

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

UNITED STATES COAST GUARD

Complainant

vs.

KYLE J. HERMAN,

Respondent.

**Docket Number 2024-0006
Enforcement Activity Number 7844868**

ADMISSION ORDER

Issued: January 22, 2024

By Administrative Law Judge: Honorable George J. Jordan

Appearances:

**CWO Joseph Tenorio
Sector Honolulu
For the Coast Guard**

**Kyle J. Herman, *Pro se*
For the Respondent**

DECISION AND ORDER

On January 3, 2024, the United States Coast Guard Sector Honolulu (Coast Guard) issued a Complaint against Kyle J. Herman (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 on December 29, 2023, Respondent was employed by Norwegian Cruise Lines (NCL), PRIDE OF AMERICA and subject to NCL (Bahamas) LTD. policies. NCL, PRIDE OF AMERICA has a policy prohibiting employees from being intoxicated onboard the PRIDE OF AMERICA with a blood alcohol level (BAC) greater than .04%. Respondent was intoxicated with a BAC greater than .04% while onboard the vessel, in violation of NCL, PRIDE OF AMERICA'S Drug and Alcohol policy. Respondent's violation of NCL, PRIDE OF AMERICA'S Drug and Alcohol policy is Misconduct, as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27. In Aggravation; Respondent was onboard and missed duty when found with a BAC over .04%. On December 29, 2023, Respondent was employed by NCL and subject to its policies while working as a crewmember on the cruise ship PRIDE OF AMERICA (O.N. 1146542). That same day, Respondent was wrongfully absent from the vessel without authorized leave. Being absent from the vessel without authorized leave constitutes Misconduct, described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27. The Coast Guard proposes a sanction of seven (7) months outright suspension of Respondent's Merchant Mariner Credential (MMC or credential).

In Respondent's Answer, dated January 3, 2024, he admits to all jurisdictional and factual allegations. Further, the Respondent agrees with the proposed sanction of seven (7) months outright suspension.

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 SEVEN (7) MONTHS**, commencing on the date deposited with the Coast Guard.

SO ORDERED.

Done and dated January 22, 2024,
Seattle, WA

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

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

UNITED STATES OF AMERICA U.S. DEPARTMENT OF HOMELAND SECURITY UNITED STATES COAST GUARD	
ADDRESS OF ADMINISTRATIVE LAW JUDGE: Office of the Administrative Law Judge United States Coast Guard Henry M. Jackson Federal Building 915 Second Avenue, Room 2609 Seattle, WA 98174 TELEPHONE: 206-836-3371, 206-220-7105	FOR DOCKETING CENTER USE ONLY
COMPLAINANT: UNITED STATES COAST GUARD	
RESPONDENT: KYLE J. HERMAN	DOCKET NUMBER 2024-0006
Certificate of Service	COAST GUARD ENFORCEMENT ACTIVITY NUMBER 7844868


Certificate of Service for Admission Order

I hereby certify that I have served the foregoing document upon the following party (or their designated representative(s)) to this proceeding at the addresses indicated by electronic mail :

Kyle Herman
 9340 Sunrise Lakes
 Sunrise, FL 33322
 Email: hermankyle30@gmail.com

I hereby certify that I have served the foregoing document with CWO Joseph Tenorio, Sector Honolulu, electronically, at joseph.d.tenorio@uscg.mil

I hereby certify that I have filed the foregoing documents with the ALJ Docketing Center electronically, at aljdocketcenter@uscg.mil



Melissa Eldredge
 Paralegal Specialist to the
 Administrative Law Judge
 United States Coast Guard

Date: January 22, 2024