

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

**UNITED STATES COAST GUARD,**  
Complainant,

v.

**MEL CURTIS BARTHOLOMEW,**  
Respondent.

DOCKET NO: 2024-00590  
MISLE ACTIVITY ID: 8037697

HONORABLE GEORGE J. JORDAN  
ADMINISTRATIVE LAW JUDGE

**DEFAULT ORDER**

This matter comes before me on the United States Coast Guard's (Coast Guard) Motion for Default Order (Motion for Default). As of the date of this order, Mel Curtis Bartholomew (Respondent) has not responded to the Complaint or the Motion for Default. Upon review of the record and pertinent authority, the Coast Guard's Motion for Default is **GRANTED**.

**Background**

On December 11, 2024, the Coast Guard filed a Complaint against Respondent alleging misconduct, as established by 46 U.S.C. § 7703(1)(B), and 46 C.F.R. § 5.27. The jurisdictional allegations in the Complaint provide Respondent is the holder of Merchant Mariner Credential (MMC) Z00043025. The Express Courier Service receipt, filed by the Coast Guard with Return of Service for the Complaint provides the Complaint was delivered to Respondent's residence by express courier service and signed for by a person of suitable age and discretion residing at the individual's residence on December 24, 2024.

Subsequently, the Coast Guard filed a Motion for Default on January 28, 2025, served upon the Respondent by express courier service delivered to Respondent's residence and signed for by a person of suitable age and discretion on January 30, 2025. To date, more than twenty

days have passed from the service of the Motion for Default, and Respondent has neither filed an answer nor requested an extension of time to file an answer.

As Respondent has neither 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 November 3, 2024, Respondent took a required reasonable cause drug test, pursuant to 46 C.F.R. Part 16.
2. Respondent was onboard the **MISS SYLVIA**, where the collection was to occur. Caleb Harrison initiated the collection process by completing Step 1 of the Federal Drug Testing Custody and Control Form for Specimen ID# 526500178, in accordance with 49 C.F.R. § 40.63.
3. Prior to the completion of the collection process, as described by 49 C.F.R. § 40.73(a)(7), Respondent failed to provide a urine specimen prior to departing the vessel.
4. Respondent's failure to provide a urine specimen before departing the vessel, is a refusal to take a required drug test, pursuant to 46 C.F.R. Part 16, as described by 49 C.F.R. § 40.191(a)(3).
5. Refusal to take a required drug test is misconduct, as described by 46 U.S.C. § 7703(1)(B), and 46 C.F.R. § 5.27.

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 Respondent committed misconduct, as outlined in 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27. Accordingly, I find Respondent committed misconduct by refusing a required drug test.

### Sanction

Having found Respondent in default and all allegations in the Complaint proved, I must now 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). Title 46 C.F.R. § 5.569 contains the Table of Suggested Range of Appropriate Orders (Table) providing sanction ranges for various offenses.

The purpose of this Table is to provide guidance to the ALJ and promote uniformity in orders rendered. Appeal Decision 2628 (VILAS) (2022), aff'd NTSB Order No. ME-174. A sanction ordered within the range specified in the Table is not excessive. 46 C.F.R. § 5.569(d). However, this Table is not binding on an ALJ and either aggravating or mitigating circumstances may support a sanction different from the Table. 46 C.F.R. § 5.569(b)(3). To assess a sanction greater than the range specified in the Table, a clearly articulated explanation of the aggravating factors must support it. Appeal Decision 2702 (CARROLL) (2013) (quoting Commandant v. Moore, NTSB Order No. EM-201 (2005)); Appeal Decision 2455 (WARDELL) (1987), aff'd, NTSB Order No. EM-149 (1988).

The Coast Guard proved Respondent committed misconduct under 46 U.S.C. § 7703(1)(B) in refusing a required drug test. This corresponds to a sanction range from the Table of 12-24 months outright suspension. 46 C.F.R. § 5.569 tbl. 5.569. Accordingly, I find the allegations in the Complaint are **PROVED** warranting outright suspension of Respondent's MMC for 24 months as the appropriate sanction under the provisions of 46 C.F.R. § 5.569.

**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 **SUSPENDED OUTRIGHT FOR TWENTY-FOUR (24) MONTHS**.

**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 Dylan Tschumper, United States Coast Guard, Marine Safety Unit Baton Rouge, 6041 Crestmount Drive, Baton Rouge, LA 70809. 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 18, 2025,  
Seattle, Washington



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GEORGE J. JORDAN  
UNITED STATES COAST GUARD  
ADMINISTRATIVE LAW JUDGE