

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

UNITED STATES COAST GUARD,)	
Complainant,)	
)	Docket Number: 2024-0040
vs.)	
)	Enforcement Activity Number: 7814480
HASANI MALIK SIMONS,)	
Respondent.)	

DEFAULT ORDER

Issued: April 5, 2024

By Order of Chief Administrative Law Judge: Hon. Walter J. Brudzinski

Appearances:

For the Coast Guard

LT Hunter S. Morris
USCG Sector Los Angeles/Long Beach

For the Respondent

Hasani Malik Simons, *Pro se*

ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER

On February 5, 2024, the United States Coast Guard Sector Los Angeles/Long Beach (Coast Guard) issued a Complaint against Hasani Malik Simons (Respondent) seeking to revoke his Merchant Mariner Credential (MMC or credential) for misconduct in violation of 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27, and for being a security risk in violation of 46 U.S.C. § 7703(5).

Specifically, the Coast Guard alleges Respondent was directed to take a required random drug test pursuant to 46 C.F.R. Part 16. Respondent appeared at the collection facility but refused to submit to the testing and/or give a urine sample, within a reasonable time, as determined by the marine employer, after being directed to do so. Respondent's refusal to take a required drug test in accordance with 46 C.F.R. Part 16, within a reasonable time, as determined by the marine employer, after being directed to do so is a refusal to take a required drug test. *See* 49 C.F.R. § 40.191(a)(1). Refusal to take a required drug test is misconduct as described by 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27.

The Coast Guard also alleges Respondent is a security risk who poses a threat to the safety or security of a vessel or structure located within or adjacent to the marine environment, as described by 46 U.S.C. § 7703(5). Specifically, on August 23, 2023, the Transportation Security Administration determined Respondent does not meet the security threat assessment standards described in 49 C.F.R. § 1572.5 and poses an imminent security threat in accordance with 49 C.F.R. § 1572.21(d)(3), thereby revoking his Transportation Worker Identification Credential (TWIC) in accordance with 49 C.F.R. § 1572.5(b). In aggravation, the Coast Guard argues, Respondent's ineligibility to possess a TWIC is proof he is not eligible for an MMC, in accordance with 46 C.F.R. §§ 10.101 and 10.235(h).

The Coast Guard filed its Return of Service for Complaint on February 9, 2024, indicating it served a copy of said Complaint to Respondent at his residence by express courier service. A person of suitable age and discretion residing at the address signed for the document on February 6, 2024. As set forth in the Complaint, Respondent's Answer is due within 20 days of receipt in accordance with 33 C.F.R. § 20.308. Respondent's Answer was due no later than February 26, 2024.

To date, Respondent has neither filed an Answer nor requested an extension of time to file an Answer; therefore, the Coast Guard filed its Motion for Default Order (Default Motion) on March 6, 2024, requesting the Administrative Law Judge (ALJ) issue a Default Order against Respondent imposing the sanction asked for in the Complaint. The Coast Guard subsequently filed a Return of Service for the Default Motion showing it served a copy of said Default Motion to Respondent at his residence by express courier. Respondent signed for the document on March 7, 2024.

Title 33 C.F.R. § 20.310 provides "the respondent alleged to be in default shall file a reply to the motion 20 days or less after service of the motion." Respondent's reply was due no later than March 27, 2024. To date, Respondent has not filed a reply.

On April 3, 2024, the ALJ Docketing Center assigned this matter to me for review and adjudication. I have carefully reviewed this file, and I find the applicable provisions of 33 C.F.R. §§ 20.310 and 20.304(d) and (h) have been complied with and Respondent is in **DEFAULT**. Under 33 C.F.R. § 20.310(c) a default constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing.

Accordingly, I find the violations alleged in the Complaint are **PROVED**. I have carefully reviewed the Complaint and the Default Motion and further find the proposed sanction of revocation is appropriate under the provisions of 46 C.F.R. § 5.569.

SANCTION

IT IS HEREBY ORDERED that Respondent Hasani Malik Simons' Merchant Mariner Credential is **REVOKED**.

IT IS FURTHER ORDERED that Respondent immediately surrender his MMC to the Investigating Officer at the United States Coast Guard Sector Los Angeles/Long Beach, 1001 So. Seaside Ave., Bldg. 20, San Pedro, CA 90731. If Respondent knowingly continues to use his credentials, he may be subject to criminal prosecution.

PLEASE TAKE NOTICE that under 33 C.F.R. § 20.310(e), for good cause shown, an Administrative Law Judge may set aside this finding of Default. Respondent may file a motion to set aside the finding with the ALJ Docketing Center, Baltimore, MD.

PLEASE TAKE FURTHER NOTICE that service of this Order upon Respondent serves to notify Respondent of his right to appeal as set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

Done and dated April 5, 2024
New York, NY



HON. WALTER J. BRUDZINSKI
CHIEF ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD