

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

UNITED STATES COAST GUARD)
Complainant)
vs.) Docket Number: 2025-0410
NELSON ROCHEZ CHAVES) MISLE Activity ID: 8204501
Respondent.)

DEFAULT ORDER

By: Honorable Timothy G. Stueve, Administrative Law Judge

Issued: November 12, 2025

For the Coast Guard

Taylor Hightower Sector New Orleans

For Respondent

Nelson Rochez Chaves, *Pro Se*

Background

On August 25, 2025, the Coast Guard file a Complaint against Nelson Rochez Chaves (Respondent) alleging one count of use of, or addition to the use of dangerous drugs. The Return of Service filed by the Coast Guard¹ indicates the Complaint was delivered to Respondent's residence by Federal Express and signed for by a person of suitable age and discretion residing at the individual's residence on August 27, 2025 (Attachment A).

On October 8, 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 indicated 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 individual's residence on October 13, 2025 (Attachment B)². The Acting Chief Administrative Law Judge assigned the matter to me on November 12, 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).

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

¹ The Fed Ex proof of service attached to the Return of Service for Complaint shows "N. Nelson" signed for the documents.

² The FedEx Proof of Service attached to the Return of Service for the Motion for Default Order indicated that a "N. Nelsny" signed for the document.

“**DAY**S” 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).

As to the charge of use of, or addiction to the use of dangerous drugs, the Complaint alleges on July 25, 2025, Respondent took a required pre-employment drug test pursuant to 46 C.F.R. Part 16 and tested positive for marijuana. See 46 U.S.C. § 7704(b).

The factual allegations in the pleadings are legally sufficient to find the charge of use of, or addiction to the use of dangerous drugs **PROVED**. Id.

The undersigned finds the facts alleged in the Complaint sufficient to warrant the suggested sanction of REVOCATION. See 46 C.F.R. § 5.569.

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 **REVOKE**D.

IT IS FURTHER ORDERED that Respondent must immediately deliver all Coast Guard issued credentials, licenses, certificates, or documents, including the MMC, by mail, courier service, or in person to: United States Coast Guard Sector New Orleans, Taylor

Hightower, 200 Hendee Street, New Orleans, LA 70114. **If Respondent knowingly continues to use his credentials, he may be subject to criminal prosecution.**

IT IS FURTHER ORDERED, pursuant to 33 C.F.R. § 20.310(e), for good cause shown, an Administrative Law Judge may set aside this 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).

Done and dated this 12th day of November 2025, at
Alameda, California



**Honorable Timothy G. Stueve
Administrative Law Judge
U.S. Coast Guard**