

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

UNITED STATES COAST GUARD

Complainant

vs.

ALAN PHILLIP BILLIOT SR.,

Respondent.

**Docket Number 2023-0076
Enforcement Activity Number 7624076**

ADMISSION ORDER

Issued: March 6, 2024

By Chief Administrative Law Judge: Honorable Walter J. Brudzinski

Appearances:

**CWO RYAN W. JOHNSON
USCG Marine Safety Unit Lake Charles
For the Coast Guard**

**ALAN PHILLIP BILLIOT SR., *Pro se*
For the Respondent**

DECISION AND ORDER

The United States Coast Guard Marine Safety Unit Lake Charles (Coast Guard) issued a Complaint against Alan Phillip Billiot Sr. (Respondent) on March 3, 2023, alleging Respondent committed an act of negligence while acting under the authority of his Merchant Mariner Credential (credential). Specifically, the Coast Guard alleges, on October 25, 2022, Respondent had direction and control of towing vessel JESUS SAVES (O.N. 534836), while pushing barges HBM 008 (O.N. 1306737) and HBM 009 (O.N. 1279370) on the Gulf Intracoastal Waterway near mile marker 244.

While underway, Respondent allided barges HBM 008 and HBM 009 with the starboard quarter of the towing vessel ERIC SWENDSEN (O.N. 1292802), while it was grounded along the south bank of the Gulf Intracoastal Waterway near mile marker 244. Respondent's alliding of the barges HBM 008 and HBM 009, with the grounded vessel ERIC SWENDSEN raises the presumption of negligence, as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.29. The Coast Guard further argues, in aggravation, Respondent was issued a Warning in Lieu of Suspension and Revocation on October 21, 2019, for negligence after alliding with a moored vessel on the Calcasieu River. The Coast Guard proposes a sanction of three (3) months of outright suspension of Respondent's credential.

Respondent filed an Answer dated March 29, 2023, wherein he admits to all jurisdictional and factual allegations, and agrees with the proposed sanction. He also completed a Good Faith Deposit on May 18, 2023. I note, this matter was assigned to me for adjudication on February 27, 2024, nine months after Respondent completed the Good Faith Deposit. It appears the Coast Guard could not provide proof of delivery of the Complaint and was unable to file the documentation with the ALJ Docketing Center

due to this clerical issue. However, on February 14, 2024, the Coast Guard submitted an affidavit to support the filing of the Complaint without Proof of Delivery, which certifies that Respondent received the Complaint. The Coast Guard further advises in an email dated February 21, 2024, Respondent has completed the suspension period, and his credential has been returned in accordance with the Good Faith Deposit.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED that Respondent's violation of negligence under 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.29 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 THREE (3) MONTHS**, commencing the date it was deposited with the Coast Guard.¹

Done and dated March 6, 2024
New York, NY



HON. WALTER J. BRUDZINSKI
CHIEF ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD

¹ As stated above, Respondent deposited his credential with the Coast Guard on May 18, 2023. The suspension period is completed, and Respondent's credential has since been returned to him in accordance with the Good Faith Deposit.