

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

UNITED STATES COAST GUARD

Complainant

vs.

FELIX PAVEL MALDONADO,

Respondent.

**Docket Number 2024-0243
Enforcement Activity Number 7879481**

ADMISSION ORDER

Issued: May 6, 2024

By Administrative Law Judge: Honorable George J. Jordan

Appearances:

**LT David Castillo
Sector Miami
For the Coast Guard**

**Felix Pavel Maldonado, *Pro se*
For the Respondent**

DECISION AND ORDER

On April 24, 2024, United States Coast Guard Sector Miami (Coast Guard) issued a Complaint against Felix Pavel Maldonado (Respondent) alleging misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27.

Specifically, the Coast Guard alleges that on March 5, 2024:

1. Respondent took a periodic drug test pursuant to 46 C.F.R. Part 16.
2. Respondent reported to Occumed Health Services, San Juan, Puerto Rico, where Ramon Aviles initiated the collection process by completing Step 1 of the Federal Drug Testing Custody and Control Form for Specimen ID# CF 12073926, and allowing Respondent to select, an individually wrapped or sealed collection container from the collection kit materials in accordance with 49 C.F.R. § 40.63.
3. Prior to the completion of the collection process, as described by 49 C.F.R. § 40.79(a)(7), Respondent failed to remain at the collection site and did not provide a required urine specimen.
4. Respondent's failure to remain at the collection site and provide a required urine specimen, is a refusal to take a required drug test, pursuant to 46 C.F.R. Part 16, as described by 49 C.F.R. 40.191(a)(2).
5. Refusal to take a required drug test is Misconduct, as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27.
6. In aggravation; Respondent's failure to remain at the collection site and provide a required urine specimen was an intentional act intended to undermine marine safety and circumvent the drug testing process.

Accordingly, the Coast Guard proposes a sanction of twelve (12) months outright suspension of Respondent's Merchant Mariner Credential (MMC or credential). In Respondent's Answer, dated April 24, 2024, Respondent admits to all jurisdictional and factual allegations, and agrees with the Coast Guard's proposed order of twelve (12) months outright suspension, with no additional conditions requested.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED that Respondent's violation of misconduct under 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27 is **PROVED BY ANSWER**. I have carefully reviewed the file and find that the proposed sanction is appropriate under the provisions of 46 C.F.R. § 5.569.

IT IS FURTHER ORDERED that Respondent's Merchant Mariner Credential is **SUSPENDED OUTRIGHT FOR TWELVE (12) MONTHS**, commencing on the date it is deposited with the Coast Guard. Respondent shall immediately deliver all Coast Guard issued credentials, licenses, certificates, or documents, including the MMC, by mail, courier service, or in person to: LT David Castillo, USCG Sector Miami, 100 Macarthur Causeway, Miami Beach, FL 33139. 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.

PLEASE TAKE NOTICE, service of this Decision on the parties and/or parties' representative(s) serves as notice of appeal rights set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

IT IS SO ORDERED.

Done and dated, May 6, 2024,
Seattle, Washington



HON. GEORGE J. JORDAN
ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD