

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

UNITED STATES COAST GUARD,

Complainant,

vs.

ZACHARY WADE,

Respondent.

Docket Number 2025-0149
Enforcement Activity No. 8096394

DEFAULT ORDER

Issued: July 10, 2025

By Administrative Law Judge: Honorable Timothy G. Stueve

Appearances:

**Steven Baker
USCG S&R National Center of Expertise**

For the Coast Guard

Zachary Wade, pro se

For Respondent

Background

On March 21, 2025, the Coast Guard filed a Complaint against Zachary Wade (Respondent). The Return of Service for Complaint filed by the Coast Guard indicates 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 residence on April 25, 2025 (Attachment A¹).

On June 4, 2025, the Coast Guard filed a Motion for Default Order (Motion), explaining Respondent failed to file an Answer, and the response time has passed. See 33 C.F.R. § 20.308. The Return of Service for Motion for Default states the Motion was delivered to Respondent's residence by Federal Express and signed for by a person of suitable age and discretion residing at the residence on June 9, 2025 (Attachment B²). The Chief Administrative Law Judge assigned the matter to me on July 7, 2025.

Discussion

The applicable 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). An administrative law judge (ALJ) may find a respondent in default "upon failure to file a timely answer to the complaint or, after motion, upon failure to appear at a conference or hearing 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).

¹ The Coast Guard's Return of Service for the Complaint does not indicate the person that signed for receipt of the document. However, the Fedex proof of service attached to the Return of Service for the Complaint shows that "A. Foust" signed for the document.

² The Fedex Proof of Service attached to the Return of Service for the Motion for Default indicates that "A. Foust" signed for the document.

The Complaint filed by the Coast Guard and properly served on Respondent contained 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. Respondent failed to respond to the Complaint or the Motion for Default Order.

Accordingly, I find Respondent in default pursuant to 33 C.F.R. § 20.310(a). Default constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing. 33 C.F.R. § 20.310(c). See Appeal Decision 2682 (REEVES) (2008).

Turning to the allegations in the Complaint, the Coast Guard alleges on July 11, 2023, Respondent was convicted of violating Florida Statute § 784.021(1)(a), aggravated assault, a third degree felony, by the Fourth Judicial Circuit Court, Duval County, Florida. As a result of Respondent’s conviction, the Coast Guard asserts that the offense would prevent the issuance or renewal of a Merchant Mariner Credential, as described by 46 U.S.C. § 7703(2).

Therefore, I find these facts as admitted are legally sufficient to find the charge that Respondent’s conviction is an offense that would and did prevent the issuance or renewal of a Merchant Mariner Credential as described in 46 U.S.C. § 7703(2) **PROVED**. Id. The facts alleged in the Complaint are sufficient to warrant the suggested sanction of **REVOCATION**. See 46 U.S.C. § 7703(2).

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, by mail, courier service, or in person to: USCG Suspension & Revocation National Center of Expertise, 100 Forbes Drive, Martinsburg, WV 25404. 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 21201-4022.

PLEASE TAKE NOTICE, service of this Default Order on the parties serves as notice of appeal rights set forth in 33 C.F.R. § 20.1001-20.1004 (Attachment C).

SO ORDERED.



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

Done and dated July 10, 2025, at
Alameda, California