

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

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**UNITED STATES COAST GUARD,**

Complainant,

vs.

**NICHOLAS POCCIA,**

Respondent.

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Docket Number 2023-0016  
Enforcement Activity No. 7577070

**ADMISSION ORDER**

**Issued: January 24, 2023**

**By Administrative Law Judge: Honorable Timothy G. Stueve**

**Appearances:**

**CWO Daniel Hager  
Sector Honolulu**

**For the Coast Guard**

**Nicholas Poccia, pro se**

**For Respondent**

On or about January 17, 2023, the United States Coast Guard (USCG or Coast Guard), filed a Complaint against Nicholas Poccia (Respondent) alleging two counts of violation of law or regulation under 46 U.S.C. § 7703(1)(A) and 46 C.F.R. § 5.33.

In the Complaint, the Coast Guard alleges:

1. Between November 2021 and April 2022, Respondent's Merchant Mariners Credential (MMC) was endorsed for service as Master Of Self-Propelled Vessels Including Auxiliary Sail of Less Than 100 Gross Register Tons Upon Inland Waters and entry level rating endorsements.

2. Between November 2021 and April 2022, Respondent served as Master of the vessel KIBOU approximately 13 times, in violation of 46 C.F.R. 15.401(a).

3. Between November 2021 and August 2022, Respondent's Merchant Mariners Credential (MMC) was endorsed for service as Master Of Self-Propelled Vessels Including Auxiliary Sail of Less Than 100 Gross Register Tons Upon Inland Waters and entry level rating endorsements.

4. Between November 2021 and August 2022, Respondent operated the vessel MOANA as Operator approximately 52 times, upon Near Coastal waters, in violation of 46 C.F.R. 15.401(a).

Based on these facts, the Coast Guard proposes one (1) month outright suspension of Respondent's Merchant Mariner Credential (MMC).

On or about January 17, 2023, Respondent filed his Answer, admitting to all jurisdictional and factual allegations as stated in the Complaint. Respondent also agreed to the proposed order of one (1) month outright suspension, with no additional conditions stipulated.

Upon consideration of the record, I hereby FIND that the allegations in the Complaint are **PROVED BY ANSWER**. I find that between November 2021 and August 2022 Respondent committed two acts of violation of law or regulation, as described by 46 U.S.C § 7703(1)(A) and defined by 46 C.F.R. § 5.33.

**SANCTION**

I have carefully reviewed the Complaint and Answer and find that the proposed sanction is appropriate under the provisions of 46 C.F.R. § 5.569.

**WHEREFORE,**

**ORDER**

**IT IS HEREBY ORDERED**, Respondent's Coast Guard issued MMC is suspended outright for one (1) month, commencing on the date Respondent's MMC is deposited with USCG Sector Honolulu.

**PLEASE TAKE NOTICE**, service of this decision on the parties and/or parties' representative(s) serves as notice of appeal rights set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

Done and dated January 24, 2023, at  
Alameda, California



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