

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

UNITED STATES COAST GUARD,
Complainant

vs.

NICHOLAS MELVIN,
Respondent.

Docket Number 2024-0545
Enforcement Activity No. 8027389

CONSENT ORDER MEMORIALIZING PREHEARING CONFERENCE

Issued: December 12, 2024

By Administrative Law Judge: Honorable Timothy G. Stueve

Appearances:

SIO Thao V. Nguyen
USCG Marine Safety Unit Houma

Andrew Myers, Esq.
USCG S&R NCOE

For the Coast Guard

Nicholas Melvin, Pro Se

For Respondent

On December 5, 2024, I held a prehearing conference in this matter. Thao V. Nguyen, Investigating Officer and Andrew Myers, Esq. appeared for the Coast Guard. Nicholas Melvin (Respondent) appeared on his own behalf.

The purpose of the prehearing conference is to clarify the terms of the Original Settlement Agreement filed on November 19, 2024. Specifically, there were three issues. The first issue was regarding the last line of paragraph 6, where revocation was indicated in the Original Settlement Agreement as the sanction if the Respondent successfully completes the conditions to the satisfaction of the US Coast Guard. The second issue was in paragraph 2h, where the language was unclear on whether or not the Respondent would be responsible to pay for his own drug testing in the Original Settlement Agreement. The third issue in the Original Settlement was the fact that it indicated that the Respondent would not be able to appeal if the settlement fails and I needed to hold a hearing for the Respondent on the settlement failure. Mr. Myers agreed to the three issues, and then explained that the template used on the November 19, 2024 filing of the Original Settlement Agreement was old, and that a Revised Settlement Agreement therefore would need to be filed.

After I explained my concerns to the parties, the Coast Guard agreed to submitting a Revised Settlement Agreement resolving the three issues I noted above. Later on December 5, 2024, the Coast Guard filed a Revised Settlement Agreement and addressed all three issues.

With the revision settlement agreement filed on the same day following our prehearing conference, I find the Revised Settlement Agreement submitted on December 5, 2024, is fair and reasonable and in substantial compliance with the requirements of 33 C.F.R. § 20.502.

ORDER

Upon consideration of the record, it is hereby **ORDERED**, the Settlement Agreement as revised above is **APPROVED** in full and incorporated herein by reference. This Consent Order shall constitute full, final, and complete adjudication of this proceeding.

Done and dated December 12, 2024, at
Alameda, California



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