

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

UNITED STATES COAST GUARD,

Complainant,

vs.

CAMERON MICHAEL ALEXANDER,

Respondent,

**Docket Number 2023-0389
Enforcement Activity Number 7797814**

DEFAULT DECISION

Issued: March 13, 2024

By: George J. Jordan, Administrative Law Judge

Appearances:

**LT Matthew Olp
For the Coast Guard**

**Cameron Michael Alexander, *Pro se*
For the Respondent**

This matter comes before me based on the United States Coast Guard's (Coast Guard) Motion for Default Order (Motion for Default). As of the date of this order, Cameron Michael Alexander (Respondent) has not replied to the Complaint nor the Motion for Default. Upon review of the record and pertinent authority, the allegations in the Complaint are **PROVED**.

On November 1, 2023, the Coast Guard issued a Complaint against Respondent seeking to revoke his Merchant Mariner Credential (MMC) for being a user of a dangerous drug in violation of 46 U.S.C. § 7704(b). Specifically, the Coast Guard alleges Respondent tested positive for marijuana metabolites as the result of failing a chemical test for dangerous drugs, raising the presumption of use established by 46 CFR § 16.201(b).

The Coast Guard served the Complaint on Respondent via express courier service and Respondent never filed an answer. On January 31, 2024, the Coast Guard then filed a Motion for Default serving Respondent again by express courier service. To date, more than twenty days have passed from service of the Motion for Default and Respondent has neither filed an answer nor requested an extension of time to file an answer. 33 C.F.R. § 20.308(a).

As Respondent has not filed an answer nor asserted good cause for failing to do so, I find Respondent in **DEFAULT**. 33 C.F.R. § 20.310(a); Appeal Decision 2700 (THOMAS) (2012). A default constitutes an admission of all facts alleged in the Complaint and waiver of the right to hearing on those facts. 33 C.F.R. § 20.310(c). I find the following factual allegations in the Complaint **ADMITTED**:

1. On March 29, 2023, Respondent took a required Pre-employment drug test pursuant to 46 CFR Part 16.
2. A urine specimen was collected from Respondent by Claire Ennis of North Shore Heart & Vascular, Mandeville, LA in accordance with 49 CFR Part 40.

3. Respondent signed a Federal Drug Testing Custody and Control Form for providing urine specimen ID # CF10215128.
4. Urine specimen ID# CF10215128 was received by and subsequently analyzed pursuant to 49 CFR Part 40 by Clinical Reference Laboratory, Lenexa, KS, a certified SAMHSA laboratory.
5. On April 1, 2023, urine specimen ID# CF10215128 tested positive for Marijuana metabolites as reported by Clinical Reference Laboratory.
6. On April 2, 2023, Dr. Paul Cheng, MD, the Medical Review Officer, determined that Respondent failed a chemical test for dangerous drugs, raising the presumption of use established by 46 CFR § 16.201(b).
7. Respondent has been a user of a dangerous drug as described in 46 U.S.C. § 7704(b).

Upon finding Respondent in default, I must now issue a decision against him. 33 C.F.R. § 20.310(d). In reviewing the record, I find that the facts deemed admitted are sufficient to establish that Respondent is a user of a dangerous drug as outlined in 46 U.S.C. § 7704(b), 46 C.F.R. § 16.201(b), Appeal Decision 2603 (HACKSTAFF) (1998), and Appeal Decision 2704 (FRANKS) (2014). Accordingly, I find Respondent is a user of a dangerous drug.

SANCTION

Having found Respondent in default and all allegations in the Complaint proved, I now must determine the appropriate sanction. 33 C.F.R. § 20.902(a)(2). While it is within the sole discretion of the Administrative Law Judge (ALJ) to determine the appropriate sanction at the conclusion of a case. Appeal Decision 2362 (ARNOLD) (1984). A proved allegation that a mariner is a of user of a dangerous drug carries a mandatory sanction of revocation of their MMC unless they can prove cure. 46 U.S.C. § 7704(b). The Coast Guard proved Respondent is a user of dangerous drug thus the only sanction to levy is revocation. Id.

WHEREFORE

ORDER

IT IS HEREBY ORDERED, all of Respondent's Coast Guard issued credentials, including Respondent's MMC, are **REVOKED**.

IT IS FURTHER ORDERED, 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).

IT IS SO ORDERED.

Done and dated, March 13, 2024,
Seattle, Washington



George J. Jordan
Administrative Law Judge
United States Coast Guard