

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

UNITED STATES COAST GUARD
Complainant

vs.

WILLIE JERMAINE ALLEN,
Respondent

Docket Number 2024-0211
Enforcement Activity No. 7881224

DEFAULT ORDER

Issued: August 20, 2024

By the Honorable George J. Jordan, Administrative Law Judge

Appearances:

Eric Bauer, Investigating Officer
Suspension and Revocation National Center of Expertise
For the Coast Guard

Willie Jermaine Allen, *Pro se*
For the Respondent

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, Willie Jermaine Allen (Respondent) has not responded to the Complaint nor the Motion for Default Order (Motion for Default). Upon review of the record and pertinent authority, the Coast Guard's Motion for Default is **GRANTED**.

Background

On April 9, 2024, the Coast Guard filed a Complaint against Respondent, seeking revocation of Respondent's Merchant Mariner Credential (MMC) [REDACTED] alleging he is a security risk that poses a threat to the safety or security of a vessel or structure located within or adjacent to the marine environment, as established by 46 U.S.C. § 7703(5). On May 28, 2024, the Coast Guard filed a Motion for Default due to Respondent's failure to file an answer to the Complaint. The Coast Guard served the Complaint upon Respondent by express courier service to his residence at 508 Rickarby Street, Mobile, AL 36606, for which he signed and accepted service on April 23, 2024. The Motion for Default was also served upon and signed for by Respondent at his residence by express courier service, on June 3, 2024, however, Respondent neither filed an answer to the Complaint nor a response to the Motion for Default.

Discussion

Under Coast Guard procedural rules, service of complaints and default motions are treated differently than most other filings. 33 C.F.R. § 20.304. The purpose of these requirements is to ensure a mariner is notified of any charges brought against his or her MMC, including suspension or revocation. Specifically, Table 20.304(g) describes when service of various types of documents is considered complete. For complaints and default motions served by certified mail or express courier, service is complete only when delivered to the person's

residence and signed for by either the respondent or another person of suitable age and discretion residing there. Additionally, the 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).

Here, the Coast Guard properly served Respondent with the Complaint and Motion for Default. As Respondent has neither filed an answer nor availed himself of the opportunity to respond to the Motion for Default, I find Respondent in **DEFAULT**. 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). See Appeal Decision 2682 (REEVES) (2008). Therefore, I find the following factual allegations in the Complaint **ADMITTED**.

1. On April 10, 2023, the Transportation Security Administration (TSA) determined Respondent does not meet the security threat assessment standards described in 49 C.F.R. § 1572.5, poses an imminent security threat in accordance with 49 C.F.R. § 1572.21(d)(3), and revoked Respondent's Transportation Worker Identification Credential (TWIC), in accordance with 49 C.F.R. § 1572.5(b).
2. Respondent's ineligibility to hold a TWIC is proof Respondent is not eligible for an MMC, in accordance with 46 C.F.R. §§ 10.101 and 10.235(h).
3. Respondent is a security risk, as described by 46 U.S.C. § 7703(5).

Upon a finding of default, I am required to issue a decision against the Respondent pursuant to 33 C.F.R. § 20.310(d). After review of the record, I find that the deemed admitted facts are sufficient to establish that Respondent is a security risk, as described by 46 U.S.C. § 7703(5) and 46 C.F.R. § 10.203(a). Accordingly, I find the allegations set forth in the Complaint **PROVED**. Based on this finding, as well as that a mariner whose TWIC has been revoked for a reason other than an administrative reason is ineligible for an MMC pursuant to 46 C.F.R. §

10.235(i), I find the facts alleged in the Complaint as to violation of security risk sufficient to warrant the sanction of **REVOCATION**.

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: Eric Bauer, Investigating Officer, Suspension and Revocation National Center of Expertise, 100 Forbes Drive, Martinsburg WV 25404-0001 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**.

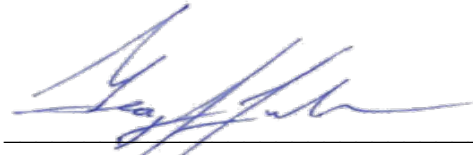
IT IS FURTHER ORDERED, pursuant to 33 C.F.R. § 20.310(e), for good cause shown, an ALJ may set aside a finding of default. A motion to set aside a finding of default may be filed with the ALJ Docketing Center in Baltimore. The motion may be sent to the U.S. Coast Guard Administrative Law Judge Docketing Center; Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street; Baltimore, MD 21202-4022.

PLEASE TAKE NOTICE, within three (3) years or less, Respondent may file a motion to reopen this matter and seek modification of the order of revocation upon a showing that the order of revocation is no longer valid, and the issuance of a new license, certificate, or document is compatible with the requirement of good discipline and safety at sea. See generally 33 C.F.R. § 20.904.

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).

SO ORDERED.

Done and dated, August 20, 2024,
Seattle, Washington

A handwritten signature in blue ink, appearing to read 'G. Jordan', is written over a horizontal line.

GEORGE J. JORDAN
UNITED STATES COAST GUARD
ADMINISTRATIVE LAW JUDGE