

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

UNITED STATES COAST GUARD,	)	
Complainant,	)	
	)	Docket Number: 2024-0155
vs.	)	
	)	CG Enforcement Activity ID: 7865413
JUSTIN LOVELL BING,	)	
Respondent.	)	

**DEFAULT ORDER**

**Issued:** November 5, 2024

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

**Appearances:**

**For the Coast Guard**

Jennifer A. Mehaffey, Esq.  
Daniel B. Schaefer, Esq.  
Suspension & Revocation National Center of Expertise

CWO4 Michael E. Leathers  
LT Paola Velázquez Colón  
Sector New York

**For the Respondent**

Justin Lovell Bing, *Pro se*

## **ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER**

On or about March 21, 2024, the United States Coast Guard (Coast Guard) issued a Complaint seeking to suspend Respondent Justin Lovell Bing's Merchant Mariner Credential (MMC) for a period of twelve months. The Complaint contains allegations of sexual harassment in violation of 46 U.S.C. § 7704a(a) and misconduct in violation of 46 U.S.C. § 7703(1)(B). Respondent filed an Answer on April 26, 2024, denying all jurisdictional and factual allegations set forth in the Complaint.

On May 22, 2024, I conducted an initial telephonic pre-hearing conference to establish a discovery schedule and set a date and location for hearing. *See* 33 C.F.R. § 20.501. Jennifer A. Mehaffey, Esq. and Daniel Schaefer, Esq., from the USCG S&R National Center of Expertise, and CWO4 Michael Leathers from USCG Sector New York, appeared on behalf of the Coast Guard. Respondent appeared on his own behalf. Thereafter, I scheduled the hearing to commence on September 19, 2024. *See* Order dated May 22, 2024.

The Coast Guard requested a second pre-hearing conference on August 22, 2024. After due notice to the parties, I conducted a telephonic conference on September 5, 2024.<sup>1</sup> Ms. Mehaffey was present on behalf of the Coast Guard, but Respondent failed to appear. The Coast Guard advised me Respondent had not responded to its communications for the past several months. I ordered Respondent to show good cause no later than October 7, 2024, why he failed to appear at the conference. *See* 33 C.F.R. §§ 20.705, 20.310(a). I also postponed the hearing to a later date. *See* Order dated September 5, 2024.

---

<sup>1</sup> My staff reached out to Respondent through email communication regarding his availability in scheduling the pre-hearing conference, but he did not respond. Therefore, on August 28, 2024, I issued a Scheduling Order clearly stating the date and time of the conference, including the call-in information. During the initial pre-hearing conference, the parties agreed to electronic service of documents. *See* Order dated May 22, 2024. My staff served this Scheduling Order to the same email address as the order scheduling the initial pre-hearing conference, where Respondent appeared and participated.

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 20-day response time 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 his initial appearance at the pre-hearing conference on May 22, 2024, Respondent's involvement ceased. Over the past five months, Respondent failed to appear at the September 5, 2024, conference, to respond to my Order to Show Cause issued that same date, and to respond to the Coast Guard's Motion for Default Order. 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 Motion for Default Order and find the proposed sanction of twelve months' suspension is appropriate under the provisions of 46 C.F.R. § 5.569.

**ORDER**

**IT IS HEREBY ORDERED** that Respondent JUSTIN LOVELL BING's Merchant Mariner Credential is **SUSPENDED** for a period of **TWELVE MONTHS**.

**IT IS FURTHER ORDERED** that Respondent immediately deposit his credentials, both current and any other expired credentials he may have in his possession, to the Investigating Officer at the United States Coast Guard Sector New York, 212 Coast Guard Drive, Staten Island, NY 10305. If Respondent knowingly continues to use his credentials during the suspension period, 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).

Done and dated November 5, 2024  
New York, NY



---

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