

UNITED STATES OF AMERICA  
U.S. DEPARTMENT OF HOMELAND SECURITY  
**UNITED STATES COAST GUARD**

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UNITED STATES COAST GUARD  
Complainant

vs.

ALAN WADE TYLER

Respondent

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Docket Number 2009-0473  
Enforcement Activity No. 3627741

**Order Correcting Written Decision Order**

**Issued: November 17, 2010**

**By Administrative Law Judge: Honorable Michael J Devine**

**Appearances:**

**LCDR Jason M. Krajewski  
Sector Baltimore**

**For the Coast Guard**

**Geoffrey S Tobias, Esq.**

**For the Respondent**

On November 17, 2009 the parties submitted a motion for approval of a settlement agreement in this matter. The settlement agreement was reviewed and approved by a Consent Order issued on November 18, 2009 which incorporated the settlement agreement by reference into the Consent Order. On November 16, 2010, the undersigned conducted a hearing in the above named matter regarding the Coast Guard's allegations that Respondent failed to successfully complete the settlement agreement.

At the close of the hearing both Respondent and the Coast Guard in accordance with 33 CFR 20.710 waived the right to submit written proposed findings of fact and conclusions of law,

and the undersigned issued an oral bench decision pursuant to 33 CFR 20.902(c) revoking Respondent's License in keeping with the terms of the settlement agreement and the record as a whole. A written Order memorializing the oral bench decision was issued later that day. The written order contains an error by attaching the usual appeal rights to the order.

Paragraphs 1 and 5 of the settlement agreement provide that Respondent has waived the right to appeal and that the determination by the ALJ on whether the settlement agreement was completed or not is final and not subject to appeal. Therefore the Order of November 16, 2010 is corrected by deleting Attachment B and by changing the Order to read as follows:

**ORDER**

**IT IS HEREBY ORDERED THAT** the Merchant Mariner's License and all other Coast Guard licenses, certificates and documents issued to Respondent Alan Wade Tyler are **REVOKED**. Respondent's Merchant Mariner License has been surrendered to the U.S. Coast Guard Sector Baltimore, Maryland and shall be processed appropriately. Respondent must immediately surrender any other Coast Guard issued credentials to the Coast Guard, Sector Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226-1791. If you knowingly continue to use your documents, you may be subject to criminal prosecution.

**PLEASE TAKE FURTHER NOTICE** that in keeping with the terms of the settlement agreement this decision is final.

**Michael J Devine**  
**US Coast Guard Administrative Law Judge**

Date: November 17, 2010