

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

---

**UNITED STATES COAST GUARD,**

Complainant,

vs.

**TERRY WAYNE WASHINGTON,**

Respondent.

---

Docket Number 2024-0051  
Enforcement Activity No. 7831822

**DEFAULT ORDER**

**Issued: April 1, 2024**

**By Administrative Law Judge: Honorable Timothy G. Stueve**

**Appearances:**

**Eric Bauer  
USCG S&R National Center of Expertise**

**For the Coast Guard**

**Terry Wayne Washington, pro se**

**For Respondent**

### **Background**

On January 29, 2024, the Coast Guard filed a Complaint against Terry Wayne Washington (Respondent). The Return of Service for Complaint filed by the Coast Guard indicates the Complaint was delivered to Respondent's residence by Federal Express and signed for by a person of suitable age and discretion residing at the residence, on February 2, 2024 (Attachment A)<sup>1</sup>.

On February 27, 2024, the Coast Guard filed a Motion for Default Order (Motion), explaining Respondent failed to file an Answer, and the response time has passed. See 33 C.F.R. § 20.308. The Return of Service for Motion for Default states the Motion was delivered to Respondent's residence by Federal Express and signed for by a person of suitable age and discretion residing at the residence on February 29, 2024 (Attachment B)<sup>2</sup>. The Chief Administrative Law Judge assigned the matter to me on March 29, 2024.

### **Discussion**

The applicable 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). 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).

The Complaint filed by the Coast Guard and properly served on Respondent contained instructions that clearly stated "YOU MUST RESPOND TO THIS COMPLAINT WITHIN 20

---

<sup>1</sup> The Coast Guard's Return of Service for the Complaint shows that "L. Washington" signed for the document.

<sup>2</sup> The Fedex Proof of Service attached to the Return of Service for the Motion for Default Order indicates that "L. Washington" signed for the document.

DAYS” and provided the applicable regulatory provision, 33 C.F.R. § 20.308. The instructions also informed Respondent an extension of time could be requested “within 20 days” of receipt. Respondent failed to respond to the Complaint or the Motion for Default Order.

Accordingly, I find Respondent in default pursuant to 33 C.F.R. § 20.310(a). Default constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing. 33 C.F.R. § 20.310(c). See Appeal Decision 2682 (REEVES) (2008).

Turning to the allegations in the Complaint, the Coast Guard alleges on June 20, 2022, 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 TWIC in accordance with 49 C.F.R. § 1572.5(b). As a result of TSA’s actions, the Coast Guard asserts Respondent is a security risk as described by 46 U.S.C. § 7703(5).

Having concluded Respondent admitted TSA revoked his TWIC, and all other facts in the Complaint, I agree TSA’s determination that Respondent is not eligible to hold a TWIC is proof that a mariner is not eligible to hold an MMC. See 46 C.F.R. §§ 10.235(h) and 10.235(i). Based on these admissions, I find these facts as admitted are legally sufficient to find the single charge that Respondent is a security risk as described in 46 U.S.C. § 7703(5) **PROVED. Id.**

I find the facts alleged in the Complaint sufficient to warrant the suggested sanction of **REVOCATION. See** 46 C.F.R. §§ 10.235(h) and 10.235(i).

**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), 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: USCG Suspension & Revocation National Center of Expertise, 100 Forbes Drive, Martinsburg, WV 25404. 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 21201-4022.

**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 C).

**SO ORDERED.**



---

Hon. Timothy G. Stueve  
Administrative Law Judge  
U.S. Coast Guard

Done and dated April 1, 2024, at  
Alameda, California

## ATTACHMENT A



February 05, 2024

Dear Customer,

The following is the proof-of-delivery for tracking number: 775018415780

---

### Delivery Information:

---

Status:	Delivered	Delivered To:	Residence
Signed for by:	L.WASHINGTON	Delivery Location:	224 PRAPRIE RAOD N
Service type:	FedEx 2Day		
Special Handling:	Deliver Weekday; Residential Delivery; Adult Signature Required		FRANKLIN, LA, 70538
		Delivery date:	Feb 2, 2024 12:31

---

### Shipping Information:

---

Tracking number:	775018415780	Ship Date:	Jan 31, 2024
		Weight:	1.0 LB/0.45 KG

Recipient:  
TERRY WAYNE WASHINGTON,  
224 PRAPRIE RAOD N  
FRANKLIN, LA, US, 70538

Shipper:  
Jeannette Corbin, Coast Guard  
100 Forbes Dr.  
Martinsburg, WV, US, 25404

---

## ATTACHMENT B



February 29, 2024

Dear Customer,

The following is the proof-of-delivery for tracking number: 775334554008

---

### Delivery Information:

Status:	Delivered	Delivered To:	Residence
Signed for by:	L.WASHINGTON	Delivery Location:	224 PRAIRIE RD N
Service type:	FedEx 2Day		
Special Handling:	Deliver Weekday; Residential Delivery; Adult Signature Required		FRANKLIN, LA, 70538
		Delivery date:	Feb 29, 2024 12:33

---

### Shipping Information:

Tracking number:	775334554008	Ship Date:	Feb 27, 2024
		Weight:	1.0 LB/0.45 KG

Recipient:  
TERRY WAYNE WASHINGTON,  
224 PRAIRIE ROAD NORTH  
FRANKLIN, LA, US, 70538

Shipper:  
Jeannette Corbin, Coast Guard  
100 Forbes Dr.  
Martinsburg, WV, US, 25404

---

## **ATTACHMENT C**

### **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 Order upon the following parties (or their designated representatives) to this proceeding at the addresses indicated below:

ALJ Docketing Center  
U.S. Custom House  
40 S. Gay Street, Room 414  
Baltimore, MD 21202  
Email: [aljdocketcenter@uscg.mil](mailto:aljdocketcenter@uscg.mil)  
*Sent electronically via email*

Eric Bauer  
USCG S&R National Center of Expertise  
*Sent electronically to email on file*

Terry Wayne Washington  
*Sent electronically to email on file*

Done and dated April 1, 2024  
Alameda, CA

*Beth Kim*  
Beth Kim  
Paralegal Specialist to the  
Administrative Law Judge  
U.S. Coast Guard