

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

UNITED STATES COAST GUARD

Complainant.

v.

CLINTON AUGUST REITER II

Respondent.

ALJ Docket No. 2025-0163

MISLE Activity No. 8094959

Honorable George J. Jordan

Administrative Law Judge

DEFAULT ORDER

This matter comes before me on the United States Coast Guard's (Coast Guard) Motion for Default Order (Motion for Default). As of the date of this order, Clinton August Reiter II (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 March 28, 2025, the Coast Guard issued a Complaint against Respondent seeking to revoke his Merchant Mariner Credential (MMC) for being a user of a dangerous drug in violation of 46 U.S.C. § 7704(b), as defined by 46 C.F.R. § 5.35. Specifically, the Coast Guard alleges Respondent tested positive for marijuana metabolites after taking a pre-employment drug test. On April 10, 2025, the Coast Guard filed its Return of Service providing the Complaint was served on Respondent by express courier service to his residence where it was signed for by a person of suitable age and discretion on April 8, 2025. Subsequently, the Coast Guard filed a Motion for Default on May 6, 2025. Coast Guard's Return of Service for the Motion for Default filed on May 28, 2025, provides Respondent was served by express courier service to his residence where it was signed by a person of suitable age and discretion on May 9, 2025.

To date, more than twenty days have passed from the 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 neither 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 a waiver of the right to a hearing on those facts. 33 C.F.R. § 20.310(c). Therefore, I find the following factual allegations in the Complaint **ADMITTED**:

1. On January 20, 2025, Respondent took a required pre-employment drug test pursuant to 46 C.F.R. Part 16.
2. A urine specimen was collected from Respondent by Melinda Snapka of Prime Occupational Medicine, 1500 Wildcat Drive, Suite M, Portland, Texas, in accordance with 49 C.F.R. Part 40.
3. Respondent signed a Federal Drug Testing Custody and Control Form for providing urine specimen ID# CF19502496.
4. Urine specimen ID# CF19502496 was received by and subsequently analyzed, pursuant to 49 C.F.R. Part 40 by Clinical Reference Laboratory, Lenexa, Kansas, a SAMHSA certified laboratory.
5. On January 23, 2025, urine specimen ID# CF19502496 tested positive for marijuana metabolites as reported by Clinical Reference Laboratory.
6. On January 25, 2025, Dr. Paul Cheng, 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 the user of a dangerous drug as described by 46 U.S.C. § 7704(b).¹

Upon finding the Respondent in default, I must now issue a decision against him. 33 C.F.R. § 20.310(d). In reviewing the record, I find the facts deemed admitted sufficient to establish 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)

¹ Discrepancies in the content of these admitted allegations compared to those in the Complaint is permissible. Appeal Decision 2691 (JORY) (2010) (holding an Administrative Law Judge (ALJ) may make findings on the basis of suspension or revocation without regard to the framing of the allegations in the complaint).

(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 the allegations in the Complaint proved, I must now determine the appropriate sanction. 33 C.F.R. § 20.902(a)(2). While it is within the sole discretion of the ALJ 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 a cure. 46 U.S.C. § 7704(b). The Coast Guard proved Respondent is a user of a dangerous drug, thus the only sanction to levy is revocation.

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, license, certificates, or documents, including MMC [REDACTED], by mail, courier service, or in person to: CWO Shay 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.

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).

Done and dated, June 5, 2025,
Seattle, Washington

A handwritten signature in blue ink, appearing to read "G. Jordan", is written over a horizontal line.

GEORGE J. JORDAN
UNITED STATES COAST GUARD
ADMINISTRATIVE LAW JUDGE