

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

UNITED STATES COAST GUARD	)	
Complainant	)	Docket Number: 2024-0100
	)	
vs.	)	
	)	MISLE Activity ID: 7319243
JORGE GERMAIN ROMERA AMARO	)	
Respondent.	)	

**ORDER GRANTING COAST GUARD’S MOTION FOR DEFAULT ORDER**

On or about February 14, 2024, the United States Coast Guard (Coast Guard) issued a Complaint seeking to revoke Respondent Jorge Germain Romera Amaro’s (Respondent) Merchant Mariner Credential (MMC). The Complaint alleges that on June 21, 2021, the Transportation Security Administration (TSA) revoked Respondent’s Transportation Workers Identification Card (TWIC) on the basis that he does not meet the security threat assessment standards described in 49 C.F.R. § 1572.5, and therefore poses an imminent security threat under 49 C.F.R. § 1572.21(d)(3). The Complaint further alleges that on March 6, 2023, Respondent was convicted of violating 18 U.S.C. § 2237(a)(1) – Failure to Heave To, a felony, which prevents the issuance or renewal of his MMC under 46 U.S.C. § 7703(2). Respondent filed an Answer on July 11, 2024, denying all jurisdictional and factual allegations set forth in the Complaint.

On August 14, 2024, I conducted an initial telephonic pre-hearing conference. *See* 33 C.F.R. § 20.501. Daniel Schaefer, Esq., and Eric Bauer appeared on behalf of the Coast Guard. Respondent did not appear, despite being served with an order providing the conference call-in information via email on August 6, 2024.

Accordingly, I ordered Respondent to show good cause no later than September 16, 2024, why he failed to appear at the conference. *See* 33 C.F.R. §§ 20.705, 20.310(a). *See* Memorandum of Pre-Hearing Conference and Order to Show Cause dated August 15, 2024.

Respondent did not respond to the order to show cause, and on October 15, 2024, the Coast Guard submitted a Motion for Default Order pursuant to 33 C.F.R. § 20.310. To date, Respondent has not submitted a response to the motion. The twenty (20) day time period for Respondent to respond to the Motion for Default has passed, and this matter is ripe for decision. *See* 33 C.F.R. § 20.310(b).

Coast Guard procedural regulations allow an Administrative Law Judge (ALJ) to find a Respondent in default upon failure to appear at a conference or hearing without good cause shown. *See* 33 C.F.R. § 20.310(a). Further, an ALJ may enter a default where a respondent threatens to fail to appear at a hearing, unless the respondent shows good cause for his failure to appear 30 days or less after an order to show good cause. *See* 33 C.F.R. § 20.705.

Here, Respondent has had multiple opportunities to participate in this matter. After filing his Answer on July 11, 2024, Respondent's involvement ceased. Over the past three months, Respondent failed to appear at the August 14, 2024, pre-hearing conference, failed to respond to my order to show cause issued on August 15, 2024, and to failed respond to the Coast Guard's motion for default. Further, Respondent has not demonstrated good cause for failing to attend the pre-hearing conference. *See Appeal Decision 2736 (FREMEN)*. I hereby find Respondent 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 I find the proposed sanction of revocation is required under 46 C.F.R. § 10.235. While revocation of an MMC due to a criminal conviction preventing the issuance/renewal of an MMC under 46 U.S.C. § 7703(2) is not mandated, when a mariner's TWIC has been revoked, TSA's decision to revoke the TWIC is not "subject to review." 46 C.F.R. § 10.235(i). In such cases, a Respondent is deemed not eligible to hold an MMC due to TSA's revocation of his TWIC. 46 C.F.R. § 10.235(h). Accordingly, revocation is the only permissible sanction in this matter.

**ORDER**

**IT IS HEREBY ORDERED** that Respondent JORGE GERMAIN ROMERA AMARO's Merchant Mariner Credential is **REVOKED**.

**IT IS FURTHER ORDERED** that Respondent immediately surrender his credentials, both current and any other expired credentials he may have in his possession, to the Investigating Officer Eric Bauer, U.S Coast Guard, S&R NCOE, 100 Forbes Drive, Martinsburg, WV, 25404. 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).

Dated: November 12, 2024  
New Orleans, Louisiana



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**Brian J. Curley**  
**US Coast Guard**  
**Administrative Law Judge**