

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

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Complainant,

v.

**KEVIN DOUGLAS WILSON**

Respondent.

**DOCKET NO: 2024-0050**

**MISLE ACTIVITY NO: 7831823**

**HONORABLE GEORGE J. JORDAN  
ADMINISTRATIVE LAW JUDGE**

**DEFAULT ORDER**

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, Kevin Douglas Wilson (Respondent) has not replied 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 January 29, 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 June 17, 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 [REDACTED]. The record establishes that a person of suitable age and discretion residing at that residence accepted service of the Complaint on May 6, 2024, after which Respondent did not file an answer. Respondent also did not file a response to the Motion for Default served upon and signed for by Respondent at his residence by

express courier service on September 6, 2024.

### **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 September 3, 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 is a security risk as described by 46 U.S.C. § 7703(5).
3. In aggravation: 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).

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**.

### **SANCTION**

Having found Respondent in default and all allegations in the Complaint proved, I now must determine the appropriate sanction. 33 C.F.R. § 20.902(a)(2). While it is within the sole discretion of the Administrative Law Judge (ALJ) to determine the appropriate sanction at the conclusion of a case. Appeal Decision 2362 (ARNOLD) (1984). The Table of Suggested Range of Appropriate Orders (Table) provides sanction ranges for various offenses. 46 C.F.R. § 5.569 tbl. 5.569. The purpose of this Table is to provide guidance to the ALJ and promote uniformity in orders rendered. Appeal Decision 2628 (VILAS) (2022), aff'd NTSB Order No. ME-174. A sanction ordered within the range specified in the Table is not excessive. 46 C.F.R. § 5.569(d).

However, this Table is not binding on an ALJ and either aggravating or mitigating circumstances may support a sanction different from the Table. 46 C.F.R. § 5.569(b)(3). In order to assess a sanction greater than the range specified in the Table a clearly articulated explanation of the aggravating factors must support it. Appeal Decision 2702 (CARROLL) (2013) (quoting Commandant v. Moore, NTSB Order No. EM-201 (2005)); Appeal Decision 2455 (WARDELL) (1987), aff'd, NTSB Order No. EM-149 (1988).

The Coast Guard proved Respondent is a security risk due to TSA revoking his TWIC.

No sanction range in the Table corresponds to this violation. 46 C.F.R. § 5.569 tbl. 5.569.

However, a mariner whose application for a TWIC was denied or revoked for a reason other than administrative is ineligible for an MMC. 46 C.F.R. § 10.235(h)-(i). Therefore, it stands to reason a mariner which cannot be issued an MMC should not retain one. Thus, I find the facts alleged in the Complaint of Respondent being a security risk posing a threat to safety or security 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) [REDACTED], 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;

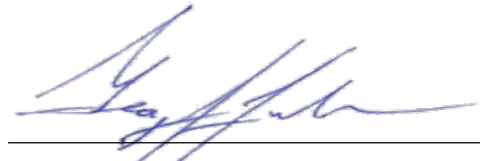
Room 412; 40 S. Gay Street; Baltimore, MD 21202-4022.

**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, January 31, 2025,  
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