

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

UNITED STATES COAST GUARD,	)	
Complainant,	)	
	)	Docket Number: 2024-0172
vs.	)	
	)	MISLE Activity ID: 7876096
AKEYAH JOHNSON,	)	
Respondent.	)	

**DEFAULT ORDER**

This matter comes before me on the United States Coast Guard’s (Coast Guard) Motion for Default Order (Motion). As of the date of this Order, Akeyah Johnson (Respondent) has not filed an Answer or responded to the Motion. Upon review of the record and pertinent authority, the Coast Guard’s Motion is **GRANTED**.

**I. BACKGROUND**

On April 2, 2024, the Coast Guard filed a Complaint alleging Respondent has been the user of or addicted to the use of a dangerous drug as described by 46 U.S.C. § 7704(b). The Return of Service for the Complaint indicates Federal Express delivered the Complaint to Respondent’s residence. The return of service also shows “D. Te” signed for the Complaint on April 3, 2024.

On May 8, 2024, the Coast Guard filed the instant Motion arguing Respondent failed to file an Answer within the time allotted (i.e., within 20 days or less of service of the complaint) and asserting Respondent never requested an extension. See 33 C.F.R. § 20.308(a). The Return of Service for the instant motion indicates Federal Express delivered it to Respondent’s residence on May 10, 2024, and “D. Johnson” signed the delivery receipt. Thereafter, the Chief Administrative Law Judge (ALJ) assigned the matter to me on June 5, 2024.

## II. DISCUSSION

The regulations require a respondent to “file a written answer to the complaint 20 days or less after service of the complaint.” 33 C.F.R. § 20.308(a). “The ALJ may find a respondent in default upon failure to file a timely answer to the complaint without good cause shown. 33 C.F.R. § 20.310(a). Default constitutes an admission of all facts alleged in a complaint and a waiver of Respondent’s right to a hearing on those facts. 33 C.F.R. § 20.310(c); see also 33 C.F.R. § 20.308(d) (“[R]espondent’s failure without good cause to file an answer admits each allegation made in the complaint.”).

The Complaint filed by the Coast Guard and properly served on Respondent included instructions that clearly stated, “**YOU MUST RESPOND TO THIS COMPLAINT WITHIN 20 DAYS**” and provided the applicable regulatory provision—33 C.F.R. § 20.308. The instructions also informed Respondent an extension of time could be requested “within 20 days” of receipt. As of the date of this Order, Respondent has not filed an Answer, a response to the Motion, nor a request for an extension of time. Accordingly, I find Respondent in **DEFAULT** pursuant to 33 C.F.R. § 20.310(a).

As noted above, default constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing. 33 C.F.R. § 20.308(d); 33 C.F.R. § 20.310(c); See Appeal Decision 2682 (REEVES) (2008). Furthermore, after review of the factual allegations in the Complaint, I find they are legally sufficient to find Respondent is ineligible to hold an MMC and therefore the Complaint is **PROVED** by admission. Id. Based on this finding, I also find the facts alleged in the Complaint sufficient to warrant the sanction of **REVOCATION**. See 46 U.S.C. § 7704(b); 46 C.F.R. § 5.35.

**WHEREFORE,**

**ORDER**

Upon consideration of the record, the Coast Guard's Motion is **GRANTED**. I find Respondent in **DEFAULT**.

In accordance with 33 C.F.R. § 20.308(d) and 33 C.F.R. § 20.310, I find the allegations in the Complaint **PROVED**.

**IT IS HEREBY ORDERED**, all of Respondent's Coast Guard issued credentials, including Respondent's Merchant Mariner Credential (MMC), are **REVOKED**.

**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: **Paul G. Ledoux, U.S. Coast Guard Sector Virginia, 200 Granby Street, Suite 700, Norfolk, VA 23510**. 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.

**RESPONDENT IS HEREBY NOTIFIED**, 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 through 20.1004 (Attachment A).

**SO ORDERED.**

Done and dated July 25, 2024, at  
Houston, Texas

A handwritten signature in black ink that reads "Tommy Cantrell". The signature is written in a cursive style with a large, sweeping initial 'T'.

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THE HON. TOMMY CANTRELL  
ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD