

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

UNITED STATES COAST GUARD,

Complainant,

vs.

EDWARD COX,

Respondent.

Docket Number 2024-0562
Enforcement Activity No. 8037242

ADMISSION ORDER

Issued: January 3, 2025

By Administrative Law Judge: Honorable Timothy G. Stueve

Appearances:

**Dylan Tschumper
Marine Safety Unit Baton Rouge**

For the Coast Guard

Edward Cox, pro se

For Respondent

On or about November 22, 2024, the United States Coast Guard (USCG or Coast Guard), filed a Complaint against Edward Cox (Respondent) alleging Respondent violated a law or regulation while acting under the authority of Respondent's Merchant Mariner Credential (MMC) as Crew Member aboard the vessel VIRGINIA.

The Coast Guard alleges:

1. The VIRGINIA (ON 1287399) is a United States flagged vessel, inspected, under 46 U.S.C. Chapter 33.
2. On October 28, 2024, Respondent was a crewmember operating the VIRGINIA, as described by 33 CFR § 95.015(b).
3. On October 28, 2024, while on board the VIRGINIA, Respondent was observed by Cooper Marine, Inc's, Assistant Regional Director of Loss Control and 02 Deckhands as stumbling, slurring speech, and being belligerent.
4. Based on the observations of the Assistant Regional Director of Loss Control and 02 Deckhands, Respondent was in violation of the standard in 33 CFR § 95.020(c).
5. Respondent was directed by the marine employer, to undergo a chemical test based on reasonable cause, pursuant to 33 CFR § 95.035 (a)(2).
6. At approximately 2116, Respondent underwent a reasonable cause chemical test administered by Caleb Harrison of DISA resulting in a blood alcohol concentration level (BAC) greater than 0.04.
7. At approximately 2132, Respondent underwent a second chemical test administered by Caleb Harrison of DISA, resulting in a BAC greater than 0.04.
8. Respondent was in violation of the standards in 33 CFR § 95.020(b).
9. On October 28, 2024, Respondent was under the influence of alcohol, as defined by 33 CFR § 95.010, while aboard the VIRGINIA, in violation of 33 CFR § 95.045(b).

10. Violation of 33 CFR § 95.045(b) is a violation of a regulation as described by 46 U.S.C. § 7703(1)(A) and defined by 46 CFR § 5.33.

In Respondent's Answer, dated December 31, 2024, Respondent admits to all jurisdictional and factual allegations, as stated in the Complaint. Respondent also agreed to the proposed order of twelve (12) months outright suspension, with no additional conditions stipulated.

Upon consideration of the record, I hereby find that the allegations in the Complaint are **PROVED BY ANSWER**. I find that on October 28, 2024, Respondent violated 33 CFR § 95.045(b), which 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.

SANCTION

I have carefully reviewed the Complaint and Answer and find that the proposed sanction is appropriate under the provisions of 46 C.F.R. § 5.569.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED, Respondent's Coast Guard issued MMC is **SUSPENDED OUTRIGHT FOR TWELVE (12) MONTHS**, commencing the date it was deposited with the Coast Guard.

PLEASE TAKE NOTICE, service of this decision on the parties and/or parties' representative(s) serves as notice of appeal rights set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

Done and dated January 3, 2025, at
Alameda, California



Hon. Timothy G. Stueve
Administrative Law Judge
U.S. Coast Guard