

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

UNITED STATES COAST GUARD,

Complainant,

vs.

JORDAN VERNE BEEMER,

Respondent.

**Docket Number 2023-0175
Enforcement Activity Number 7680617**

DEFAULT ORDER

Issued: August 15, 2023

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

Appearances:

**PAUL TRAMM
USCG Sector Puget Sound
For the Coast Guard**

**JORDAN VERNE BEEMER, *Pro se*
For the Respondent**

ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER

On May 12, 2023, the United States Coast Guard Sector Puget Sound (Coast Guard) issued a Complaint against JORDAN VERNE BEEMER (Respondent) alleging Respondent violated 33 C.F.R. § 95.045(b) for being under the influence of alcohol while serving as a crewmember aboard the YAKIMA (ON 511823) on April 4, 2023. Violation of 33 C.F.R. § 95.045(b) is a violation of a regulation as described by 46 U.S.C. § 7703(1)(A) and defined by 46 C.F.R. § 5.33. The Coast Guard proposes a sanction of twelve (12) months of outright suspension of Respondent's Merchant Mariner Credential (MMC or credential).

The Coast Guard filed its Return of Service for Complaint on June 5, 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 this address signed for the package on June 2, 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 June 22, 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 July 5, 2023, requesting the Administrative Law Judge (ALJ) issue a Default Order against Respondent imposing the sanction asked for in the Complaint. The Coast Guard subsequently filed a Return of Service for the Default Motion stating it attempted to serve Respondent by express courier service, but Respondent "[r]efused to accept delivery." The FedEx Tracking Report shows there were delivery attempts on July 18, 19, and 20, 2023; and, after three delivery attempts, the package was returned to the Coast Guard on July 25, 2023.

Title 33 C.F.R. § 20.304(h) provides "[i]f a person refuses to accept delivery of any document or fails to claim a properly addressed document other than a complaint sent under this

subpart, the Coast Guard considers the document served anyway. Service is valid at the date and the time of mailing, of deposit with a contract service or express-courier service, or of refusal to accept delivery.” Therefore, service of the Coast Guard’s Default Motion became valid on July 17, 2023, the date the package was deposited with FedEx.

On August 11, 2023, the ALJ Docketing Center assigned this matter to me for review and adjudication. I have carefully reviewed this file, and 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 twelve (12) months of outright suspension is appropriate under the provisions of 46 C.F.R. § 5.569.

SANCTION

IT IS HEREBY ORDERED that Respondent JORDAN VERNE BEEMER's Merchant Mariner Credential is **SUSPENDED OUTRIGHT FOR TWELVE (12) MONTHS**.

IT IS FURTHER ORDERED that Respondent immediately deposit his credential to the Investigating Officer at the United States Coast Guard Sector Puget Sound, 1519 Alaskan Way S, Seattle, WA 98134. If Respondent knowingly continues to use his credential during the period of outright suspension, 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 15, 2023
New York, NY

Walter J. Brudzinski

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