

**UNITED STATES OF AMERICA  
DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES COAST GUARD**

UNITED STATES COAST GUARD,	)	
Complainant,	)	
	)	Docket Number: 2024-0040
vs.	)	
	)	Enforcement Activity Number: 7814480
HASANI MALIK SIMONS,	)	
Respondent.	)	

**DEFAULT ORDER**

**Issued:** April 5, 2024

**By Order of Chief Administrative Law Judge: Hon. Walter J. Brudzinski**

**Appearances:**

**For the Coast Guard**

LT Hunter S. Morris  
USCG Sector Los Angeles/Long Beach

**For the Respondent**

Hasani Malik Simons, *Pro se*

## **ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER**

On February 5, 2024, the United States Coast Guard Sector Los Angeles/Long Beach (Coast Guard) issued a Complaint against Hasani Malik Simons (Respondent) seeking to revoke his Merchant Mariner Credential (MMC or credential) for misconduct in violation of 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27, and for being a security risk in violation of 46 U.S.C. § 7703(5).

Specifically, the Coast Guard alleges Respondent was directed to take a required random drug test pursuant to 46 C.F.R. Part 16. Respondent appeared at the collection facility but refused to submit to the testing and/or give a urine sample, within a reasonable time, as determined by the marine employer, after being directed to do so. Respondent's refusal to take a required drug test in accordance with 46 C.F.R. Part 16, within a reasonable time, as determined by the marine employer, after being directed to do so is a refusal to take a required drug test. *See* 49 C.F.R. § 40.191(a)(1). Refusal to take a required drug test is misconduct as described by 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27.

The Coast Guard also alleges Respondent is a security risk who poses a threat to the safety or security of a vessel or structure located within or adjacent to the marine environment, as described by 46 U.S.C. § 7703(5). Specifically, on August 23, 2023, the Transportation Security Administration determined Respondent does not meet the security threat assessment standards described in 49 C.F.R. § 1572.5 and poses an imminent security threat in accordance with 49 C.F.R. § 1572.21(d)(3), thereby revoking his Transportation Worker Identification Credential (TWIC) in accordance with 49 C.F.R. § 1572.5(b). In aggravation, the Coast Guard argues, Respondent's ineligibility to possess a TWIC is proof he is not eligible for an MMC, in accordance with 46 C.F.R. §§ 10.101 and 10.235(h).

The Coast Guard filed its Return of Service for Complaint on February 9, 2024, indicating it served a copy of said Complaint to Respondent at his residence by express courier service. A person of suitable age and discretion residing at the address signed for the document on February 6, 2024. As set forth in the Complaint, Respondent's Answer is due within 20 days of receipt in accordance with 33 C.F.R. § 20.308. Respondent's Answer was due no later than February 26, 2024.

To date, Respondent has neither filed an Answer nor requested an extension of time to file an Answer; therefore, the Coast Guard filed its Motion for Default Order (Default Motion) on March 6, 2024, requesting the Administrative Law Judge (ALJ) issue a Default Order against Respondent imposing the sanction asked for in the Complaint. The Coast Guard subsequently filed a Return of Service for the Default Motion showing it served a copy of said Default Motion to Respondent at his residence by express courier. Respondent signed for the document on March 7, 2024.

Title 33 C.F.R. § 20.310 provides "the respondent alleged to be in default shall file a reply to the motion 20 days or less after service of the motion." Respondent's reply was due no later than March 27, 2024. To date, Respondent has not filed a reply.

On April 3, 2024, the ALJ Docketing Center assigned this matter to me for review and adjudication. I have carefully reviewed this file, and I find the applicable provisions of 33 C.F.R. §§ 20.310 and 20.304(d) and (h) have been complied with and Respondent is in **DEFAULT**. Under 33 C.F.R. § 20.310(c) a default constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing.

Accordingly, I find the violations alleged in the Complaint are **PROVED**. I have carefully reviewed the Complaint and the Default Motion and further find the proposed sanction of revocation is appropriate under the provisions of 46 C.F.R. § 5.569.

**SANCTION**

**IT IS HEREBY ORDERED** that Respondent Hasani Malik Simons' Merchant Mariner Credential is **REVOKED**.

**IT IS FURTHER ORDERED** that Respondent immediately surrender his MMC to the Investigating Officer at the United States Coast Guard Sector Los Angeles/Long Beach, 1001 So. Seaside Ave., Bldg. 20, San Pedro, CA 90731. If Respondent knowingly continues to use his credentials, he may be subject to criminal prosecution.

**PLEASE TAKE NOTICE** that under 33 C.F.R. § 20.310(e), for good cause shown, an Administrative Law Judge may set aside this finding of Default. Respondent may file a motion to set aside the finding with the ALJ Docketing Center, Baltimore, MD.

**PLEASE TAKE FURTHER NOTICE** that service of this Order upon Respondent serves to notify Respondent of his right to appeal as set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

Done and dated April 5, 2024  
New York, NY



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HON. WALTER J. BRUDZINSKI  
CHIEF ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD

## **ATTACHMENT A**

### **TITLE 33 - NAVIGATION AND NAVIGABLE WATERS CODE OF FEDERAL REGULATIONS**

#### **PART 20 RULES OF PRACTICE, PROCEDURE, AND EVIDENCE FOR FORMAL ADMINISTRATIVE PROCEEDINGS OF THE COAST GUARD**

##### **SUBPART J - APPEALS**

##### **33 C.F.R. § 20.1001 General.**

- (a) Any party may appeal the ALJ's decision by filing a notice of appeal. The party shall file the notice with the U. S. Coast Guard Administrative Law Judge Docketing Center; Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street; Baltimore, MD 21201-4022. The party shall file the notice 30 days or less after issuance of the decision, and shall serve a copy of it on the other party and each interested person.
- (b) No party may appeal except on the following issues:
  - (1) Whether each finding of fact is supported by substantial evidence.
  - (2) Whether each conclusion of law accords with applicable law, precedent, and public policy.
  - (3) Whether the ALJ abused his or her discretion.
  - (4) The ALJ's denial of a motion for disqualification.
- (c) No interested person may appeal a summary decision except on the issue that no hearing was held or that in the issuance of the decision the ALJ did not consider evidence that that person would have presented.
- (d) The appeal must follow the procedural requirements of this subpart.

##### **33 C.F.R. § 20.1002 Records on appeal.**

- (a) The record of the proceeding constitutes the record for decision on appeal.
- (b) If the respondent requests a copy of the transcript of the hearing as part of the record of proceeding, then, --
  - (1) If the hearing was recorded at Federal expense, the Coast Guard will provide the transcript on payment of the fees prescribed in 49 CFR 7.45; but,
  - (2) If the hearing was recorded by a Federal contractor, the contractor will provide the transcript on the terms prescribed in 49 CFR 7.45.

### **33 C.F.R. § 20.1003 Procedures for appeal.**

- (a) Each party appealing the ALJ's decision or ruling shall file an appellate brief with the Commandant at the following address: U.S. Coast Guard Administrative Law Judge Docketing Center; Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street; Baltimore, MD 21201-4022, and shall serve a copy of the brief on every other party.
  - (1) The appellate brief must set forth the appellant's specific objections to the decision or ruling. The brief must set forth, in detail, the --
    - (i) Basis for the appeal;
    - (ii) Reasons supporting the appeal; and
    - (iii) Relief requested in the appeal.
  - (2) When the appellant relies on material contained in the record, the appellate brief must specifically refer to the pertinent parts of the record.
  - (3) The appellate brief must reach the Docketing Center 60 days or less after service of the ALJ's decision. Unless filed within this time, or within another time period authorized in writing by the Docketing Center, the brief will be untimely.
- (b) Any party may file a reply brief with the Docketing Center 35 days or less after service of the appellate brief. Each such party shall serve a copy on every other party. If the party filing the reply brief relies on evidence contained in the record for the appeal, that brief must specifically refer to the pertinent parts of the record.
- (c) No party may file more than one appellate brief or reply brief, unless --
  - (1) The party has petitioned the Commandant in writing; and
  - (2) The Commandant has granted leave to file an added brief, in which event the Commandant will allow a reasonable time for the party to file that brief.
- (d) The Commandant may accept an *amicus curiae* brief from any person in an appeal of an ALJ's decision.

### **33 C.F.R. § 20.1004 Decisions on appeal.**

- (a) The Commandant shall review the record on appeal to determine whether the ALJ committed error in the proceedings, and whether the Commandant should affirm, modify, or reverse the ALJ's decision or should remand the case for further proceedings.
- (b) The Commandant shall issue a decision on every appeal in writing and shall serve a copy of the decision on each party and interested person.

## **CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing document upon the following parties and/or entities (or their designated representative(s)) to this proceeding by the methods indicated:

Hearing Docket Clerk  
USCG ALJ Docketing Center  
US Custom House  
40 South Gay Street, Room 414  
Baltimore, MD 21202  
Email: [aljdocketcenter@uscg.mil](mailto:aljdocketcenter@uscg.mil)  
*Via electronically*

LT Hunter S. Morris  
USCG Sector Los Angeles/Long Beach  
1001 So. Seaside Ave., Bldg. 20  
San Pedro CA 90731  
Email: [hunter.s.morris2@uscg.mil](mailto:hunter.s.morris2@uscg.mil)  
*Via electronically*

Hasani Malik Simons  
6327 South Hoover Street  
Los Angeles, CA 90044  
*Via email at [hasani.simons@gmail.com](mailto:hasani.simons@gmail.com)*

Done and dated April 5, 2024  
Washington, DC



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Regina V. Ewing  
Senior Paralegal Specialist to the  
Chief Administrative Law Judge  
United States Coast Guard