

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

UNITED STATES COAST GUARD
Complainant

vs.

SHAWN PREMSOOK
Respondent

Docket Number 2025-0270
Enforcement Activity No.8140740

ORDER GRANTING MOTION FOR DEFAULT

This matter comes before me on the United States Coast Guard's (Coast Guard) Motion for Default Judgment (Motion for Default). Specifically, the Coast Guard asks me to find Shawn Premsook (Respondent) in Default for his failure to appear at the hearing on June 26, 2025, in Sanford, Florida.

For the reasons set forth below, the Coast Guard's Motion is **GRANTED**.

I. PROCEDURAL HISTORY

On June 3, 2023, the Coast Guard filed a Complaint against Respondent alleging Respondent is a security risk that poses a threat to the safety or security of a vessel as described in 46 U.S.C. § 7703(5). The Complaint was brought under procedures addressing temporary suspensions of merchant mariner credentials (MMCs) pursuant to 33 C.F.R. §§ 20.1201-20.1209.

On June 6, 2025, I convened a pre-hearing conference with the parties, during which I informed the parties that this matter was an expedited proceeding which resulted from the Coast Guard temporarily suspending Respondent's MMC. *See* 33 C.F.R. § 20.1201-20.1209. I explained the timeline for an expedited proceeding and informed Respondent he could request to

proceed pursuant to a normal timeline. *Id.* I also explained the rights and responsibilities attendant to the parties during these proceedings and informed Respondent that an Answer to the Complaint was required to be entered into the record. Following a discussion with the parties, a general denial of all factual and jurisdictional allegations contained in the Complaint was entered on Respondent's behalf. I further issued a scheduling order containing deadlines relative to discovery and motion practice during the June 6, 2025, pre-hearing conference, and I set the matter for hearing to commence on June 26, 2025 in the Orlando, Florida area.

Following, I issued a Hearing Scheduling Order identifying the location for the hearing as Sanford, Florida, and further reiterating that the hearing would take place on June 26, 2025, beginning at 9:30 a.m.

As such, on June 26, 2025, at 9:30 a.m., I convened the hearing and received appearances from the Coast Guard. Transcript p. 3:22-24. Respondent did not appear. Transcript p. 4:2-6. The Coast Guard indicated that it had spoken with Respondent prior to the hearing when it met and conferred with him regarding the Coast Guard's Motion for Summary Decision but had not spoken with Respondent for approximately one week. Transcript p. 4:7-13. Because Respondent did not appear, I briefly adjourned the hearing until 10:30 a.m. to give Respondent time to appear. Transcript p. 7:5-15.

I reconvened the hearing at 10:30, noting Respondent's absence on the record. Transcript pp. 7:22-8:8. At that time, Respondent telephoned the Coast Guard, and a brief conversation was held, during which Respondent indicated he did not intend to appear for the hearing. Transcript pp. 8:11-15; 9:2 – 10:2. Following, Respondent contacted FBI Special Agent Ted Wilson, who was present in the courtroom, and another brief recess was taken for Agent Wilson to speak with Respondent. Transcript pp. 10:19- 12:10. Following, I reconvened the hearing after the brief

recess, and the Coast Guard reiterated that Respondent indicated that he did not intend to appear for the hearing. Transcript pp. 13:1-15. Accordingly, I closed the hearing. Transcript p. 18:11-12.

That same day, the Coast Guard filed a Motion for Default. Also on June 26, 2025, I issued an Order to Show Cause requiring Respondent to explain the reasons for his failure to appear at the hearing within thirty days in accordance with 33 C.F.R § 20.310 and 33 C.F.R. § 20.705. I advised Respondent if he failed to do so, I could find him in default, which would result in his admitting the factual allegations in the Complaint and a waiver of his right to a hearing. To date, Respondent has not responded to either to the Coast Guard's Motion or my Order to Show Cause.

Upon review of the record and after being otherwise sufficiently advised, I find the Coast Guard's Motion for Default is ripe for ruling.

II. MOTION FOR DEFAULT

As set forth below, I find Respondent in default for failing to appear at the hearing without good cause, and I conclude he has admitted to all the salient factual allegations contained the Complaint. Given these admissions, I find Respondent is a security risk pursuant to 46 U.S.C. § 7703(5).

Pursuant to 33 C.F.R. §§ 20.310(a), and 20.705(b), when a mariner fails to appear at a Suspension and Revocation proceeding, the Coast Guard may move for a default order. If the respondent fails to show good cause for his absence, and the judge enters default, it will constitute an admission of all the facts in the Complaint, waive Respondent's right to a hearing, and a decision will be issued against the mariner.

Applying these rules here, the record shows Respondent failed to appear at the hearing on June 26, 2025, failed to respond to the Motion for Default, and failed to respond to my order

directing him to explain why he did not appear at the hearing. Accordingly, I find Respondent in **DEFAULT**. Therefore, the factual allegations Complaint are deemed admitted.

A complaint in suspension and revocation proceedings must include, among other things, pertinent facts alleged. 33 C.F.R. § 20.307(a). The complaint must put the respondent on notice of the legal and factual basis on which the Coast Guard proceeds. Appeal Decision 2655 (KILGORE) (2006). However, the required specificity of the factual allegations in the complaint does not require recitation of all details surrounding the charge, only notice of the alleged offense is required. Appeal Decision 2585 (COULON) (1997); Appeal Decision 2610 (BENNETT) (1999) (pleadings in the complaint are sufficient where they provide adequate notice of the conduct to allow respondent to prepare a defense).

Here, the factual allegations in the Complaint were sufficient to place Respondent on notice the Coast Guard was bringing an action against his MMC and the Coast Guard would have to prove the elements in 46 U.S.C. § 7703(5). Respondent has, by operation of 33 C.F.R. § 20.705(b), admitted 1) on May 21, 2025, the Transportation Security Administration (TSA) revoked Respondent's Transportation Worker Identification Card (TWIC); 2) Respondent is a security risk as described by 46 U.S.C. § 7703(5); 3) Respondent's ineligibility to hold a TWIC is proof Respondent is not eligible to hold an MMC in accordance with 46 C.F.R. §§ 10.101 and 10.235(h); and 4) TSA had immediately revoked Respondent's TWIC because TSA determined that Respondent poses an immediate threat to transportation security, national security or terrorism. Accordingly, I find the factual allegations of the Complaint **PROVED**.

III. SANCTION

Having found Respondent in default and the factual allegations of the Complaint proved, I now must determine the appropriate sanction. 33 C.F.R. § 20.902(a)(2). Under 46 C.F.R. §

10.235(i), “[a] mariner that has either been denied issuance of a TWIC or whose TWIC has been revoked for a reason other than administrative reasons (e.g. being lost or stolen, not functioning, or having a misspelling) will be deemed **ineligible** for an MMC, license, MMC, or COR.” (emphasis added). Coast Guard regulations further permit an action for revocation of an MMC if TSA advises the Coast Guard that a mariner has been denied a TWIC or the TWIC has been revoked. Indeed, 46 C.F.R. § 10.235(h) provides:

If the Coast Guard is advised by the Transportation Security Administration (TSA) that a mariner has either been denied a TWIC or their TWIC has been revoked, the Coast Guard may initiate suspension and revocation action against the mariner's MMC, license, MMD, and COR under 46 U.S.C. 7702 and 7703. During the subsequent suspension and revocation proceeding, **the TSA decision to deny issuance of, or to revoke, a mariner's TWIC will not be subject to review**, and the mariner's failure to hold a TWIC will be treated by the Coast Guard as proof that the mariner is not eligible for an MMC, license, MMD or COR.

46 C.F.R. § 10.235(h-i) makes clear that the ALJ must impose revocation if TSA revokes a mariner's TWIC for a non-administrative reason. Here, as noted above, TSA's decision to revoke Respondent's TWIC was because it determined that Respondent poses an immediate threat to transportation security, national security or terrorism. Given that TSA's decision to revoke Respondent's TWIC was based on a substantive determination that he is a security threat and not an administrative reason, revocation of Respondent's MMC is the only sanction I may impose.

WHEREFORE,

ORDER

IT IS FURTHER ORDERED, pursuant to my finding Respondent in **DEFAULT** as to the factual allegations of the Complaint, Respondent's credentials are **REVOKED**.

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).

Done and dated this 4th day of August, 2025,
at New Orleans, Louisiana



HON. BRIAN J. CURLEY
UNITED STATES COAST GUARD
ADMINISTRATIVE LAW JUDGE