

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

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UNITED STATES COAST GUARD  
Complainant

vs.

JUSTIN SCOTT SIMPSON  
Respondent

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Docket Number 2016-0320  
Enforcement Activity No. 5729022

**ORDER MEMORIALIZING BENCH DECISION**

**Issued: June 06, 2017**

**By Administrative Law Judge: Honorable Dean C. Metry**

**Appearances:**

**Ms. Sarah K. Savage  
Marine Safety Detachment Panama City  
and**

**Andrew J. Norris, Esq.  
Suspension and Revocation  
National Center of Expertise**

**For the Coast Guard**

**Justin Scott Simpson, *Pro se***

**For the Respondent**

The undersigned held a hearing in Nashville, Tennessee from May 31, 2017, through June 1, 2017. At the conclusion of the hearing, the parties waived their right to file post-hearing briefs, and the undersigned rendered an oral decision. See 33 C.F.R. § 20.902; 33 C.F.R. § 20.710. The undersigned found the allegation contained in the Coast Guard's Complaint proved. Specifically, the undersigned found Respondent violated 46 U.S.C. § 7704(b) by being convicted of a dangerous drug law violation. Further, the undersigned suspended Respondent's Merchant Mariner Credential for 24 months as a sanction for this violation. The hearing transcript contains the record of the hearing in its entirety, including the oral decision and sanction.

WHEREFORE,

### **ORDER**

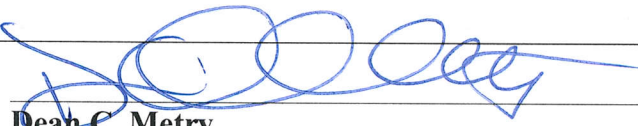
**IT IS HEREBY ORDERED** Merchant Mariner Credential 000141647 and all other Coast Guard licenses, certificates and documents issued to Respondent, Justin Scott Simpson, are hereby **SUSPENDED FOR 24 MONTHS**. If he has not already done so, Respondent must surrender all Coast Guard issued credentials to the Coast Guard, Marine Safety Detachment Panama City, 1700 Thomas Drive, Panama City, FL 32407-8043, by June 9, 2017. If Respondent knowingly continues to use his documents, he may be subject to criminal prosecution.

**PLEASE TAKE NOTICE** service of this Order on you serves as additional notice of your right to appeal as set forth in 33 C.F.R. §§ 20.1001-20.1004.<sup>1</sup> (Attachment B). As

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<sup>1</sup> Respondent was provided with his appeal rights at the hearing.

discussed at the hearing, the appeal time runs from the date the oral decision was rendered, June 1, 2017. A copy of the transcript will be provided to either party if requested.

  
**Dean C. Metry**  
**U.S. Coast Guard Administrative Law Judge**  
Date:

## **ATTACHMENT A**

### **WITNESS AND EXHIBIT LIST**

#### **Coast Guard Witnesses**

1. Lieutenant Michael A. Clausen

#### **Coast Guard Exhibits**

1. Copy of Respondent's Merchant Marine Credential
2. Respondent's Written Plea Agreement
3. Court Documents Regarding Respondent's 2012 Conviction for Driving While Intoxicated
4. Court Documents Regarding Respondent's Probation Violation
5. NCOE Letter
6. Court Documents Regarding Respondent's 2014 Possession of Marijuana Conviction
7. Police Report
8. Respondent's Merchant Marine Credential Application

#### **Respondent Exhibits**

1. Army National Guard Report of Separation and Record of Service
2. Email

#### **Respondent Witnesses**

1. Justin S. Simpson (Respondent)

## **ATTACHMENT B**

### **NOTICE OF APPEAL RIGHTS**

#### **33 C.F.R. § 20.1001 General.**

- (a) Any party may appeal the ALJ's decision by filing a notice of appeal. The party shall file the notice with the U. S. Coast Guard Administrative Law Judge Docketing Center; Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street; Baltimore, MD 21201-4022. The party shall file the notice 30 days or less after issuance of the decision, and shall serve a copy of it on the other party and each interested person.
- (b) No party may appeal except on the following issues:
  - (1) Whether each finding of fact is supported by substantial evidence.
  - (2) Whether each conclusion of law accords with applicable law, precedent, and public policy.
  - (3) Whether the ALJ abused his or her discretion.
  - (4) The ALJ's denial of a motion for disqualification.
- (c) No interested person may appeal a summary decision except on the issue that no hearing was held or that in the issuance of the decision the ALJ did not consider evidence that that person would have presented.
- (d) The appeal must follow the procedural requirements of this subpart.

#### **33 C.F.R. § 20.1002 Records on appeal.**

- (a) The record of the proceeding constitutes the record for decision on appeal.
- (b) If the respondent requests a copy of the transcript of the hearing as part of the record of proceeding, then, --
  - (1) If the hearing was recorded at Federal expense, the Coast Guard will provide the transcript on payment of the fees prescribed in 49 CFR 7.45; but,
  - (2) If the hearing was recorded by a Federal contractor, the contractor will provide the transcript on the terms prescribed in 49 CFR 7.45.

#### **33 C.F.R. § 20.1003 Procedures for appeal.**

- (a) Each party appealing the ALJ's decision or ruling shall file an appellate brief with the Commandant at the following address: U.S. Coast Guard Administrative Law Judge Docketing Center; Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street; Baltimore, MD 21201-4022, and shall serve a copy of the brief on every other party.
  - (1) The appellate brief must set forth the appellant's specific objections to the decision or ruling. The brief must set forth, in detail, the --
    - (i) Basis for the appeal;
    - (ii) Reasons supporting the appeal; and
    - (iii) Relief requested in the appeal.



- (2) When the appellant relies on material contained in the record, the appellate brief must specifically refer to the pertinent parts of the record.
- (3) The appellate brief must reach the Docketing Center 60 days or less after service of the ALJ's decision. Unless filed within this time, or within another time period authorized in writing by the Docketing Center, the brief will be untimely.
- (b) Any party may file a reply brief with the Docketing Center 35 days or less after service of the appellate brief. Each such party shall serve a copy on every other party. If the party filing the reply brief relies on evidence contained in the record for the appeal, that brief must specifically refer to the pertinent parts of the record.
- (c) No party may file more than one appellate brief or reply brief, unless --
  - (1) The party has petitioned the Commandant in writing; and
  - (2) The Commandant has granted leave to file an added brief, in which event the Commandant will allow a reasonable time for the party to file that brief.
- (d) The Commandant may accept an amicus curiae brief from any person in an appeal of an ALJ's decision.

**33 C.F.R. § 20.1004 Decisions on appeal.**

- (a) The Commandant shall review the record on appeal to determine whether the ALJ committed error in the proceedings, and whether the Commandant should affirm, modify, or reverse the ALJ's decision or should remand the case for further proceedings.
- (b) The Commandant shall issue a decision on every appeal in writing and shall serve a copy of the decision on each party and interested person.