(c); see also 33 C.F.R. § 20.308(d) ("[R]espondent's failure without good cause to file an answer admits each allegation made in the

complaint.”).

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 he could request an extension “within 20 days” of receipt. As of the date of this Order, Respondent has not filed an Answer, a response to the Motion, nor a request for an extension of time. Accordingly, I find Respondent in default pursuant to 33 C.F.R. § 20.310(a). As noted above, Default constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing. 33 C.F.R. § 20.308(d); 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 a dangerous drug, the Complaint alleges on June 28, 2023, Respondent took a drug test pursuant to 46 C.F.R. Part 16 and tested positive for Amphetamines/Methamphetamines. As noted above, by failing to file an Answer, Respondent admits to all these factual allegations. “If it is shown that a holder has been a user of . . . a dangerous drug, the license, certificate of registry, or merchant mariner’s document shall be revoked unless the holder provides satisfactory proof that the holder is cured.” 46 U.S.C. § 7704(b). Thus, 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 a dangerous drug, 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**. Id.

**WHEREFORE,**

### **ORDER**

Upon consideration of the record, the Coast Guard’s Motion is **GRANTED**. I find Respondent in **DEFAULT**.

In accordance with 33 C.F.R. § 20.308(d) and 33 C.F.R. § 20.310, I find the allegations in the Complaint **PROVED**.

**IT IS HEREBY 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 Mobile, 1500 15<sup>th</sup> Street, Mobile, AL, 36615. 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.**

**RESPONDENT IS HEREBY NOTIFIED**, 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 March 25, 2024, at  
Houston, Texas



---

THE HONORABLE TOMMY CANTRELL  
ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD