

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

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**UNITED STATES COAST GUARD**

**Complainant**

**vs.**

**DOMINIQUE NICOLE THOMAS,**

**Respondent.**

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**Docket Number: 2024-0398  
Enforcement Activity Number: 7966096**

**ADMISSION ORDER**

**Issued: October 29, 2024**

**By Administrative Law Judge: Honorable George J. Jordan**

**Appearances:**

**Shawn Merrick  
Investigating Officer  
Sector Jacksonville  
For the Coast Guard**

**Dominique Nicole Thomas, *Pro se*  
For the Respondent**

## DECISION AND ORDER

On August 19, 2024, the United States Coast Guard, Sector Jacksonville (Coast Guard) issued a Complaint against Dominique Nicole Thomas (Respondent) alleging misconduct, as described by 46 U.S.C. § 7703(1)(B) and defined in 46 CFR § 5.27. On October 8, 2024, Respondent filed an Answer admitting all jurisdictional and factual allegations. Therefore, I find the following allegations **ADMITTED**:

1. On December 01, 2023, Respondent took a required pre-employment drug test, pursuant to 46 C.F.R. Part 16.
2. Respondent reported to Concentra Urgent Care, 1524 Normandy Village Parkway, Jacksonville, FL 32221, where Matial Jeudy initiated the collection process by completing step one of the Federal Drug Testing Custody and Control Form for Specimen ID #7935663664, allowing Respondent to select an individually wrapped or sealed collection container from collection kit materials, in accordance with 49 C.F.R. § 40.63.
3. Prior to the completion of the collection process, as described by 49 C.F.R. § 40.73(a)(7), Respondent failed to remain at the urine collection site.
4. Respondent's failure to remain at the urine collection site, is a refusal to take a required drug test pursuant to 46 C.F.R. Part 16, as described by 49 C.F.R. § 40.191(a)(2).
5. Refusal to take a required drug test is misconduct, as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27.

A review of record shows the Coast Guard alleged facts sufficient to establish Respondent committed misconduct as described in 46 U.S.C. § 7703(1)(B), 46 C.F.R. § 5.27, 49 C.F.R. § 40.191(a)(2), and as interpreted by Appeal Decisions 2690 (THOMAS) and 2685 (MATT) (2010). Therefore, I find Respondent refused to submit to a properly ordered drug test. The Coast Guard proposed a sanction of twenty-four (24) months outright suspension of Respondent's Merchant Mariner Credential (MMC or credential). Respondent's Answer agreed with this proposed sanction. Under my authority to determine the sanction at the conclusion of a matter, I find the

proposed sanction appropriate by comparison to the Suggested Penalties Table. Appeal Decision 2362 (ARNOLD) (1984); 46 C.F.R. § 5.569 tbl. 5.569.

**WHEREFORE,**

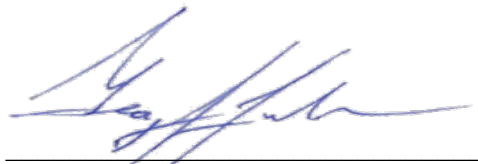
**ORDER**

**IT IS HEREBY ORDERED** that Respondent's violation of 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27 is **PROVED BY ANSWER**.

**IT IS FURTHER ORDERED** that Respondent's Merchant Mariner Credential (██████████) is **SUSPENDED OUTRIGHT FOR TWENTY-FOUR (24) MONTHS**, commencing on the date it is deposited with the Coast Guard. Respondent shall immediately deliver all Coast Guard issued credentials, licenses, certificates, or documents, including the MMC, by mail, courier service, or in person to: Shawn Merrick, Investigating Officer, United States Coast Guard, Sector Jacksonville, 10426 Alta Drive, Jacksonville, FL 32226. In accordance with 18 U.S.C. § 2197, if Respondent knowingly continues to use the Coast Guard issued MMC, Respondent may be subject to criminal prosecution.

**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, October 29, 2024,  
Seattle, Washington



GEORGE J. JORDAN  
UNITED STATES COAST GUARD  
ADMINISTRATIVE LAW JUDGE