

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

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Complainant

vs.

TARA LIN RINKEL-HOMAN,

Respondent.

**Docket Number 2023-0062
Enforcement Activity Number 7616941**

CONSENT ORDER

Issued: June 6, 2023

By: Honorable George J. Jordan, Administrative Law Judge

On February 15, 2023, the Coast Guard filed a Complaint against Tara Lin Rinkel-Homan (Respondent), alleging one count of Use of, or addiction to the Use of, or Addiction to the Use of Dangerous Drugs, in violation of 46 C.F.R. § 16.201(b) and 46 U.S.C. § 7704(b). The Coast Guard alleged that Respondent failed a chemical test for dangerous drugs, raising the presumption of use.

On May 25, 2023, the parties in this case submitted a Motion for Approval of a Settlement Agreement and Entry of Consent Order to be approved as a settlement of the case under 33 C.F.R. § 20.502.

After carefully reviewing the terms of the Settlement Agreement, I find that it is fair, reasonable, and in substantial compliance with the requirements of 33 C.F.R. § 20.502.¹

ORDER

Upon consideration of the record, it is hereby **ORDERED** that the Settlement Agreement is **APPROVED** in full and incorporated herein by reference.

IT IS FURTHER ORDERED that Respondent's Merchant Mariner Credential is **REVOKED**. However, the revocation is stayed until **August 22, 2024**, to permit Respondent to complete a rehabilitation program and prove cure in accordance with the Settlement Agreement.

IT IS FURTHER ORDERED that Respondent complete the terms of the Settlement Agreement prior to the termination of the stay. If Respondent satisfies the requirements, this order will reflect an outright suspension for the period of deposit to permit Respondent to complete and prove cure in accordance with the stipulated order contained in the Settlement Agreement.

¹ The first row of the table in Paragraph Six of the Settlement Agreement states that if Respondent successfully completes the conditions, his Merchant Mariner Credential (MMC) will be suspended for the period of "outright deposit." I note the term "outright deposit" does not appear in the statutes (46 U.S.C. §§ 7701 – 7706) or regulations (46 C.F.R. Part 5 and 33 C.F.R. Part 20) governing these proceedings, nor is the term found in binding Coast Guard precedent or policy. See Marine Safety Manual, Volume V, "Investigations and Enforcement," COMDTINST M16000.10A (April 2008). While the parties may have intended to refer to an outright suspension of the MMC during the period of deposit, I do not find the term "outright deposit" causes confusion to render the Settlement Agreement ambiguous or worthy of rejection. See *id.* at Ch. 4, section E.4.a. (p. C4-57). Thus, I consider "outright deposit" to have the same meaning as "deposit."

IT IS FURTHER ORDERED that this Consent Order shall constitute full, final,
and complete adjudication of this proceeding.

IT IS SO ORDERED.



HON. GEORGE J. JORDAN
UNITED STATES COAST GUARD
ADMINISTRATIVE LAW JUDGE

Done and dated June 6, 2023,
at Seattle, WA