

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

UNITED STATES COAST GUARD,)	
Complainant,)	
)	Docket Number: 2024-0095
vs.)	
)	Enforcement Activity Number: 7856195
MARK STEVEN VAN DUYNE,)	
Respondent.)	

ADMISSION ORDER

Issued: April 26, 2024

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

Appearances:

For the Coast Guard

LTJG Katherine Villasenor
USCG Sector Maryland-National Capital Region

For the Respondent

Mark Steven Van Duyne, *Pro se*

DECISION AND ORDER

The United States Coast Guard Sector Maryland-National Capital Region issued an Amended Complaint against Mark Steven Van Duyne (Respondent) on April 9, 2024, alleging a violation of misconduct under 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27.¹ Specifically, the Coast Guard alleges on December 19, 2023, Respondent was an employee of Norwegian Cruise Line and subject to its policies. Norwegian Cruise Line has a policy prohibiting employees from having a blood alcohol concentration (BAC) greater than 0.04% while onboard a company vessel.

On this date, Respondent had a BAC greater than 0.04% while onboard a company vessel, in violation of Norwegian Cruise Line's Drug and Alcohol Policy. Respondent's violation of Norwegian Cruise Line'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. The Coast Guard proposes a sanction of three (3) months of outright suspension of Respondent's Merchant Mariner Credential (credential).

In Respondent's Answer, dated April 16, 2024, he admits to all jurisdictional and factual allegations, and agrees with the proposed sanction.

WHEREFORE,

¹ The Coast Guard initially filed its Complaint on February 28, 2024, but amended the document to change the statutory and regulatory authorities, as well as the proposed sanction. I also note, the Coast Guard states it served the Complaint and Amended Complaint upon Respondent via email correspondence, as requested by the respondent. Email service is not an acceptable method of service as prescribed in Table 1 to 33 C.F.R. § 20.304(d). However, in this instance, I will accept the email service as good service.

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 THREE (3) MONTHS**, commencing on the date Respondent deposits it with the Coast Guard.

Done and dated April 26, 2024
New York, NY



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