

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

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**UNITED STATES COAST GUARD,**

Complainant,

vs.

**WAYNE BENNEFELD,**

Respondent.

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Docket Number 2024-0347  
Enforcement Activity No. 7955442

**ADMISSION ORDER**

**Issued: July 29, 2024**

**By Administrative Law Judge: Honorable Timothy G. Stueve**

**Appearances:**

**Carolina Helmke  
USCG Sector Honolulu**

**For the Coast Guard**

**Wayne Bennefeld, pro se**

**For Respondent**

On or about July 23, 2024, the United States Coast Guard (USCG or Coast Guard), filed a Complaint against Wayne Bennefeld (Respondent) alleging Respondent committed two counts of misconduct while acting under the authority of Respondent's Merchant Mariner Credential (MMC) as Crew Member aboard the vessel PRIDE OF AMERICA, as required by law or regulation.

In the first count of misconduct, the Coast Guard alleges:

1. On June 28, 2024, Respondent was employed by NCL, PRIDE OF AMERICA and subject to NCL (Bahamas) LTD policies.
2. On June 28, 2024, NCL, PRIDE OF AMERICA had a policy prohibiting employees from being intoxicated onboard PRIDE OF AMERICA with a blood alcohol level (BAC) greater than 0.04%.
3. On June 28, 2024, Respondent was intoxicated with a BAC greater than 0.04% while onboard the vessel in violation of NCL, PRIDE OF AMERICA'S Drug and Alcohol policy.
4. Respondent's violation of NCL, PRIDE OF AMERICA's Drug and Alcohol policy is Misconduct, as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27.

In the second count of misconduct, the Coast Guard alleges:

1. On June 28, 2024, Respondent was employed by Norwegian Cruise Lines and subject to Norwegian Cruise Lines policies while working as a crewmember on the cruise ship Pride of America (O.N. 1146542).
2. On 28, 2024, Respondent was wrongfully absent from the vessel AMERICA without authorized leave.
3. Being absent from the vessel without authorized leave constitutes Misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27.

In Respondent's Answer, dated July 23, 2024, Respondent admits to all jurisdictional and factual allegations, as stated in the Complaint. Respondent also agreed to the proposed order of six (6) months outright suspension, with no additional conditions stipulated.

Upon consideration of the record, I hereby find that the allegations in the Complaint are **PROVED BY ANSWER**. I find that on June 28, 2024, Respondent's absence without authorized leave and violation of NCL, PRIDE OF AMERICA's Drug and Alcohol policy are Misconduct, as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27.

### **SANCTION**

I have carefully reviewed the Complaint and Answer and find that the proposed sanction is appropriate under the provisions of 46 C.F.R. § 5.569.

**WHEREFORE,**

### **ORDER**

**IT IS HEREBY ORDERED**, Respondent's Coast Guard issued MMC is **SUSPENDED OUTRIGHT FOR SIX (6) MONTHS**, commencing the date it was deposited with the Coast Guard.

**PLEASE TAKE NOTICE**, service of this decision on the parties and/or parties' representative(s) serves as notice of appeal rights set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

Done and dated July 29, 2024, at  
Alameda, California



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**Hon. Timothy G. Stueve**  
**Administrative Law Judge**  
**U.S. Coast Guard**