

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

UNITED STATES COAST GUARD,

Complainant,

vs.

BREANA PATRICE RAY,

Respondent.

Docket Number: 2023-0183

Enforcement Activity Number: 7678908

**ORDER MEMORIALIZING PRE-HEARING CONFERENCE, GRANTING COAST
GUARD'S MOTION TO WITHDRAW MOTION FOR DEFAULT ORDER AND
CONSENT ORDER APPROVING SETTLEMENT AGREEMENT**

On August 3, 2023, I held a pre-hearing conference in this matter in accordance with 33 C.F.R. § 20.501(b). LT Kyle Burns appeared on behalf of the United States Coast Guard (Coast Guard). Ms. Breana Ray (Respondent) appeared on her own behalf.

On June 16, 2023, the Coast Guard filed a Motion for Default Order (Motion for Default). Subsequently, on July 24, 2023, the Coast Guard filed a Motion for Approval of Settlement Agreement and Entry of Consent Order (Settlement Agreement). During the conference, I first addressed the Motion for Default. After discussion, the Coast Guard moved to withdraw its Motion for Default because the parties ultimately reached a settlement. Respondent did not oppose the Coast Guard's motion to withdraw. Having considered the basis for the request, and with no objection from Respondent, I granted the withdrawal of the Motion for Default.

I then turned to the substance of the Settlement Agreement to discuss an unsigned, undated handwritten phrase written above the terms and conditions set forth in subparagraph 2.e. After inquiry, the parties explained that Respondent wrote the phrase as a note with no intention to alter the typed terms and conditions in subparagraph 2.e. More importantly, the parties agreed subparagraph 2.e. required Respondent to obtain a Substance Abuse Professional evaluation, as set forth in 49 C.F.R. Part 40, within thirty (30) days of signing the agreement. With this clarification, and after a careful review of the terms of the Settlement Agreement, I find that it is fair and reasonable and in substantial compliance with the requirements of 33 C.F.R. § 20.502.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED the Coast Guard's oral motion to withdraw the Motion for Default Order is **GRANTED**.

IT IS FURTHER ORDERED, upon consideration of the record, the Settlement Agreement is **APPROVED** in full and incorporated herein by reference. This Order shall constitute full, final, and complete adjudication of this proceeding.

Done and dated August 9, 2023
Baltimore, Maryland

A handwritten signature in cursive script, reading "Lineka N. Quijano", written in black ink.

**HON. LINEKA N. QUIJANO
ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD**