

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

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**UNITED STATES COAST GUARD,**

**Complainant,**

**vs.**

**WENDELL E. NANCE, JR.**

**Respondent.**

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**Docket Number 2023-0072  
Enforcement Activity Number 7636260**

**ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER**

**Issued: November 17, 2023**

**By: Honorable Walter J. Brudzinski, Chief Administrative Law Judge**

**Appearances:**

**ANDREW S. MYERS, ESQ.  
USCG Suspension and Revocation National Center of Expertise  
For the Coast Guard**

**WENDELL E. NANCE, JR., *Pro se*  
For the Respondent**

**ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER**

The United States Coast Guard Mariner Credentialing Fraud Task Force (Coast Guard) issued a Complaint dated February 21, 2023, against WENDELL E. NANCE, JR. (Respondent) seeking to revoke his Merchant Mariner Credential (MMC) for violations of misconduct under 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27.

Specifically, the Coast Guard alleges on or about October 1, 2019, Respondent submitted Applications for Merchant Mariner Credential (CG-719B) to the Coast Guard National Maritime Center to obtain new endorsements and raise in grade. In support of the applications, Respondent submitted to the Coast Guard fraudulent course completion certificates. He also falsely indicated “No” on the applications when asked “Have you ever been convicted by any court – including military court – for an offense other than a minor traffic violation”, in violation of 18 U.S.C. § 1001. Respondent’s violation of 18 U.S.C. § 1001 is misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27.

The Coast Guard filed its Return of Service for Complaint on March 6, 2023, indicating it served a copy of said Complaint to Respondent at his residence by express courier. A person of suitable age and discretion residing at the address signed for the document on March 3, 2023. As set forth in the Complaint, Respondent’s Answer is due within 20 days of receipt in accordance with 33 C.F.R. § 20.308. Respondent’s Answer was due no later than March 23, 2023. Respondent did not file an Answer, nor requested an extension of time to file an Answer by the deadline; therefore, the Coast Guard filed its Motion for Default Order (Default Motion) on May 19, 2023, requesting the Administrative Law Judge (ALJ) issue a Default Order against Respondent imposing the sanction asked for in the Complaint.

The ALJ Docketing Center assigned this matter to me for review and adjudication on June 15, 2023. After reviewing the case file, I determined that service of the Default Motion upon Respondent was incomplete. Further, I found that the Coast Guard had not complied with the applicable provisions of 33 C.F.R. §§ 20.310 and 20.304(d) and (g). Therefore on July 13, 2023, I issued an Order Denying the Coast Guard's Motion for Default Order directing the Coast Guard to refile its Default Motion and to properly serve Respondent with the document.

On October 6, 2023, the Coast Guard refiled its Default Motion. It subsequently filed its Return of Service for the Default Motion on November 6, 2023, stating the document was personally served on Respondent at his residence by Coast Guard Investigative Service (CGIS) Special Agents on October 17, 2023.<sup>1</sup> Title 33 C.F.R. § 20.310 provides "the respondent alleged to be in default shall file a reply to the motion 20 days or less after service of the motion." Respondent's reply was due no later than November 6, 2023. To date, Respondent has not filed his reply.

Upon further review of this file, I find that the applicable provisions of 33 C.F.R. §§ 20.310 and 20.304(d) and (h) have been complied with and Respondent is in **DEFAULT**. Under 33 C.F.R. § 20.310(c) a default constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing.

Accordingly, I find the violations alleged in the Complaint are **PROVED**. I have carefully reviewed the Complaint and the Default Motion and further find the proposed sanction of revocation is appropriate under the provisions of 46 C.F.R. § 5.569.

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<sup>1</sup> As proof of service, the Coast Guard attached to the Return of Service for the Default Motion, CGIS Action Report #AR2310001502.

**SANCTION**

**IT IS HEREBY ORDERED** that Respondent WENDELL E. NANCE, JR.'s Merchant Mariner Credential is **REVOKED**.

**IT IS FURTHER ORDERED** that Respondent immediately surrender his MMC to the United States Coast Guard, Suspension and Revocation National Center of Expertise, 100 Forbes Drive, Martinsburg, WV 25404. If Respondent knowingly continues to use his MMC, he may be subject to criminal prosecution.

**PLEASE TAKE NOTICE** that under 33 C.F.R. § 20.310(e), for good cause shown, an Administrative Law Judge may set aside this finding of Default. Respondent may file a motion to set aside the finding with the ALJ Docketing Center, Baltimore, MD.

**PLEASE TAKE FURTHER NOTICE** that service of this Order upon Respondent serves to notify Respondent of his right to appeal as set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

Done and dated November 17, 2023  
New York, NY