

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

---

**UNITED STATES COAST GUARD**  
Complaint

v.

**ABDULGABAR MOHAMED ALSINAI,**  
Respondent

---

Docket Number 2024-0013  
Enforcement Activity No. 7839113

**DEFAULT ORDER**

**Issued: August 27, 2024**

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

**Appearances:**

Jennifer Mehaffey, Esq.  
Suspension and Revocation National Center of Expertise  
and  
Paul Tramm  
Investigating Officer  
Sector Puget Sound  
**For the Coast Guard**

Abdulgabar Mohamed Alsinai, *Pro Se*  
**For the Respondent**

## **DEFAULT ORDER**

This matter comes before me to determine whether Respondent Abdulgabar Mohamed Alsinai (Respondent) should be found in default for failure to show good cause after not appearing at the Pre-Hearing Conference on June 11, 2024 pursuant to 33 C.F.R. § 20.310(a).

On June 11, 2024, I held a second prehearing conference in this matter to discuss the scheduling of the hearing as a result of Respondent's May 16, 2024, e-mail to my office purporting to request an extension of the deadline for filing his initial disclosures in this matter. In advance of the Conference, attempts to contact Respondent by my office and the U.S. Coast Guard's (Coast Guard) were unsuccessful, and noted for the record.

Based on Respondent's failure to appear, on June 18, 2024, I issued an Order to Show Cause (OSC). The OSC provided notice to Respondent of the Coast Guard's motion for default made at the conference and allowed him the opportunity to demonstrate good cause as to why I should not find him in default for failing to appear. 33 C.F.R. §§ 20.309(c), 20.310(a)-(b).

As Respondent failed to appear at the conference, nor to date replied to the OSC I find the Respondent in **DEFAULT**. 33 C.F.R. § 20.310(a); Appeal Decision 2700 (THOMAS) (2012). A default constitutes an admission of all facts alleged in the Complaint and waiver of the right to hearing on those facts. 33 C.F.R. § 20.310(c). I find the following factual allegations in the Complaint **ADMITTED**:

1. On November 5, 2023, Respondent was employed by Matson Navigation and subject to Matson Navigation's policies.
2. On November 5, 2023, Matson Navigation had a policy prohibiting employees from the effect of alcohol being apparent by observation of the person's manner, disposition, speech, muscular movement, general appearance, or behavior, onboard a company vessel.

3. On November 5, 2023, Respondent was intoxicated while onboard a company vessel, in violation of section 4.1.B. of Matson Navigation's I—02—111, Rev. 0 Alcohol Intoxication and Reasonable Cause Testing Procedure.
4. Respondent's violation of Matson Navigation's Alcohol Intoxication and Reasonable Cause Testing Procedure is Misconduct as described by 46 U.S.C. § 7703(1)(B) and defined in 46 C.F.R. § 5.27.

Upon finding Respondent in default, I must now issue a decision against him. 33 C.F.R. § 20.310(d). In reviewing the record, I find the facts deemed admitted are sufficient to establish that Respondent committed misconduct as outlined in 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.27, Appeal Decision 1567 (CASTRO) (1966), and Commandant v. Bourdeaux, EM-222 (NTSB 2022). Accordingly, I find Respondent committed misconduct.

### **SANCTION**

Having found Respondent in default and all allegations in the Complaint proved, I now must determine the appropriate sanction. 33 C.F.R. § 20.902(a)(2). While it is within the sole discretion of the Administrative Law Judge (ALJ) to determine the appropriate sanction at the conclusion of a case. Appeal Decision 2362 (ARNOLD) (1984). Title 49 C.F.R. § 5.569 contains the Table of Suggested Range of Appropriate Orders (Table) for various offenses. The purpose of this Table is to provide guidance to the ALJ and promote uniformity in orders rendered. Appeal Decision 2628 (VILAS) (2022), aff'd NTSB Order No. ME-174. A sanction ordered within the range specified in the Table is not excessive. 46 C.F.R. § 5.569(d). However, this Table is not binding on an ALJ and either aggravating or mitigating circumstances may support a sanction different from the Table. 46 C.F.R. § 5.569(b)(3).

The Coast Guard proved Respondent committed misconduct by violating a company policy. The Table does not expressly specify a sanction for the violation of a company policy. 46 C.F.R. § 5.569 tbl. 5.569. Violations of company policy have been analogized to failure to

obey a lawful order of a master in some cases. Appeal Decision 2723 (BOUDREAUX) (2019); Appeal Decision 1567 (CASTRO). Therefore, the most applicable sanction range in the Table for violation of Matson Navigation's Alcohol Intoxication and Reasonable Cause Testing Procedure, is "Failure to obey [the] master's/ship officer's order." 46 C.F.R. § 5.569 tbl. 5.569. This specifies a sanction range of one to three months outright suspension. Id.

In this case, the Coast Guard proposed a sanction of 12 months outright suspension in the Complaint. However, the Coast guard did not allege in the Complaint nor otherwise submit into the record any aggravating circumstances. Similarly, Respondent did not reply to the Motion for Default, thus there are no mitigating factors in the record to consider either. Without clearly articulated aggravating, and, or mitigating factors a sanction outside the range specified in the Table runs the risk of being disturbed by reviewing authorities. Appeal Decision 2702 (CARROLL) (2013) (quoting Commandant v. Moore, NTSB Order No. EM-201 (2005)); Appeal Decision 2455 (WARDELL) (1987), aff'd, NTSB Order No. EM-149 (1988). Nevertheless, I consider Respondent's failure to both appear at the pre-hearing conference and reply to the OSC sufficiently aggravating to merit ordering the maximum sanction specified in the Table corresponding to Respondent's violation. Therefore, I find a sanction of three months outright suspension appropriate in this case.

**WHEREFORE,**

**ORDER**

**IT IS HEREBY ORDERED**, all of Respondent's Coast Guard issued credentials, including Respondent's MMC, are **SUSPENDED OUTRIGHT FOR THREE (3) MONTHS**.

**IT IS FURTHER ORDERED**, Respondent shall immediately deliver all Coast Guard issued credentials, licenses, certificates, or documents, including the MMC, by mail, courier

service, or in person to: Mr. Paul Tramm, Sector Puget Sound, 1519 Alaskan Way S., Seattle, WA 98134. 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.**

**IT IS FURTHER ORDERED**, pursuant to 33 C.F.R. § 20.310(e), for good cause shown, an ALJ may set aside a finding of default. A motion to set aside a finding of default may be filed with the ALJ Docketing Center in Baltimore. The motion may be sent to the U.S. Coast Guard Administrative Law Judge Docketing Center; Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street; Baltimore, MD 21202-4022.

**PLEASE TAKE NOTICE**, service of this Default Order on the parties serves as notice of appeal rights set forth in 33 C.F.R. § 20.1001-20.1004 (Attachment A).

**IT IS SO ORDERED.**

Done and dated, August 27, 2024,  
Seattle, Washington



---

George J. Jordan  
Administrative Law Judge  
United States Coast Guard