

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

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**UNITED STATES COAST GUARD**

**Complainant**

**vs.**

**KYLE J. HERMAN,**

**Respondent.**

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**Docket Number 2024-0006  
Enforcement Activity Number 7844868**

**ADMISSION ORDER**

**Issued: January 22, 2024**

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

**Appearances:**

**CWO Joseph Tenorio  
Sector Honolulu  
For the Coast Guard**

**Kyle J. Herman, *Pro se*  
For the Respondent**

## **DECISION AND ORDER**

On January 3, 2024, the United States Coast Guard Sector Honolulu (Coast Guard) issued a Complaint against Kyle J. Herman (Respondent) alleging misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27. Specifically, the Coast Guard alleges on December 29, 2023, Respondent was employed by Norwegian Cruise Lines (NCL), PRIDE OF AMERICA and subject to NCL (Bahamas) LTD. policies. NCL, PRIDE OF AMERICA has a policy prohibiting employees from being intoxicated onboard the PRIDE OF AMERICA with a blood alcohol level (BAC) greater than .04%. Respondent was intoxicated with a BAC greater than .04% while onboard the vessel, in violation of NCL, PRIDE OF AMERICA'S Drug and Alcohol policy. 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 Aggravation; Respondent was onboard and missed duty when found with a BAC over .04%. On December 29, 2023, Respondent was employed by NCL and subject to its policies while working as a crewmember on the cruise ship PRIDE OF AMERICA (O.N. 1146542). That same day, Respondent was wrongfully absent from the vessel without authorized leave. Being absent from the vessel without authorized leave constitutes Misconduct, described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27. The Coast Guard proposes a sanction of seven (7) months outright suspension of Respondent's Merchant Mariner Credential (MMC or credential).

In Respondent's Answer, dated January 3, 2024, he admits to all jurisdictional and factual allegations. Further, the Respondent agrees with the proposed sanction of seven (7) months outright suspension.

WHEREFORE,

**ORDER**

**IT IS HEREBY ORDERED** that Respondent's violation of misconduct under 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27 is **PROVED BY ANSWER**. I have carefully reviewed the file and find that the proposed sanction is appropriate under the provisions of 46 C.F.R. § 5.569.

**IT IS FURTHER ORDERED** that Respondent's Merchant Mariner Credential is **SUSPENDED OUTRIGHT FOR SEVEN (7) MONTHS**, commencing on the date deposited with the Coast Guard.

**SO ORDERED.**

Done and dated January 22, 2024,  
Seattle, WA



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HON. GEORGE J. JORDAN  
ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD