

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

UNITED STATES COAST GUARD,)	
Complainant,)	
)	Docket Number: 2024-0102
vs.)	
)	Enforcement Activity Number: 7855608
SAMUEL JOSEPH VIRGEN,)	
Respondent.)	

ADMISSION ORDER

Issued: April 25, 2024

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

Appearances:

For the Coast Guard

LCDR Braden Rostad
USCG Sector Los Angeles/Long Beach

For the Respondent

Samuel Joseph Virgen, *Pro se*

DECISION AND ORDER

On February 15, 2024, the United States Coast Guard Sector Los Angeles/Long Beach (Coast Guard) issued a Complaint against Samuel Joseph Virgen (Respondent) under 46 U.S.C. § 7703(1)(A) and 46 C.F.R. § 5.33, for violation of law or regulation.

Specifically, the Coast Guard alleges Respondent acted under the authority of his Merchant Mariner Credential (MMC) by serving as crewmember aboard the GREEN BAY (ON 1204654), a United States flagged vessel inspected under 46 U.S.C. Chapter 33 on May 10, 2023. On this date, Respondent, at the direction of his employer, underwent two chemical tests; both tests resulted in a blood alcohol concentration level greater than 0.04%. As a result, it was determined that Respondent was under the influence of alcohol as defined by 33 C.F.R. § 95.010, while aboard the GREEN BAY, in violation of 33 C.F.R. § 95.045(b). Respondent's violation of 33 C.F.R. § 95.045(b) is a violation of a regulation as described by 46 U.S.C. § 7703(1)(A) and defined by 46 C.F.R. § 5.33. The Coast Guard proposes a sanction of three (3) months outright suspension of Respondent's MMC.

In Respondent's Answer, dated March 18, 2024, he admits to all jurisdictional and factual allegations, and agrees with the Coast Guard's proposed sanction.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED that Respondent's violation of a regulation under 46 U.S.C. § 7703(1)(A) and 46 C.F.R. § 5.33 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 the date it is deposited with the Coast Guard.



HON. WALTER J. BRUDZINSKI
Chief Administrative Law Judge
United States Coast Guard

Date: April 25, 2024