

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

UNITED STATES COAST GUARD,)	
Complainant,)	
)	Docket Number: 2023-0400
vs.)	
)	Enforcement Activity Number: 7738914
TAYLOR JOSEPH OLSEN,)	
Respondent.)	

DEFAULT ORDER

Issued: April 12, 2024

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

Appearances:

For the Coast Guard

LT Joshua B. French
USCG Sector Mobile

For the Respondent

Taylor Joseph Olsen, *Pro se*

ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER

On October 20, 2023, the United States Coast Guard Sector Mobile (Coast Guard) issued a Complaint against Taylor Joseph Olsen (Respondent) seeking to revoke his 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 random drug test pursuant to 46 C.F.R. Part 16 on June 12, 2023. The specimen collection process was initiated, but during the collection process it was discovered Respondent possessed a device that could be used to interfere with the collection process, thereby failing to cooperate with the collection process. Respondent failing to cooperate with the specimen collection process by possessing a device that could be used to interfere with the collection process is a refusal to take a required drug test, pursuant to 46 C.F.R. Part 16. Respondent's refusal to take a required drug test in accordance with 46 C.F.R. Part 16 is misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27. The Coast Guard further states, in aggravation, Respondent's possession of a device that could be used to interfere with the collection process was an intentional act to circumvent marine safety regulations.

The Coast Guard filed its Return of Service for Complaint on October 30, 2023, indicating it served a copy of said Complaint to Respondent at his residence by express courier service. A person of suitable age and discretion residing at the address signed for the document on October 27, 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 November 16, 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 March 6, 2024. In its Default Motion, the Coast Guard states it has attempted to correspond with Respondent via email to discuss options on addressing the Complaint, and to this date Respondent has not returned any correspondence. The Coast Guard further requests the Administrative Law Judge (ALJ) issue a Default Order against Respondent imposing a sanction of revocation against Respondent's MMC.

The Coast Guard subsequently filed a Return of Service for the Default Motion¹ stating it attempted to serve Respondent by express courier service at the address on record. The FedEx Tracking Report shows there were several delivery attempts, but an adult recipient was unavailable to sign for the package. So, the shipment was returned to the sender on March 15, 2024.

Title 33 C.F.R. § 20.304(h) provides “[i]f a person refuses to accept delivery of any document or fails to claim a properly addressed document other than a complaint sent under this subpart, the Coast Guard considers the document served anyway. Service is valid at the date and the time of mailing, of deposit with a contract service or express-courier service, or of refusal to accept delivery.” Therefore, service of the Coast Guard's Default Motion became valid on March 8, 2024, the date the package was deposited with the express courier service.

On April 9, 2024, the ALJ Docketing Center assigned this matter to me for review and adjudication. I have carefully reviewed this file, and 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

¹ I note the Coast Guard incorrectly entitled the document “Return of Service for Complaint” instead of Return of Service for Motion for Default.

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.

SANCTION

IT IS HEREBY ORDERED that Respondent Taylor Joseph Olsen's 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 12, 2024
New York, NY



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