

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

UNITED STATES COAST GUARD,)	
Complainant,)	
)	Docket Number: 2024-0188
vs.)	
)	MISLE Activity ID: 7879672
RONY JERMAINE ELIGIO,)	
Respondent.)	

ADMISSION ORDER
&
ORDER MEMORIALIZING PRE-HEARING CONFERENCE

On April 5, 2024, the United States Coast Guard (Coast Guard) filed a Complaint against Rony Jermaine Eligio (Respondent) seeking to revoke Respondent’s Merchant Mariner Credential (MMC). 46 U.S.C. § 7704(b). Specifically, the Complaint alleges Respondent took a required random drug test, pursuant to 46 C.F.R. Part 16, which tested positive for Marijuana metabolites (THCA). Respondent filed an Answer with the Administrative Law Judge Docketing Center on July 1, 2024, admitting all jurisdictional and factual allegations, and noting he deposited his credential with the Coast Guard.

On August 5, 2024, I convened an initial pre-hearing conference to discuss the admissions in Respondent’s Answer, and his untimeliness defense as described in 46 C.F.R. § 5.55. After discussing the issue with Respondent, I **ADJOURNED** the conference for 15-days to allow Respondent time to obtain counsel and I provided him an opportunity to file an Amended Answer, at his discretion. See August 12, 2024, Order Memorializing Pre-hearing Conference.

On August 21, 2024, I convened a second pre-hearing telephone conference, I noted Respondent had not amended his Answer, and again inquired whether he intended to assert that

the Complaint was untimely. Respondent advised he no longer wished to assert the defense, and, without objection, I **GRANTED** Respondent's request to withdraw the defense orally. I advised Respondent that because he was withdrawing the defense, and because of his admissions, the regulations applicable in this matter require me to revoke his credential. After some discussion, I again **GRANTED** Respondent's request to adjourn this matter so he could obtain counsel.

On September 9, 2024, I convened a third pre-hearing telephone conference pursuant to 33 C.F.R. § 20.501. Andrew S. Myers, Esq., and CWO Gilbert W. Page appeared on behalf of the Coast Guard. However, Respondent was not present, and my staff was unable to make contact with Respondent. I proceeded with the call in Respondent's absence, noting he waived any objections to my rulings pursuant to 33 C.F.R. § 20.501(f).

After some discussion, I noted on the record that Respondent's admission in the Answer, and his subsequent withdrawal of the timeliness argument, merited an order revoking Respondent's credential. The Coast Guard advised that it would ask for the revocation order, which I construed as a Motion for Judgement on the Pleadings.

Upon review of the entire record, and after holding three prehearing conference calls to advise Respondent of his rights and responsibilities in this case, I find Respondent admitted all the allegations in the Complaint. Further, I find the allegations in the Complaint are admitted by operation of 33 C.F.R. § 20.308, and the Complaint is **PROVED BY ANSWER**. Finally, as set forth in 46 C.F.R. § 5.569, **REVOCATION** is the only appropriate sanction in this matter.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED, the Coast Guard's Motion for Judgement on the Pleadings is **GRANTED**.

IT IS FURTHER 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: **CWO Gilbert W. Page, USCG Sector Houston-Galveston, 13411 Hillard Street, Houston, TX 77034-5635**. 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 Admission Order on the parties serves as notice of appeal rights set forth in 33 C.F.R. §§ 20.1001 through 20.1004 (Attachment A).

Done and dated September 16, 2024, at
Houston, Texas



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