

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

UNITED STATES COAST GUARD,

Complainant,

vs.

MAACHAH HUDSON,

Respondent.

Docket Number 2024-0206
Enforcement Activity No. 7874873

DEFAULT ORDER

Issued: September 5, 2024

By Administrative Law Judge: Honorable Timothy G. Stueve

Appearances:

**Tim Smith
USCG Sector Ohio Valley**

For the Coast Guard

Maachah Hudson, pro se

For Respondent

Background

On or about April 11, 2024, the Coast Guard filed a Complaint against Maachah Hudson (Respondent) for two counts of misconduct. The first count alleges the refusal to submit to a required Part 16 drug test as described by 49 CFR § 40.191(a)(11). The second count alleges wrongful absence from the vessel as described by 46 U.S.C § 7703(1)(B) and defined by 46 C.F.R § 5.27. Based on these two charges of misconduct, the Coast Guard is seeking revocation of the Respondent's Merchant Mariner Credential (MMC). The Return of Service for Complaint filed by the Coast Guard indicates the Complaint was delivered to Respondent's residence by Federal Express and signed for by a person of suitable age and discretion residing at that residence, on April 16, 2024 (Attachment A)¹.

On July 26, 2024, the Coast Guard filed a Motion for Default Order (Motion), explaining Respondent failed to file an Answer, and the response time has passed. See 33 C.F.R. § 20.308. The Return of Service for Motion for Default indicates the Motion was delivered to Respondent's residence by Federal Express and signed for by a person of suitable age and discretion on July 30, 2024 (Attachment B)². The Chief Administrative Law Judge assigned the matter to the undersigned on August 26, 2024.

Discussion

The applicable 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). An administrative law judge (ALJ) may find a respondent in default "upon failure to file a timely answer to the complaint or, after motion, upon failure to appear at a conference or hearing without good cause

¹ The Coast Guard's Return of Service for the Complaint does not indicate the person that signed for receipt of the document. However, the Fedex proof of service attached to the Return of Service for the Complaint shows that "M. Hudson" signed for the document.

² The Fedex Proof of Service attached to the Return of Service for the Motion for Default Order indicates that "M. Hudson" signed for the document.

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).

The Complaint filed by the Coast Guard and properly served on Respondent contained 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. Respondent failed to respond to the Complaint or the Motion for Default Order.

Accordingly, the undersigned finds Respondent in default pursuant to 33 C.F.R. § 20.310(a). Default constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing. 33 C.F.R. § 20.310(c). See Appeal Decision 2682 (REEVES) (2008).

Turning to the allegations of the first count of misconduct, the Complaint alleges on April 11, 2024, Respondent refused to submit to a required Part 16 drug test as described by 49 CFR § 40.191(a)(11). In the second count of misconduct, Respondent was wrongfully absent from the vessel as described by 46 U.S.C § 7703(1)(B) and defined by 46 C.F.R § 5.27.

The factual allegations in the pleadings are legally sufficient to find the two charges of misconduct **PROVED**. Id.

The undersigned finds the facts alleged in the Complaint sufficient to warrant the suggested sanction of **REVOCATION**. See 46 C.F.R. § 5.569.

WHEREFORE,

ORDER

Upon consideration of the record, the undersigned finds Respondent in **DEFAULT**.

IT IS HEREBY ORDERED, in accordance with 33 C.F.R. § 20.310, the undersigned finds the allegations set forth in the Complaint **PROVED**.

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: U.S. Coast Guard Sector Ohio Valley, 600 MLK Jr. Place, Rm 358, Louisville, KY 40202. 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 21201-4022.

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 C).

SO ORDERED.

Done and dated September 5, 2024, at
Alameda, California



Honorable Timothy G. Stueve
Administrative Law Judge
U.S. Coast Guard