

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

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UNITED STATES COAST GUARD  
Complainant

vs.

EDWIN OLIVA  
Respondent

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Docket Number 2023-0192  
Enforcement Activity No. 7667694

**DEFAULT ORDER**

This matter comes before me on the United States Coast Guard's (Coast Guard) Motion for Default Order. As of the date of this order, Edwin Oliva (Respondent) has not filed a reply to the motion. 33 C.F.R. § 20.310. As set forth below, I find Respondent is in **DEFAULT** and his credentials are **REVOKED**.

**BACKGROUND**

On May 24, 2023, the United States Coast Guard (Coast Guard) served a Complaint against Edwin Oliva (Respondent) alleged his use of, or addiction to the use of dangerous drugs. See 46 U.S.C. § 7704(b) and 46 U.S.C. § 5.35. To date, Respondent has not filed an Answer to the Complaint as required by 33 C.F.R. § 20.308.

On July 6, 2023, the Coast Guard served Respondent with a Motion for Default Order pursuant to 33 C.F.R. § 20.310. As of the date of this order, Respondent has not filed a response to the Coast Guard's motion.

Pursuant to 33 C.F.R. § 20.308, a Respondent must file an Answer to a Complaint 20 days or less after service of the Complaint. If the Respondent fails to file an Answer without good cause shown, "[t]he ALJ may find a respondent in default. . ." 33 C.F.R. § 20.310. Default

constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing. See 33 C.F.R. § 20.310(c); Appeal Decision 2682 (REEVES) (2008).

After careful consideration of the facts and circumstances of this case, I find more than twenty days have passed since the Coast Guard served Respondent with the Complaint in this matter. Furthermore, given that Respondent has not responded to the Coast Guard's Motion, I find Respondent has not shown good cause for his failure to file an Answer. Accordingly, I find Respondent in **DEFAULT** pursuant to 33 C.F.R. § 20.310(a) and 33 C.F.R. § 20.705.

Having found Respondent in **DEFAULT**, Respondent admits the facts in the Complaint by operation of 33 C.F.R. § 20.310(c). Based on these admitted facts, the undersigned finds I have jurisdiction over the subject matter of the Complaint and the charge alleging Respondent is a user of a dangerous drug as described by 46 U.S.C. 7704(b). I further find these admitted facts prove Respondent violated 46 U.S.C. § 7704(b). Furthermore, the undersigned finds the facts alleged in the Complaint sufficient to warrant the suggested sanction of **REVOCATION**. Id.

**WHEREFORE,**

**ORDER**

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

**IT IS FURTHER ORDERED**, Respondent's Coast Guard Merchant Mariner Credential(s) are **REVOKED**. Respondent shall immediately cease using all Coast Guard issued credentials.

**IT IS FURTHER ORDERED**, Respondent must immediately deliver by mail, courier service, or in person, his Merchant Mariner Credential and any other Coast Guard issued credentials, licenses, certificates, or documents to: Mr. Michael Micucci, Sector Miami, 100 MacArthur Causeway, Miami, FL 33139.

**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 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.

**SO ORDERED.**

Done and Dated this 20th day of September, 2023.  
New Orleans, LA

A handwritten signature in black ink, appearing to read 'B. J. Curley', is written over a horizontal line.

**Brian J. Curley**  
**US Coast Guard**  
**Administrative Law Judge**