

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

UNITED STATES COAST GUARD
Complainant

vs.

LAWRENCE JOSEPH MATTHEWS
Respondent

Docket Number 2023-0123
Enforcement Activity No. 7651425

DEFAULT ORDER
Issued: July 14, 2023

By Administrative Law Judge: Honorable George J. Jordan

Appearances:

Wesley Johnson, CWO
Marine Safety Unit Houma
For the Coast Guard

Lawrence Joseph Matthews, *Pro se*
For the Respondent

ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER

On March 23, 2023, the United States Coast Guard (Coast Guard) issued a Complaint against Lawrence Joseph Matthews (Respondent) seeking to revoke his Merchant Mariner Credential (MMC) for use of, or addiction to the use of dangerous drugs pursuant to 46 U.S.C §7704(b) and 46 C.F.R. 5.35. Specifically, the Coast Guard alleges that on March 31, 2022, the Respondent took a required pre-employment drug test in accordance with Civilian Marine Personnel Instruction 792 (CMPI792), pursuant to Executive Order 12564, and Public Law 100-71 (PL 100-71). A urine specimen was collected from Respondent by Celeste Cuneo of Complete Occupational Health Services, LLC, Louisiana in accordance with the Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs. Respondent signed a Federal Workplace Drug Testing Custody and Control Form for providing specimen ID # 2070522372. Urine specimen ID # 2070522372 was received and analyzed pursuant to Mandatory Guidelines for Federal Workplace Drug Testing Programs by Clinical Reference Laboratory, Lenexa, Kansas, a SAMHSA certified laboratory. On March 27, 2022, urine specimen ID # 2070522372 tested positive for Marijuana (THCA) metabolites as reported by Forensic Toxicology Drug Testing Laboratory (FTDTL). On March 29, 2022, Dr. Philip Lopez, the Medical Review Officer determined that Respondent failed a chemical test for dangerous drugs. Respondent has been the user of a dangerous drug as described by 46 U.S.C. § 7704(b).

The Coast Guard filed its Return of Service for Complaint on April 27, 2023, indicating it served a copy of said Complaint to Respondent's residence by express courier service. The Respondent signed for the document on April 7, 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(a). Respondent's Answer was due no later than April 27, 2023.

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 May 8, 2023, requesting the Administrative Law Judge (ALJ) issue a Default Order against Respondent imposing the sanction of revocation against Respondent's MMC. The Coast Guard subsequently filed a Return of Service for the Default Motion indicating it served a copy of said Default Motion to Respondent at his residence by express courier service, the document was delivered to Respondent's residence where the Respondent signed for the document on April 7, 2023.

Title 33 C.F.R. § 20.310(b) 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 May 30, 2023¹. To date, Respondent has not filed his reply.

On June 20, 2023, the ALJ Docketing Center assigned this matter to me for review and adjudication. I have carefully reviewed this file, and 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.

¹ The actual due date was May 28, 2023, which fell on a Sunday. The next day, May 29, 2023, fell on a federal holiday. Thus, the next business day was Tuesday, May 30, 2023. 33 C.F.R. § 20.306(a)(2).

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 Lawrence Joseph Matthews' Merchant Mariner Credential is **REVOKED**.

IT IS FURTHER ORDERED that Respondent immediately surrender his MMC to the Investigating Officer at the United States Coast Guard, Marine Safety Unit Houma, 423 Lafayette Street, Suite 114, Houma, LA 70360-4805. 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 July 14, 2023,
Seattle, Washington



George J. Jordan
Administrative Law Judge
United States Coast Guard