

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

UNITED STATES COAST GUARD,)
Complainant,)
vs.) Docket Number: 2025-0498
JUSTIN MARIO RODRIGUEZ,) Enforcement Activity Number: 8235939
Respondent.)

ADMISSIONS ORDER AND ORDER IMPOSING SANCTION

By: Honorable Jennifer A. Mehaffey, Administrative Law Judge

Issued: December 4, 2025

This matter is before me on the United States Coast Guard's (Coast Guard) uncontested Complaint and the parties' Joint Stipulation and Motion Requesting Issuance of an Order of Two (2) Months Outright Suspension (Joint Motion). For the reasons set forth below, I find the allegations in the Complaint are **PROVED BY ADMISSION**. However, I **DENY** the Joint Motion as to the sanction requested by the parties and impose an alternative sanction.

I. PROCEDURAL HISTORY

On October 3, 2025, Coast Guard Sector Corpus Christi filed a Complaint alleging one count of violation of regulation under 46 U.S.C. § 7703(1)(A) for Respondent being under the influence of alcohol or a dangerous drug, as defined by 33 C.F.R. §95.020(c), while Respondent was acting under the authority of his Merchant Mariner Credential (MMC) as a mate on the SIGNET COURAGEOUS, a US flagged and inspected vessel. The Coast Guard proposed a sanction of two months outright suspension of Respondent's MMC. Respondent filed an Answer

on October 21, 2025, admitting all jurisdictional and factual allegations of the Complaint, and agreeing with the proposed sanction.

This case was assigned to me on October 27, 2025. On November 5, 2025, I convened a pre-hearing conference to discuss the proposed sanction sought by the Coast Guard.

During the conference, Respondent expressed confusion regarding the allegations set forth in the Complaint. Respondent initially stated he thought the allegations in Complaint were based on his refusal of an alcohol test.¹ (Order Memorializing Pre-Hearing Conference (Order) at 2.) After discussion, Respondent stated he understood why the Coast Guard charged him with being intoxicated while operating a vessel as described in 33 C.F.R. Part 95 and confirmed he was admitting to both the factual and jurisdictional allegations in the Complaint. Id. Although Respondent conveyed this understanding during the conference, I encouraged the parties to further discuss the allegations and the regulations off the record to ensure Respondent's complete understanding. I also directed the parties to file supplemental evidence to confirm what Respondent is admitting and to address mitigating or aggravating facts that would support a sanction consistent with 46 C.F.R. § 5.569. Id.

The Coast Guard filed the Joint Motion, in which the parties submitted stipulated facts for my consideration and requested I order a two-month suspension of Respondent's MMC.

II. DISCUSSION

I must now determine: (A) if the allegations in the Complaint are proved by admission and (B) what is an appropriate sanction. See 46 C.F.R. §§ 5.567 to .569; 33 C.F.R. § 20.902(a). I address both issues below.

¹ The parties both confirmed Respondent had refused to take the alcohol test but the Coast Guard's allegation of Respondent's intoxication was based on observation of both the Master and Able Seaman prior to his refusal of the testing. (See Complaint, paras 3 and 4.)

A. Allegations in Complaint

As discussed *supra*, the Coast Guard's Complaint alleges one count of violation of regulation under 46 U.S.C. § 7703(1)(A) for Respondent being under the influence of alcohol or a dangerous drug, as defined by 33 C.F.R. §95.020(c), while Respondent was acting under the authority of his MMC as a mate on a US flagged and inspected vessel. Respondent filed his Answer on October 21, 2025, admitting all the jurisdictional and factual allegations in the Complaint.

During the November 5, 2025 pre-hearing conference, Respondent stated he understood he was admitting to being under the influence of alcohol while operating a vessel on July 28, 2025. (Order at 2.) In the Joint Motion, Respondent further states he "fully understands the allegations made in the Complaint against his MMCs." (Joint Motion, paras 1 and 6.) Therefore, upon consideration of the entire record, I find the allegations in the Complaint are **PROVED** by admission and that on July 28, 2025, Respondent committed an act in violation of a regulation as described by 46 U.S.C. § 7703(l)(A) and defined by 46 C.F.R. § 5.33.

B. Appropriate Sanction

In Coast Guard suspension and revocation (S&R) cases, the authority to impose a sanction lies exclusively within the discretion of the Administrative Law Judge (ALJ). Appeal Decision 2730 (BLAKE), 2020 WL 4516474 at *6. Furthermore, the ALJ is not bound to follow the recommendation of the Coast Guard, even if uncontested by a respondent. See Appeal Decision 2628 (VILAS), 2002 WL 32061803 at *12; Appeal Decision 2173 (PIERCE), 1979 WL 197835, at *3.

To assist in the selection of an order, Coast Guard regulations set forth ranges of suggested orders considered appropriate for various types of offenses. Table 5.569 to 46 C.F.R. §

5.569 (“Table 5.569”). The regulations also list several factors for consideration by the ALJ when determining an appropriate order, including any remedial actions undertaken independently by Respondent, Respondent’s prior record, and any other mitigating or aggravating evidence within the record. 46 C.F.R. § 5.569(b). After considering mitigating or aggravating factors present in the case, the ALJ’s Order of Sanction may be greater or less than the range set forth in Table 5.569. Id.

The sanction selected by the ALJ must be tailored towards the goal of remediation, to promote and “maintain standards for competence and conduct essential to the promotion of safety at sea.” 46 C.F.R. § 5.5. In addition to the goal of remediation, an order less than revocation “levies accountability on a mariner and deters that mariner and others from similar conduct, without permanently removing that mariner from service at sea.” Appeal Decision 2707 (CHESBOROUGH), 2015 WL 525653 at *1.

1. Type of Offense Under Table 5.569 that Applies to Respondent’s Misconduct

The Coast Guard and Respondent stipulate that Table 5.569 suggests a sanction of one to three months outright suspension for Respondent’s failure to comply with U.S. law or regulation. (Joint Motion, footnote 1.) The parties further stipulate that an Order of two months outright suspension is appropriate for this type of misconduct in accordance with Table 5.569. Id. at 1, 3. I disagree.

Respondent was acting under the authority of his credential by serving as Mate, an officer of the crew, aboard the SIGNET COURAGEOUS at the time of his intoxication. (Complaint, Answer.) Respondent’s position is one that is required by law or regulation for the safe operation of the vessel. According to evidence in the record, Respondent’s state of intoxication when he reported to the vessel for muster was such that both the Master and Able Seaman reported

Respondent as being observably intoxicated, to include glassy eyes, mumbling words, difficulty in speaking, and smelling of alcohol. Id; (Joint Motion, para 6.) Respondent's arrival at muster visibly unfit was a dereliction of his duty as a Mate and his intoxication rendered him incapable of performing the most basic of safety requirements. Accordingly, I find the appropriate type of offense applicable here under Table 5.569 is failure to perform duties related to vessel safety, which has a suggested range of three to six months outright suspension.

2. Consideration of Factors Set Forth in 46 C.F.R. § 5.569(b)

Having determined the applicable range of appropriate suspension is three to six months suspension, I now consider the Coast Guard's proposed two-month suspension in light of the factors set forth in 46 C.F.R. § 5.569(b).

The parties state Respondent expressed remorse for his actions, has been cooperative throughout these Coast Guard administrative proceedings and was released from his employment as a consequence of his intoxication. (Joint Stipulation at paras 2-4). Further, they indicate Respondent has undertaken the remedial action of attending Alcoholics Anonymous (AA) meetings for three months. Id. para 5. It is not clear from the record, however, if Respondent is continuing with AA meetings or if he has undertaken any evaluation by a substance abuse professional.

With respect to Respondent's prior record, I note the parties did not provide any evidence of other prior S&R or disciplinary records other than his employment. As there is no additional evidence on his prior record, I will not consider its absence as either aggravating or mitigating.

Having considered all information provided by the parties, I find the mitigating facts of Respondent's case do not warrant a lower sanction than that set forth in Table 5.569. Respondent reported for muster in an intoxicated state, rendering his actions inconsistent with that of a safe

and suitable person acting under the authority of his MMC. (Joint Motion, para 6.); See 46 C.F.R. §10.107. Respondent's intoxication while acting as a vessel officer placed his crewmates in danger because of his inability to assist with regular manning duties as required under the vessel's Certificate of Inspection. See Appeal Decision 2257 (MALANAPHY); 1981 WL 389170 at *2 (Vessel officers are held to the “very highest standard of care” for the personal safety of passengers and crew.) Had an emergency arose during the voyage, the situation could have been incalculably worse.

As stated previously, S&R administrative actions against a Respondent's MMC are “remedial and not penal in nature … [and] are intended to help maintain standards for competence and conduct essential to the promotion of safety at sea.” 46 C.F.R. § 5.5. In addition to the goal of remediation, an order less than revocation “levies accountability on a mariner and deters that mariner and others from similar conduct, without permanently removing that mariner from service at sea.” Appeal Decision 2707 (CHESBOROUGH), 2015 WL 525653 at *1. Table 5.569 at 46 C.F.R. §5.569(d) suggests a suspension of three (3) to six (6) months for “failure to perform duties related to vessel safety.” I find a penalty within this range to be appropriate considering the record as a whole.

Accordingly, I **DENY** the Joint Motion with regard to the sanction requested by the parties. Respondent's MMC is suspended for a total of three (3) months: two months suspension outright, followed by one (1) month suspension remitted on two (2) months' probation. During the period of probation, Respondent shall refrain from committing any additional offenses under 46 U.S.C. § 7703(1) or any regulation promulgated thereunder.

I noted the parties did not stipulate if Respondent has deposited his credential with the Coast Guard prior to the issuance of this Order. If the MMC was deposited, Respondent shall

receive credit for the period that his MMC was on deposit with the Coast Guard. If Respondent has not yet deposited his MMC with the Coast Guard, he shall deposit his credential with Coast Guard Sector Corpus Christi within five (5) days of the issuance of this Order.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED, the parties' Joint Stipulation and Motion Requesting Issuance of an Order of Two (2) Months Outright Suspension is **DENIED**.

IT IS FURTHER ORDERED, Respondent's MMC is suspended for a total of three (3) months: two (2) months suspension outright, followed by one (1) month suspension remitted on two (2) months' probation.

IT IS FURTHER ORDERED, Respondent is granted credit for any time his MMC was on deposit with the Coast Guard.

IT IS FURTHER ORDERED, Respondent shall be placed on two (2) months' probation commencing on the date his MMC is returned or, if Respondent's MMC has already been returned, on the date of issuance of this Order.

IT IS FURTHER ORDERED, during the probationary period, Respondent shall not commit any additional offenses that would serve as the basis for the revocation or suspension of his credentials under 46 U.S.C. § 7703(1) or any regulation promulgated thereunder.

IT IS FURTHER ORDERED, if the Coast Guard determines Respondent has violated the terms of probation within the probationary period, the Coast Guard may provide notice of intent to execute the remaining one-month suspension period. Within ten (10) days of service of the Notice of Violation of Probation, Respondent may submit a written request to the ALJ Docketing Center, with a copy to the Coast Guard Investigating Officer, for an ALJ hearing

solely to determine whether Respondent violated the terms of probation. Failure to submit a written request within ten (10) days of service of the Notice of Violation of Probation will result in waiver of the opportunity to request a hearing.

SO ORDERED.

Done and dated December 4, 2025
New York, NY



HON. JENNIFER A. MEHAFFEY
Administrative Law Judge
United States Coast Guard