

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

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UNITED STATES COAST GUARD  
Complainant

vs.

LEVI ROUSE  
Respondent

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Docket Number 2024-0268  
Enforcement Activity No.7885460

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

This matter comes before me on the United States Coast Guard's (Coast Guard) Motion for Default Order. As of the date of this Order, Levi Rouse (Respondent) has not filed an answer to the Coast Guard's Complaint or Motion for Default. As set forth below, I find Respondent is in **DEFAULT** and his credentials are **REVOKED**.

**1. Background**

On or about May 22, 2024, the Coast Guard issued a Complaint seeking to revoke Respondent's Merchant Marine Credential (MMC). The Complaint alleges that Respondent has been a user of a dangerous drug under 46 U.S.C. § 7704(b), as, on January 29, 2024, Respondent failed a random drug test administered pursuant to 46 C.F.R. Part 16. Respondent did not file an Answer to the Complaint, and on August 28, 2024, the Coast Guard file a Motion for Default Order against Respondent.

Following, Respondent contacted my staff via telephone wishing to clarify certain aspects of the suspension and revocation process. Following, I scheduled a telephonic conference for

October 2, 2024, to address Respondent's questions and concerns. Both Respondent and the Coast Guard were notified of the conference via email. However, the Respondent failed to appear for the telephone conference. Accordingly, I issued an Order to Show Cause on October 15, 2024, directing Respondent to show good cause as to why he failed to appear at the conference by November 15, 2024. The Order to Show Cause also notified Respondent that a failure to respond to the Order may result in my finding him in default and revoking his MMC.

To date, Respondent has not responded to the Order to Show Cause. Respondent has similarly failed to file an Answer to the Complaint or to respond to the Coast Guard's Motion for Default Order.

## **2. Discussion**

Pursuant to 33 C.F.R. § 20.308, a Respondent must file an Answer to a Complaint 20 days or less after service of the Complaint. If the Respondent fails to file an Answer without good cause shown, "[t]he ALJ may find a respondent in default. . ." 33 C.F.R. § 20.310. Default constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing. See 33 C.F.R. § 20.310(c); Appeal Decision 2682 (REEVES) (2008).

Additionally, 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.

After careful consideration of the facts and circumstances of this case, I find more than twenty days have passed since the Coast Guard served Respondent with the Complaint in this matter. Furthermore, given that Respondent has not responded to the Coast Guard's Motion, I

find Respondent has not shown good cause for his failure to file an Answer timely. Moreover, Respondent failed to respond to the Order to Show Cause and has therefore failed to demonstrate good cause for failing to attend the pre-hearing conference. See Appeal Decision 2736 (FREMEN). Accordingly, I find Respondent in **DEFAULT** pursuant to 33 C.F.R. § 20.310(a).

Having found Respondent in **DEFAULT**, Respondent admits the facts in the Complaint by operation of 33 C.F.R. § 20.310(c). Based on these admitted facts, I find I have jurisdiction over the subject matter of the Complaint. I further find these admitted facts prove Respondent violated 46 U.S.C. § 7704(b), as Respondent failed a drug test pursuant to 46 C.F.R. Part 16 and has therefore been the user of dangerous drugs as described by 46 U.S.C. § 7704(b). Furthermore, the undersigned finds the facts alleged in the Complaint sufficient to warrant the sanction of **REVOCATION**. Id.

**WHEREFORE,**

**ORDER**

Upon consideration of the record, the undersigned finds Respondent in **DEFAULT**.

**IT IS HEREBY ORDERED**, in accordance with 33 C.F.R. § 20.310, the undersigned finds the allegations set forth in the Complaint **PROVED**.

**IT IS FURTHER ORDERED**, all of Respondent's Coast Guard issued credentials, including his Merchant Mariner Credentials, are **REVOKED**. Respondent shall immediately cease using all Coast Guard issued credentials.

**IT IS FURTHER ORDERED**, Respondent must immediately deliver by mail, courier service, or in person, his Merchant Mariner Credential and any other Coast Guard issued credentials, licenses, certificates, or documents to: LCDR Matthew Romero, Sector Puget Sound, 1519 Alaskan Way S, Seattle, WA 98134.

**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 U.S. Coast Guard Administrative Law Judge Docketing Center; Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street; Baltimore, MD 21201-4022.

**PLEASE TAKE NOTICE** that 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.

**SO ORDERED.**

Done and dated this 4th day of December, 2024  
New Orleans, LA



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