

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

UNITED STATES COAST GUARD,	)	
Complainant,	)	
	)	Docket Number: 2023-0324
vs.	)	
	)	Enforcement Activity Number: 7771486
SAVANNAH A. SHEPARD,	)	
Respondent.	)	

**DEFAULT ORDER**

**Issued:** February 28, 2024

**By Order of Chief Administrative Law Judge: Hon. Walter J. Brudzinski**

**Appearances:**

**For the Coast Guard**

Paul Ledoux  
USCG Sector Virginia

**For the Respondent**

Savannah A. Shepard, *Pro se*

## **ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER**

On December 13, 2023, the United States Coast Guard Sector Virginia (Coast Guard) issued a Complaint against Savannah A. Shepard (Respondent) seeking to revoke her Merchant Mariner Credential (MMC or credential) for misconduct, in violation of 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27.

Specifically, the Coast Guard alleges Respondent took a required pre-employment drug test in accordance with Civilian Marine Personnel Instruction 792, pursuant to Executive Order 12564, and Public Law 100-71, on June 6, 2023. The specimen collected from Respondent was determined to be an insufficient quantity. The collector directed Respondent to immediately provide a second specimen, but Respondent failed to remain present through the completion of the collection process and refused to provide a second specimen. Respondent's failure to remain present through the completion of the collection process and refusing to provide a second specimen, is a refusal to take a federally regulated drug test. Respondent's refusal to take a federally regulated drug test when directed to do so by a federal agency is misconduct as described by 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27.

The Coast Guard filed its Return of Service for Complaint on December 20, 2023, indicating it served a copy of said Complaint to Respondent at her residence by express courier service. A person of suitable age and discretion residing at the address signed for the document on December 14, 2023. As set forth in the Complaint, Respondent's Answer is due within 20 days of receipt in accordance with 33 C.F.R. § 20.308. Respondent's Answer was due no later than January 3, 2024.

To date, Respondent has neither filed an Answer nor requested an extension of time to file an Answer; therefore, the Coast Guard filed its Motion for Default Order (Default Motion)

on January 16, 2024, requesting the Administrative Law Judge (ALJ) issue a Default Order against Respondent imposing the sanction asked for in the Complaint. The Coast Guard subsequently filed a Return of Service for the Default Motion showing it served a copy of said Default Motion to Respondent at her residence by express courier. A person of suitable age and discretion residing at the address signed for the document on January 19, 2024.

Title 33 C.F.R. § 20.310 provides “the respondent alleged to be in default shall file a reply to the motion 20 days or less after service of the motion.” Respondent’s reply was due no later than February 8, 2024. To date, Respondent has not filed a reply.

On February 14, 2024, the ALJ Docketing Center assigned this matter to the undersigned for review and adjudication. After careful review of this file, I find the applicable provisions of 33 C.F.R. §§ 20.310 and 20.304(d) and (h) have been complied with and Respondent is in **DEFAULT**. Under 33 C.F.R. § 20.310(c) a default constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent’s right to a hearing. Accordingly, I find the violations alleged in the Complaint are **PROVED**.

However, I take issue with the Coast Guard’s proposed sanction of revocation. Title 46 C.F.R. § 5.569 prescribes a suggested sanction of 12-24 months’ suspension for refusal to take a chemical drug test. An upward departure from this guidance requires “a clearly articulated explanation of aggravating factors.” See Appeal Decision 2702 (CARROLL), 2013 WL 7854263, at \*2. Here, the Coast Guard does not identify any aggravating factors in its Complaint. As such, I find suspension of Respondent’s MMC is the appropriate sanction in this case.

**SANCTION**

**IT IS HEREBY ORDERED** that Respondent SAVANNAH A. SHEPARD's Merchant Mariner Credential is **SUSPENDED OUTRIGHT FOR 24-MONTHS**.

**IT IS FURTHER ORDERED** that Respondent immediately deposit her MMC to the Investigating Officer at the United States Coast Guard Sector Virginia, 200 Granby Street, Suite 700, Norfolk, VA 23510. If Respondent knowingly continues to use her credentials, she may be subject to criminal prosecution.

**PLEASE TAKE NOTICE** that under 33 C.F.R. § 20.310(e), for good cause shown, an Administrative Law Judge may set aside this finding of Default. Respondent may file a motion to set aside the finding with the ALJ Docketing Center, Baltimore, MD.

**PLEASE TAKE FURTHER NOTICE** that service of this Order upon Respondent serves to notify Respondent of his right to appeal as set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

Done and dated February 28, 2024  
New York, NY



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HON. WALTER J. BRUDZINSKI  
CHIEF ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD