

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

UNITED STATES COAST GUARD,)	
Complainant,)	
)	Docket Number: 2023-0347
vs.)	
)	Enforcement Activity Number: 7746888
JONATHAN DAVID MILLS,)	
Respondent.)	

DEFAULT ORDER

Issued: April 8, 2024

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

Appearances:

For the Coast Guard

LT Bobbi Jo Robertson
USCG Sector Mobile

For the Respondent

Jonathan David Mills, *Pro se*

ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER

On October 4, 2023, the United States Coast Guard Sector Mobile (Coast Guard) issued a Complaint against Jonathan David Mills (Respondent) seeking to revoke his Merchant Mariner Credential (MMC) for drug use, in violation of 46 U.S.C. § 7704(b) and 46 C.F.R. § 5.35. Specifically, the Coast Guard alleges Respondent took a pre-employment drug test pursuant to 46 C.F.R. Part 16 on May 30, 2023, in which his specimen tested positive for marijuana metabolites (THCA).

The Coast Guard filed its Return of Service for Complaint on October 5, 2023, indicating it served a copy of said Complaint to Respondent at his residence by FedEx express courier service. A person of suitable age and discretion residing at this residence signed for the document on October 5, 2023.¹ 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 October 25, 2023.

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 October 30, 2023, 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 his residence by FedEx express courier service. A person of

¹ The Coast Guard's Return of Service for the Complaint states Respondent signed for the document. However, the FedEx proof of service shows that an individual named K. Gray at this address signed for the document.

suitable age and discretion residing at this residence signed for the document on November 3, 2023.²

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 November 24, 2023, because November 23, 2023 was a holiday. To date, Respondent has not filed his reply.

On April 5, 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**. I have carefully reviewed the Complaint and the Default Motion and further find the proposed sanction of revocation is appropriate under the provisions of 46 C.F.R. § 5.569.

² The Coast Guard’s Return of Service for the Default Motion states Respondent signed for the document. However, the FedEx proof of service shows that an individual named D. Cosner at this address signed for the document.

SANCTION

IT IS HEREBY ORDERED that Respondent Jonathan David Mills' Merchant Mariner Credential is **REVOKED**.

IT IS FURTHER ORDERED that Respondent immediately surrender his MMC to the Investigating Officer at the United States Coast Guard Sector Mobile, 1500 15th Street, Mobile, AL 36615. If Respondent knowingly continues to use his credentials, he 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 April 8, 2024
New York, NY



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