

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

---

**UNITED STATES COAST GUARD,**

**Complainant,**

**v.**

**ELIANNA SALCEDA ROMAN,**

**Respondent,**

---

**Docket Number 2024-0114  
Enforcement Activity Number 7847416**

**DEFAULT DECISION**

**Issued: June 5, 2024**

**By: George J. Jordan, Administrative Law Judge**

**Appearances:**

**LT Hunter S. Morris  
Sector Los Angeles-Long Beach  
For the Coast Guard**

**Elianna Salceda Roman, *Pro se*  
For the Respondent**

This matter comes before me based on the United States Coast Guard's (Coast Guard) Motion for Default Order (Motion for Default). As of the date of this order, Elianna Salceda Roman (Respondent) has not replied to the Complaint nor the Motion for Default. Upon review of the record and pertinent authority, the allegations in the Complaint are **PROVED**.

On March 1, 2024, the Coast Guard issued a Complaint against Respondent seeking to revoke her Merchant Mariner Credential (MMC) for being a user of a dangerous drug, as described by 46 U.S.C. § 7704(b).

The Coast Guard served the Complaint on Respondent via express courier service and Respondent never filed an answer. On April 19, 2024, the Coast Guard then filed a Motion for Default serving Respondent again by express courier service. To date, more than twenty days have passed from service of the Motion for Default and Respondent has neither filed an answer nor requested an extension of time to file an answer. 33 C.F.R. § 20.308(a).

As Respondent has not filed an answer nor asserted good cause for failing to do so, I find Respondent in **DEFAULT**. 33 C.F.R. § 20.310(a); Appeal Decision 2700 (THOMAS) (2012). A default constitutes an admission of all facts alleged in the Complaint and waiver of the right to hearing on those facts. 33 C.F.R. § 20.310(c). I find the following factual allegations in the Complaint **ADMITTED**:

1. On August 17, 2023, Respondent took a required Random drug test pursuant to 46 C.F.R. Part 16.
2. A urine specimen was collected from Respondent by Franz Leviste of Concentra Long Beach, Long Beach, CA, in accordance with 49 C.F.R. Part 40.
3. Respondent signed a Federal Drug Testing Custody and Control Form for providing urine specimen ID# CF14300122.
4. Urine specimen ID# CF14300122 was received by and subsequently analyzed pursuant to 49 C.F.R. Part 40 by Quest Diagnostics, Lenexa, KS, a SAMHSA certified laboratory.

5. On August 21, 2023, urine specimen ID# CF14300122 produced an invalid result, in accordance with 49 C.F.R. § 40.90, as reported by Quest Diagnostics.
6. On August 22, 2023, Dr. Michael Suls, the Medical Review Officer, cancelled the test, in accordance with 49 C.F.R. § 40.129 and directed a new collection pursuant to 49 C.F.R. § 40.159(a)(5)(ii).
7. On August 24, 2023, a urine specimen was collected from Respondent by Julissa Rocha of Concentra Long Beach, Long Beach, CA, in accordance with 49 C.F.R. Part 40.
8. Respondent signed a Federal Drug Testing Custody and Control Form for providing urine specimen ID# CF14300150.
9. Urine specimen ID# CF14300150 was received by and subsequently analyzed pursuant to 49 C.F.R. Part 40 by Quest Diagnostics, Lenexa, KS, a SAMHSA certified laboratory.
10. On September 06, 2023, urine specimen ID# CF14300150 tested positive for Marijuana metabolites (THCA), as reported by Quest Diagnostics.
11. On September 06, 2023, Dr. Michael Suls, the Medical Review Officer, determined that Respondent failed a chemical test for dangerous drugs, raising the presumption of use established by 46 C.F.R. § 16.201(b).
12. Respondent has been the user of a dangerous drug, as described by 46 U.S.C. § 7704(b).

Upon finding Respondent in default, I must now issue a decision against him. 33

C.F.R. § 20.310(d). In reviewing the record, I find that the facts deemed admitted are sufficient to establish that Respondent is a user of a dangerous drug as outlined in 46 U.S.C. § 7704(b), 46 C.F.R. § 16.201(b), Appeal Decision 2603 (HACKSTAFF) (1998), and Appeal Decision 2704 (FRANKS) (2014). Accordingly, I find Respondent is a user of a dangerous drug.

### **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). A proved allegation that a mariner is a of user of a dangerous drug carries a mandatory sanction of revocation of their MMC unless they can prove

cure. 46 U.S.C. § 7704(b). The Coast Guard proved Respondent is a user of dangerous drug, thus the only sanction to levy is revocation. Id.

**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: LT Hunter S. Morris, Sector Los Angeles/Long Beach, 1001 South Seaside Avenue, Bldg. 20, San Pedro, CA 90731. 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 South Gay Street; Baltimore, MD 21202-4022.

**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 A).

**SO ORDERED.**

Done and dated, June 5, 2024,  
Seattle, Washington



---

George J. Jordan  
Administrative Law Judge  
United States Coast Guard