

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

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**UNITED STATES COAST GUARD**

**Complainant**

**vs.**

**CLAUDIA RAE CONRADY,**

**Respondent.**

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**Docket Number 2024-0257  
Enforcement Activity Number 7904757**

**ADMISSION ORDER**

**Issued: June 18, 2024**

**By Administrative Law Judge: Honorable George J. Jordan**

**Appearances:**

**CWO Wayne Bush  
Sector Key West  
For the Coast Guard**

**Claudia Rae Conrady, *Pro se*  
For the Respondent**

## **DECISION AND ORDER**

On May 13, 2024, United States Coast Guard, Sector Key West (Coast Guard) issued a Complaint against Claudia Rae Conrady (Respondent) alleging violation of regulation, as described by 46 U.S.C. § 7703(1)(A)<sup>1</sup>, and defined by 46 C.F.R. § 5.33.

Specifically, the Coast Guard alleges that on April 11, 2024:

1. Respondent had direction and control of the Inspected Passenger Vessel BARRACUDA (O.N. 1194887), with passengers for hire aboard, while underway in the Gulf of Mexico.
2. At approximately 0800, the BARRACUDA experienced a loss of main propulsion.
3. Respondent failed to make immediate notification of the reportable marine casualty, in violation of 46 C.F.R. § 4.05-1(a).
4. Violation of 46 C.F.R. § 4.05-1(a) is a violation of regulation, as described by 46 U.S.C. § 7703(1)(A), and defined by 46 C.F.R. § 5.33.
5. In Aggravation: On March 10, 2022, Respondent accepted and signed a letter of warning in lieu of suspension and revocation proceedings for a failure to make immediate notification to the Coast Guard of a loss of propulsion on board the BARRACUDA (O.N. 1194887), that occurred on January 20, 2022.

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<sup>1</sup> The Complaint states that the contravention of 46 C.F.R. § 4.05-1(a) is a violation of a regulation as described in 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.33. However, 46 U.S.C. § 7703(1)(B) concerns misconduct defined in 46 C.F.R. § 5.27 as the contravention of some formal, duly established rule. Contrastingly 46 U.S.C. § 7703(1)(A) prohibits violating a regulation prescribed under the same subtitle as 46 U.S.C. § 7703. Yet the Complaint in the same allegation containing 46 U.S.C. § 7703(1)(B) references 46 C.F.R. § 5.33, which contains the definition of a violation of a regulation expressed in 46 U.S.C. § 7703(1)(A). Moreover, 46 C.F.R. § 4.05-1(a), the violation of which is the basis for these proceedings, is a regulation promulgated under the authority contained in the same subtitle as 46 U.S.C. § 7703. Immediate Reporting of Casualties, 59 Fed. Reg. 39469, 39471 (Aug. 3, 1994). Making it clear that the Coast Guard intended to allege Respondent ran afoul of 46 U.S.C. § 7703(1)(A) as the basis for these proceedings. Under my authority to make findings leading to an order of suspension or revocation without regard to the framing of the original specification as long as the Respondent has actual notice. Appeal Decision 2691 (JORY) (2010); Appeal Decision 2599 (GUEST) (1998); Appeal Decision 2422 (GIBBONS) (1986). I find that the Coast Guard meant to allege, and Respondent meant to admit to a violation of 46 U.S.C. § 7703(1)(A) instead of 46 U.S.C. § 7703(1)(B) recited in the Complaint.

Accordingly, the Coast Guard proposes a sanction of two (2) months outright suspension of Respondent's Merchant Mariner Credential (MMC or credential). In Respondent's Answer, dated May 24, 2024, Respondent admits to all jurisdictional and factual allegations, and agrees with the Coast Guard's proposed order of two (2) months outright suspension, with no additional conditions requested.

**WHEREFORE,**

**ORDER**

**IT IS HEREBY ORDERED** that Respondent's violation of 46 U.S.C. § 7703(1)(A) and 46 C.F.R. § 5.33 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 (000526779) is **SUSPENDED OUTRIGHT FOR TWO (2) 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: CWO Wayne Bush, United States Coast Guard Sector Key West, 100 Trumbo Road, Key West, FL 33040. 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, June 18, 2024,  
Seattle, Washington



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