

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

UNITED STATES COAST GUARD,	)	
Complainant,	)	
	)	Docket Number: 2025-0108
v.	)	
	)	
JOSE RANGEL,	)	
Respondent.	)	
	)	

**ORDER MEMORIALIZING PRE-HEARING CONFERENCE
&
ORDER GRANTING MOTION FOR DEFAULT**

On June 17, 2025, I held a pre-hearing conference in the above captioned matter to discuss the United States Coast Guard's (Coast Guard) Motion for Default filed on April 28, 2025. Andrew Myers, Esq., and Avelardo Martinez appeared on behalf of the Coast Guard. Jose Rangel (Respondent) failed to appear. After a brief discussion, I **GRANTED** the Coast Guard's Motion and am **DEFAULTING** Respondent for the reasons set forth below.

I. BACKGROUND

On March 3, 2025, the Coast Guard filed a Complaint alleging Respondent committed misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27. Specifically, the Coast Guard alleges Respondent committed misconduct on January 8, 2025, by failing to appear for a required drug test pursuant to 46 C.F.R. Part 16. The Return of Service for the Complaint indicates Federal Express delivered the Complaint to Respondent's residence and Respondent signed for the Complaint on March 7, 2025.

On April 28, 2025, the Coast Guard filed a Motion for Default Order, arguing Respondent failed to file an answer within the time allotted (i.e., within 20 days or less of service of the complaint) and asserting Respondent never requested an extension. See 33 C.F.R. §

20.308(a). The Return of Service for the Motion indicates Federal Express delivered it to Respondent's residence on April 30, 2025, and "A. Redondo" signed the delivery receipt.

On May 1, 2025, Respondent sent an email to the Docketing Center stating, "I want to contest." No additional information from Respondent was provided in this email and he failed to specifically answer any of the allegations set forth in the Complaint. Thereafter, the Acting Chief Administrative Law Judge assigned the matter to me on May 7, 2025. On June 17, 2025, I held a pre-hearing conference to ascertain why Respondent did not file an answer within 20 days or less after service of the Complaint. Respondent failed to appear at this pre-hearing conference.

II. DISCUSSION

The regulations require a respondent to "file a written answer to the complaint 20 days or less after service of the complaint." 33 C.F.R. § 20.308(a). "The ALJ may find a respondent in default upon failure to file a timely answer to the complaint without good cause shown." 33 C.F.R. § 20.310(a). Default constitutes an admission of all facts alleged in a complaint and a waiver of respondent's right to a hearing on those facts. 33 C.F.R. § 20.310(c); see also 33 C.F.R. § 20.308(d) ("[R]espondent's failure without good cause to file an answer admits each allegation made in the complaint.").

The Complaint filed by the Coast Guard and properly served on Respondent included instructions that clearly stated, "**YOU MUST RESPOND TO THIS COMPLAINT WITHIN 20 DAYS**" and provided the applicable regulatory provision—33 C.F.R. § 20.308. The instructions also informed Respondent an extension of time could be requested "within 20 days" of receipt. As of the date of this Order, Respondent has not filed an Answer, a response to the

Motion, nor a request for an extension of time. Accordingly, I find Respondent in **DEFAULT** pursuant to 33 C.F.R. § 20.310(a).

As noted above, default constitutes an admission of all facts alleged in the complaint and a waiver of the right to a hearing. 33 C.F.R. § 20.308(d); 33 C.F.R. § 20.310(c); See Appeal Decision 2682 (REEVES) (2008). Furthermore, after review of the factual allegations in the Complaint, I find they are legally sufficient to find Respondent committed misconduct, and therefore, the Complaint is **PROVED** by admission. Id. Based on this finding, I also find the facts alleged in the Complaint warrant the sanction of **REVOCATION**. See 46 U.S.C. § 7703(1)(B); 46 C.F.R. § 5.27.

WHEREFORE,

ORDER

Upon consideration of the record, the Coast Guard's Motion is **GRANTED**. I find Respondent in **DEFAULT**.

In accordance with 33 C.F.R. § 20.308(d) and 33 C.F.R. § 20.310, I find the allegations in the Complaint **PROVED**.

IT IS HEREBY 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, by mail, courier service, or in person to: **CWO Shay P. Hutchings, Sector Corpus Christi, Investigations Division, 249 Glasson Drive, Corpus Christi, TX 78406**. 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.

RESPONDENT IS HEREBY NOTIFIED, 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, service of this Default Order on the parties serves as notice of appeal rights set forth in 33 C.F.R. §§ 20.1001 through 20.1004 (Attachment A).

SO ORDERED.

A handwritten signature in black ink that reads "Tommy Cantrell". The signature is written in a cursive, flowing style.

TOMMY CANTRELL
ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD

Done and dated June 18, 2025,
at Houston, Texas