

**UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD**

UNITED STATES COAST GUARD,

Complainant,

vs.

Kirsten Crom

Respondent.

Docket Number 2023-0200
Enforcement Activity No. 7697344

ADMISSION ORDER

On June 15, 2023, the United States Coast Guard (Coast Guard) filed a Complaint against Kirsten Crom (Respondent) seeking to suspend Respondent's Merchant Mariner Credential (MMC) for three (3) months. 46 U.S.C. § 7703(1)(B). Specifically, the Complaint alleges Respondent, while serving as a crewmember on board the PRIDE OF AMERICA, submitted to a chemical test which showed she had a Blood Alcohol Content (BAC) of .161. Respondent filed an Answer with the Administrative Law Judge Docketing Center on June 15, 2023, admitting all jurisdictional and factual allegations, and agreeing to the proposed sanction.

On July 11, 2023, I convened a pre-hearing telephone conference in this matter, pursuant to 33 C.F.R. § 20.501. During that conference, I advised the parties I would not approve a 3-month sanction in light of the allegations in the Complaint. I specifically noted a .161 BAC is four times the limit set by Respondent's employer, and informed the parties I considered it

aggravating on its face. Furthermore, I explained without significant mitigating facts the proposed sanction was inappropriate. However, I provided the parties with an opportunity to supplement the record with additional facts that might mitigate the aggravated nature of Respondent's misconduct.

Thereafter, Respondent filed an Amended Answer on August 9, 2023, setting forth significant mitigating facts. I held a subsequent prehearing conference on August 24, 2023, to discuss Respondent's Amended Answer, and other procedural issues. Jennifer A. Mehaffey, Esq., and Mr. William Taylor appeared on behalf of the Coast Guard. Respondent appeared on her own behalf, *pro se*.

Having the parties present, I noted Respondent's Amended Answer plead significant mitigating facts; however, I also noted these facts were only plead and not established in the record. As a result, I inquired whether the Coast Guard was willing to stipulate to the facts plead by Respondent in her Amended Answer. The Coast Guard agreed to the stipulation. Martinez v. Bally's Louisiana, Inc., 244 F.3d 474, 476 (5th Cir. 2001) (noting formal concessions in the pleadings, or stipulations by a party or its counsel constitute judicial admissions that bind the party who makes them).

Based on the record, I find Respondent admitted all the allegations in the Complaint. Finally, I have carefully reviewed the pleadings and find the proposed sanction, in light of the mitigating evidence, appropriate under 46 C.F.R. § 5.569.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED, all Respondent's Coast Guard issued Merchant Mariner Credentials are Suspended Outright for three (3) months, commencing on June 15, 2023, the date

Respondent's credentials were deposited with the USCG Sector Honolulu. Respondent's credentials will be returned to her on or about September 15, 2023.

SO ORDERED.

Done and dated this 30th day of August 2023, at
Galveston, Texas

A handwritten signature in black ink that reads "Tommy Cantrell". The signature is written in a cursive, flowing style.

HON. TOMMY CANTRELL
ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD