

ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER

On or about February 23, 2023, the United States Coast Guard Sector Mobile (Coast Guard) issued a Complaint against JALEN CRESHUN BOLDEN (Respondent) seeking to revoke his Merchant Mariner Credentials (MMC or credentials) for drug use, in violation of 46 U.S.C. § 7704(b) and 46 C.F.R. § 5.35. Specifically, the Coast Guard alleges Respondent took a pre-employment drug test pursuant to 46 C.F.R. Part 16 on March 21, 2022, in which his specimen tested positive for marijuana metabolites.¹

The Coast Guard filed its Return of Service for Complaint on February 23, 2023, indicating it served a copy of said Complaint to Respondent at his residence by express courier. Respondent signed for the document on February 23, 2023.² 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 27, 2023, since March 25, 2023 was a Saturday.

To date, Respondent has neither filed an Answer nor requested an extension of time to file an Answer; therefore, the Coast Guard filed its Motion for Default Order (Default Motion) on April 27, 2023, requesting the Administrative Law Judge (ALJ) issue a Default Order against Respondent imposing the sanction asked for in the Complaint.³ The Coast Guard subsequently filed a Return of Service for the Default Motion showing it served a copy of said Default Motion

¹ I note, on pages 3 and 4 of the Complaint, inadvertently lists the names of two different respondents in the case caption, and an enforcement activity number of "7212279", which differs from the other pages. Also, the Certificate of Service attached to the Complaint lists an addressee with an address that does not coincide with Respondent's information listed on page 1 of the Complaint.

² In its Return of Service for Complaint, the Coast Guard indicated that the document was signed for by Respondent. However, the Fed Ex proof of delivery indicates that the package was signed for by "F. Bolden."

³ The Certificate of Service attached to the Motion for Default Order lists the addressee as "Anterio Williams", but the address is the same address as listed on the Complaint for Respondent. I assume and accept the incorrect name is a typographical error.

to Respondent at his residence by Fed Ex express courier. Respondent signed for the Default Motion on June 1, 2023.

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 June 21, 2023. To date, Respondent has not filed his reply.

On July 12, 2023, the ALJ Docketing Center assigned this matter to the undersigned for review and adjudication. After careful review of this file, I find 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.

SANCTION

IT IS HEREBY ORDERED that Respondent JALEN CRESHUN BOLDEN's Merchant Mariner Credentials are **REVOKED**.

IT IS FURTHER ORDERED that Respondent immediately surrender his credentials to the Investigating Officer at the United States Coast Guard Sector Mobile, 1500 15th Street, Mobile, AL 36615. If Respondent knowingly continues to use his credentials, 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 August 17, 2023
New York, NY



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