

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

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**UNITED STATES COAST GUARD,**

Complainant,

vs.

**MICHAEL FREGOLLE,**

Respondent.

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Docket Number 2025-0243  
Enforcement Activity No. 8111540

**DEFAULT ORDER**

**Issued: July 1, 2025**

**By Administrative Law Judge: Honorable Timothy G. Stueve**

**Appearances:**

**Hector Melendez  
Sector St Petersburg  
For the Coast Guard**

**Michael Fregolle, pro se**

**For Respondent**

## Background

On or about May 6, 2025, the Coast Guard submitted a Complaint against Michael Fregolle (Respondent) for misconduct. The Coast Guard alleges the Respondent failed to remain at the collection facility until the completion of the collection process as to a required 46 CFR Part 16 drug test on March 19, 2025. The failure to remain at the urine collection site is a refusal to take a required 46 CFR Part 16 drug test as described by 49 CFR § 40.191(a)(2). Therefore, this is misconduct as described by 46 U.S.C § 7703(1)(B) and defined by 46 C.F.R § 5.27. In aggravation, on March 19, 2025, Respondent tampered with his initial urine sample as evidenced by its odor and the fact that it contained nitrates; the tampering of a specimen is an intentional act and interferes with the integrity of the testing process creating a risk of an impaired mariner serving in a safety sensitive position. Based on this charge of misconduct, the Coast Guard is seeking **SUSPENSION FOR 24 MONTHS** of the Respondent's Merchant Mariner Credential (MMC). The Return of Service for Complaint filed by the Coast Guard indicates the Complaint was personally delivered to Respondent's residence on May 6, 2025.

On June 3, 2025, 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 personally delivered to Respondent's residence on June 3, 2025. The Chief Administrative Law Judge assigned the matter to the undersigned on June 30, 2025.

## 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 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).

The undersigned finds the facts alleged in the Complaint sufficient to warrant the suggested sanction of **SUSPENSION FOR 24 MONTHS**. 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 **SUSPENDED FOR 24 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: U.S. Coast Guard Sector St Petersburg, 155 Columbia Drive, Tampa, FL 33606. 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 A).

**SO ORDERED.**

Done and dated July 1, 2025, at  
Alameda, California



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