

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

UNITED STATES COAST GUARD  
Complainant

vs.

RYAN MESSER  
Respondent.

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Docket Number: 2025-0113

MISLE Activity ID: 8084948

**ORDER GRANTING COAST GUARD’S MOTION FOR DEFAULT ORDER**

On or about March 5, 2025, the United States Coast Guard (Coast Guard) issued a Complaint seeking to revoke Respondent Ryan Messer’s (Respondent) Merchant Mariner Credential (MMC). The Complaint alleges that Respondent was convicted of an offense that would preclude the issuance of an MMC under 46 U.S.C. § 7703(2), as Respondent was convicted of violating Alabama Criminal Code Title 13A, Chapter 6, Article 4, Section 13A-6-64 – Sodomy in the Second Degree, a felony, on April 1, 2025. The Complaint also alleges that Respondent is the holder of an MMC and was the subject of an official finding of sexual assault pursuant to 46 U.S.C. § 7704a(b), when the National Maritime Center made an agency finding on February 25, 2025, that Respondent committed sexual assault, as shown by his April 1, 2025 conviction. Lastly, the Complaint alleges that Respondent was the subject of a separate official finding of sexual assault pursuant to 46 U.S.C. § 7704a(b), as the 2015 conviction constituted a “legal proceeding” under 46 U.S.C. § 7704a(c)(1)(A). Respondent filed an Answer denying all jurisdictional and factual allegations set forth in the Complaint.

On May 28, 2025, I conducted an initial telephonic pre-hearing conference. *See* 33 C.F.R. § 20.501. Andrew Myers, Esq. and Investigating Officer Matthew Schirle attended on behalf of

the Coast Guard. Respondent did not appear, despite being served with an order providing the conference call-in information via email on May 22, 2025.

Following, I issued an Order to Show Cause, directing Respondent to provide good cause no later than June 30, 2025, as to why he failed to appear at the conference. *See* 33 C.F.R. §§ 20.705, 20.310(a). *See* Order to Show Cause dated June 3, 2025.

On June 29, 2025, Respondent sent an email to my staff in response to the Order to Show Cause, indicating that he had been working and did not have phone service to call in to the pre-hearing conference. Accordingly, I rescheduled the pre-hearing conference for July 10, 2025.

On July 10, 2025, I conducted the rescheduled telephonic pre-hearing conference. *See* 33 C.F.R. § 20.501. The Coast Guard representatives were present and prepared to proceed with the pre-hearing conference. Respondent did not appear, despite being served with an order providing the conference call-in information via email on July 1, 2025.

Accordingly, I issued a second Order to Show Cause, ordering Respondent to show good cause no later than August 11, 2025, why he failed to appear at the conference. *See* 33 C.F.R. §§ 20.705, 20.310(a). *See* Order to Show Cause dated July 10, 2025. Respondent did not respond to the order to show cause.

Further, on July 10, 2025, the Coast Guard submitted a Motion for Default Order pursuant to 33 C.F.R. § 20.310. To date, Respondent has not submitted a response to the motion. The twenty (20) day time period for Respondent to respond to the Motion for Default has passed, and this matter is ripe for decision. *See* 33 C.F.R. § 20.310(b).

Coast Guard procedural regulations allow an Administrative Law Judge (ALJ) to find a Respondent in default upon failure to appear at a conference or hearing without good cause shown. *See* 33 C.F.R. § 20.310(a). Further, an ALJ may enter a default where a respondent

threatens to fail to appear at a hearing, unless the respondent shows good cause for his failure to appear 30 days or less after an order to show good cause. *See* 33 C.F.R. § 20.705.

Here, Respondent has had multiple opportunities to participate in this matter. Nevertheless, Respondent failed to appear at the July 10, 2025, pre-hearing conference, failed to respond to my order to show cause issued on July 10, 2025, and failed to respond to the Coast Guard's motion for default. As such, Respondent has not demonstrated good cause for failing to attend the July 10, 2025, pre-hearing conference. See Appeal Decision 2736 (FREMEN). I hereby find Respondent in **DEFAULT**.

Under 33 C.F.R. § 20.310(c), a default constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing. Accordingly, I find the violations alleged in the Complaint are **PROVED**.

I have carefully reviewed the Complaint and the Default Motion, and I find the statute provides **REVOCATION** as the only appropriate sanction where the Coast Guard proves a violation under 46 U.S.C. § 7704a(b). Accordingly, Respondent's MMC is **REVOKED**.

### **ORDER**

**IT IS HEREBY ORDERED** that Respondent RYAN MESSER's Merchant Mariner Credential is **REVOKED**.

**IT IS FURTHER ORDERED** that Respondent immediately surrender his credentials, both current and any other expired credentials he may have in his possession, to the Investigating Officer Matthew Schirle, U.S Coast Guard, S&R NCOE, 100 Forbes Drive, Martinsburg, WV, 25404. If Respondent knowingly continues to use his credentials, he may be subject to criminal prosecution.

**PLEASE TAKE NOTICE** that under 33 C.F.R. § 20.310(e), for good cause shown, an Administrative Law Judge may set aside this finding of Default. Respondent may file a motion to set aside the finding with the ALJ Docketing Center, Baltimore, MD.

**PLEASE TAKE FURTHER NOTICE** that service of this Order upon Respondent serves to notify Respondent of his right to appeal as set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

Done and dated August 18, 2025  
New Orleans, Louisiana

A handwritten signature in black ink, appearing to read "B. Curley", is written over a horizontal line.

**Brian J. Curley**  
**US Coast Guard**  
**Administrative Law Judge**