

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

**UNITED STATES COAST GUARD,**  
Complainant,

v.

**GLEND A JEANETTE BELL,**  
Respondent.

**DOCKET NO: 2024-0345  
MISLE ACTIVITY ID. 7918679**

**HONORABLE GEORGE J. JORDAN  
ADMINISTRATIVE LAW JUDGE**

**DEFAULT ORDER**

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, Glenda Jeanette Bell (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**.

**Background**

On August 1, 2024, the Coast Guard issued a Complaint against Respondent seeking to revoke his Merchant Mariner Credential (MMC) for being a user of a dangerous drug in violation of 46 U.S.C. § 7704(b) and 46 C.F.R. § 5.35. Specifically, the Coast Guard alleges Respondent tested positive for marijuana metabolites (THCA) as the result of a random drug test, taken in accordance with Civilian Marine Personnel Instruction 792 (CMPI 792), pursuant to Executive Order 12564, and Public Law 100-71 (PL 100-71).

On August 14, 2024, the Coast Guard filed its Return of Service for the Complaint providing the Complaint and answer forms were served upon and signed for by a person of suitable age and discretion residing at the Respondent's residence via express courier service on August 5, 2024.

Subsequently, the Coast Guard filed a Motion for Default on September 18, 2024. On September 20, 2024, September 23, 2024, and September 24, 2024, the Coast Guard attempted delivery of the Motion for Default by Federal Express (FedEx) express courier service to Respondent's last known address on record. FedEx attempted to deliver the Motion for Default several times, without success and Respondent failed to collect it at the FedEx facility it was then returned to the Coast Guard.<sup>1</sup> Since Respondent failed to claim the properly addressed Motion for Default, the Coast Guard considers it served anyway. 33 C.F.R. § 20.304(h).<sup>2</sup> 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 September 13, 2023, Respondent took a required random drug test in accordance with Civilian Marine Personnel Instruction 792 (CMPI 792), pursuant to Executive Order 12564, and Public Law 100-71 (PL 100-71).
2. A urine specimen was collected from Respondent by Joseph S. Sprafka of Medical Service Officer USNS CAROL BRASHEAR, Norfolk, VA, in accordance with Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs.
3. Respondent signed Federal Drug Testing Custody and Control Forms for providing urine specimen ID# M3664307.

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<sup>1</sup> *FedEx Signature Requirements and Delivery Options*, <https://www.fedex.com/en-us/delivery-options/signature-services.html#:~:text=FedEx%20obtains%20a%20signature%20from,by%20local%20authorities%20is%20required> (last visited February 26, 2025)

<sup>2</sup> I take official notice of FedEx's signature required delivery method of leaving a door tag when attempting delivery and no adult there to sign for the delivery. *FedEx*, *supra* note 1; 33 C.F.R. § 20.806. The door tag serving to inform the Respondent of his filing to claim at the FedEx facility. *Id.*

4. Urine specimen ID# M3664307 was received by and analyzed pursuant to Mandatory Guidelines for Federal Workplace Drug Testing Programs by U.S. Army Forensic Toxicology Drug Testing Laboratory (FTDTL), Fort Mead, MD, a SAMHSA certified laboratory.
5. On October 11, 2023, urine specimen ID# M3664307 tested positive for marijuana metabolites (THCA), as reported by FTDTL.
6. On, October 11, 2023, Dr. Stepanie Y. Kao, The Medical Review Officer (MRO), determined that Respondent failed a chemical test for dangerous drugs.
7. 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 her. 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 2556 (LINTON) (1994), 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 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 [REDACTED], by mail, courier service, or in person to: LT Claude Nadal, United States Coast Guard, Sector San Diego, 2710 N. Harbor Drive, San Diego, CA 92101. 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.**

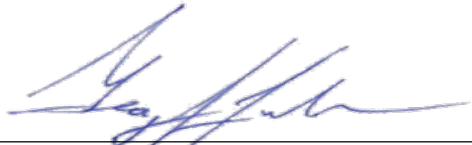
**IT IS FURTHER ORDERED**, pursuant to 33 C.F.R. § 20.310(e), for good cause shown, an ALJ may set aside a finding of default. A motion to set aside a finding of default may be filed with the ALJ Docketing Center in Baltimore. The motion may be sent to the U.S. Coast Guard Administrative Law Judge Docketing Center; Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street; Baltimore, MD 21202-4022.

**PLEASE TAKE NOTICE**, within three (3) years or less, Respondent may file a motion to reopen this matter and seek modification of the order of revocation upon a showing that the order of revocation is no longer valid, and the issuance of a new license, certificate, or document is compatible with the requirement of good discipline and safety at sea. See generally 33 C.F.R. § 20.904.

**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, March 11, 2025,  
Seattle, Washington



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GEORGE J. JORDAN  
UNITED STATES COAST GUARD  
ADMINISTRATIVE LAW JUDGE