

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

UNITED STATES COAST GUARD,

Complainant,

vs.

ASIA LEGETTE,

Respondent,

**Docket Number: 2024-0409
Enforcement Activity Number: 7982030**

DEFAULT DECISION

Issued: November 13, 2024

By: George J. Jordan, Administrative Law Judge

Appearances:

**LT Francesca Farlow
For the Coast Guard**

**Asia Legette, *Pro se*
For the Respondent**

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, Asia Legette (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**.

On August 21, 2024, the Coast Guard issued a Complaint against Respondent seeking to revoke her Merchant Mariner Credential (MMC) for being a user of a dangerous drug in violation of 46 U.S.C. § 7704(b). Specifically, the Coast Guard alleges Respondent tested positive for marijuana metabolites as the result of a random drug test, pursuant to 46 C.F.R. Part 16.

The Coast Guard served the Complaint on Respondent via express courier service delivered and signed for by Respondent at her place of residence on August 29, 2024. However, Respondent did not file an answer. On September 27, 2024, the Coast Guard then filed a Motion for Default served on and signed for by Respondent on October 15, 2024 via express courier service. 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 July 29, 2024, Respondent took a required random drug test pursuant to 46 C.F.R. Part 16.

2. A urine specimen was collected from Respondent by Joseph Essen of Norwegian Cruise Line (NCL) Pride of America, Honolulu, HI in accordance 49 C.F.R. Part 40.
3. Respondent signed a Federal Drug Testing Custody and Control Form for urine specimen ID #33900153.
4. Urine specimen ID #33900153 was received by and subsequently analyzed pursuant to 49 C.F.R. Part 40 by Quest Diagnostics, Lenexa, KS, a SAMHSA certified laboratory.
5. On August 8, 2024, urine specimen ID #33900153 tested positive for marijuana metabolites (THCA), as reported by Quest Diagnostics.
6. On August 12, 2024, Dr. William Anderson, the Medical Review Officer, determined that Respondent failed a chemical test for dangerous drugs, raising the presumption of use established by 46 C.F.R. § 16.201(b).
7. Respondent has been a user of a dangerous drug, as described in 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 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 000713744, by mail, courier service, or in person to: LT Francesca Farlow, United States Coast Guard, Marine Safety Unit Savannah, 100 W. Oglethorpe Ave, Suite 1017, Savannah, GA 31401. 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.

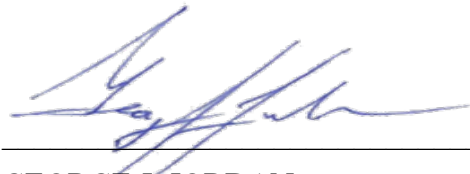
PLEASE TAKE NOTICE, within three (3) years or less, Respondent may file a motion to reopen this matter and seek modification of the order of revocation upon a showing that the order of revocation is no longer valid, and the issuance of a new license, certificate, or document

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, November 13, 2024,
Seattle, Washington



GEORGE J. JORDAN
UNITED STATES COAST GUARD
ADMINISTRATIVE LAW JUDGE