

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

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**UNITED STATES COAST GUARD,**

Complainant,

vs.

**SAMUEL ERNEST PETTWAY,**

Respondent.

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Docket Number 2023-0263  
Enforcement Activity No. 7690669

**DEFAULT ORDER**

**Issued: January 8, 2025**

**By Administrative Law Judge: Honorable Timothy G. Stueve**

**Appearances:**

**Dean Epps  
USCG Sector Mobile**

**For the Coast Guard**

**Samuel Ernest Pettway, pro se**

**For Respondent**

## **Background**

On July 18, 2023, the Coast Guard filed a Complaint against Samuel Ernest Pettway (Respondent) alleging one count of use of, or addiction to the use of dangerous drugs. The Return of Service for Complaint filed by the Coast Guard<sup>1</sup> indicates the Complaint was delivered to Respondent's residence by Federal Express and signed for by a person of suitable age and discretion residing at the residence on June 30, 2023 (Attachment A).

On August 9, 2023, the Coast Guard filed an initial Motion for Default Order. Then on October 31, 2024, the Coast Guard filed a reissuance of a Motion for Default Order (Motion), explaining Respondent failed to file an Answer, and the response time has passed. See 33 C.F.R. § 20.308. An Amended Return of Service was filed by the Coast Guard on January 8, 2025, indicating that the Coast Guard intended to serve the Respondent with the Motion for Default on October 28, 2024 and October 29, 2025. Since Respondent was not present on delivery by way of Express Courier, the Motion for Default was returned to the Coast Guard on November 8, 2024. The Chief Administrative Law Judge assigned the matter to me on December 4, 2024.

## **Discussion**

The applicable regulations require a respondent to “file a written answer to the complaint 20 days or less after service of the complaint.” 33 C.F.R. § 20.308(a). An administrative law judge (ALJ) may find a respondent in default “upon failure to file a timely answer to the complaint or, after motion, upon failure to appear at a conference or hearing without good cause shown.” 33 C.F.R. § 20.310(a). Default constitutes an admission of all facts alleged in a complaint and a waiver of respondent's right to a hearing on those facts. 33 C.F.R. § 20.310(c).

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<sup>1</sup> The Coast Guard's Return of Service for the Complaint does not indicate the person that signed for receipt of the document. However, the Fedex proof of service attached to the Return of Service for the Complaint shows that “S. Pettway” signed for the document.

The Complaint filed by the Coast Guard and properly served on Respondent contained instructions that clearly stated “YOU MUST RESPOND TO THIS COMPLAINT WITHIN 20 DAYS” and provided the applicable regulatory provision, 33 C.F.R. § 20.308. The instructions also informed Respondent an extension of time could be requested “within 20 days” of receipt. Respondent failed to respond to the Complaint or the Motion for Default Order.

Accordingly, I find Respondent in default pursuant to 33 C.F.R. § 20.310(a). Default constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing. 33 C.F.R. § 20.310(c). See Appeal Decision 2682 (REEVES) (2008).

As to the charge of use of, or addiction to the use of dangerous drugs, the Complaint alleges on February 9, 2023, Respondent took a required pre-employment drug test pursuant to 46 C.F.R. Part 16, and tested positive for marijuana. See 46 U.S.C. § 7704(b).

The factual allegations in the pleadings are legally sufficient to find the charge of use of, or addiction to the use of dangerous drugs **PROVED**. Id.

The undersigned finds the facts alleged in the Complaint sufficient to warrant the suggested sanction of REVOCATION. See 46 C.F.R. § 5.569.

**WHEREFORE,**

### **ORDER**

Upon consideration of the record, I find Respondent in **DEFAULT**.

**IT IS HEREBY ORDERED**, in accordance with 33 C.F.R. § 20.310, I find the allegations set forth in the Complaint **PROVED**.

**IT IS FURTHER ORDERED**, all of Respondent’s Coast Guard issued credentials, including Respondent’s Merchant Mariner Credential (MMC), are **REVOKED**.

**IT IS FURTHER ORDERED**, Respondent shall immediately deliver all Coast Guard issued credentials, licenses, certificates, or documents, including the MMC, by mail, courier service, or in person to: U.S. Coast Guard Sector Mobile, 1500 15th Street, Mobile, AL 36615. In accordance with 18 U.S.C. § 2197, if **Respondent knowingly continues to use the Coast Guard issued MMC, Respondent may be subject to criminal prosecution.**

**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 21201-4022.

**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 B).

**SO ORDERED.**



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Hon. Timothy G. Stueve  
Administrative Law Judge  
U.S. Coast Guard

Done and dated January 8, 2025, at  
Alameda, California