

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

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Complainant

vs.

JAMES CHARLES DAUGHTERY, JR.,

Respondent

**Docket Number 2023-0075
Enforcement Activity No. 7634728**

ADMISSIONS ORDER

Issued: May 2, 2023

By Administrative Law Judge: Honorable George J. Jordan

Appearances:

**LT Andres Nealis
USCG MSU Lake Charles
For the Coast Guard**

**James Charles Daughtery, Jr., *pro se*
For Respondent**

On March 7, 2023, the United States Coast Guard (Coast Guard) initiated this administrative action seeking six (6) Months' Outright Suspension of Merchant Mariner's License Number 000487740 issued to James Charles Daughtery, Jr. (Respondent) by issuing a Complaint alleging Respondent committed Misconduct, pursuant to the legal authority contained in 46 U.S.C. § 7703(1)(B) and defined by 46 CFR § 5.27.

In support of the Complaint, the Coast Guard specifically alleges Respondent:

1. On October 28th, 2022, at approximately 1308, Respondent had direction and control of the liftboat PETITE (O.N. 663221), while underway upon the Calcasieu Ship Channel.
2. On October 28th, 2022, at approximately 1308, Respondent grounded the PETITE at the Calcasieu Channel Western Jetty Wall, a well charted area.
3. Respondent's grounding of the PETITE in a well charted area raises the presumption of negligence, as described by 46 U.S.C. § 7703(1)(B) and defined by 46 CFR § 5.29.
4. In aggravation. Respondent received a company provided weather report forecasting sea conditions in excess of limits set forth in the onboard Vessel Stability Letter and Operations Manual.
5. In aggravation: Respondent proceeded to get underway after struggling to depart for approximately 20 minutes due to adverse weather conditions.
6. In aggravation: Respondent ignored warnings from nearby vessel while transiting outbound on the Calcasieu Ship Channel.
7. In aggravation: Respondent endangered the lives of 04 persons and the safety of his vessel in proceeding to get underway.

After the complaint had been filed, Respondent filed an Answer admitting to all the jurisdictional and factual allegations and indicating they agreed with the proposed order of 6 Months' Outright Suspension, with no additional conditions requested. The Chief Administrative

Law Judge assigned the matter to the undersigned Administrative Law Judge (ALJ) on April 4, 2023.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED that Respondent's violation of misconduct under 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27 is **PROVED BY ANSWER**. I have carefully reviewed the file and find that the proposed sanction is appropriate under the provisions of 46 C.F.R. § 5.569.

IT IS FURTHER ORDERED that Respondent's Merchant Mariner Credential is **SUSPENDED OUTRIGHT FOR SIX (6) MONTHS**, commencing on the date it is deposited with the Coast Guard.

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).

IT IS SO ORDERED.



Honorable George J. Jordan
United States Coast Guard
Administrative Law Judge

Done and dated May 2, 2023
Seattle, Washington.