

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

UNITED STATES COAST GUARD,
Complainant,

v.

DALE COLLIS CROUSE,
Respondent.

**DOCKET NO: 2025-0271
MISLE ACTIVITY ID. 8131773**

**HONORABLE GEORGE J. JORDAN
ADMINISTRATIVE LAW JUDGE**

ADMISSION ORDER

On May 28, 2025, the United States Coast Guard, Sector Key West (Coast Guard) issued a Complaint against Dale Collis Crouse (Respondent) alleging negligence under 46 U.S.C. § 7703(1)(B) as defined by 46 C.F.R. § 5.29, and violation of a regulation as described by 46 U.S.C. § 7703(1)(A) and defined in 46 C.F.R. § 5.33.

Specifically, the Coast Guard alleges two bases of suspension or revocation of Respondent's Merchant Mariner Credential (MMC):

I. Negligence

1. On April 20, 2025, at approximately 0905, Respondent had direction and control of the SPV SQUID (ON 1287920), while underway upon the Gulf of America (Gulf of Mexico) with passengers-for-hire on board.
2. At approximately 0910, Respondent allided the SPV SQUID with the SPV OSPREY (ON 1286581) which was moored in a slip.
3. Respondent's alliding the SQUID with the OSPREY, raises the presumption of negligence, as described by 46 U.S.C. § 7703(1)(B) and defined by 46 C.F.R. § 5.29.

II. Violation of a Regulation

1. On April 20, 2025, at approximately 0905, Respondent had direction and control of the SPV SQUID, while underway upon the Gulf of America (Gulf of Mexico).

2. At approximately 0910 Respondent was the Master in charge of the SQUID, with passengers-for-hire on board when the SQUID allided with the SPV OSPREY which was moored in a slip.
3. Respondent failed to immediately notify the nearest Sector Office, Marine Inspection Office or Coast Guard Group Office of a marine casualty.
4. Based on the observations, the Respondent was in violation of 46 C.F.R. § 4.05-1, failure to make notice of a marine casualty.
5. Violation of 46 C.F.R. § 4.05-1 is a violation of a regulation as described by 46 U.S.C. § 7703(1)(A) and defined by 46 C.F.R. § 5.33.

Additionally, in light of these allegations the Coast Guard proposed a sanction of two months outright suspension.

On the same day the Coast Guard issued the Complaint, Respondent filed an Answer admitting all jurisdictional and factual allegations in the Complaint. Furthermore, Respondent agreed with Coast Guard's proposed sanction.

Accordingly, since Respondent admits all allegations in the Complaint, I must now issue an appropriate order. 33 C.F.R. §§ 20.308(c), 20.1207(b) (concerning answers provided at a pre-hearing conference). First, I must determine if the admitted factual allegations amount to the violations of law asserted in the Complaint. 33 C.F.R. § 20.702(a) ("...the Coast Guard bears the burden of proof"), 20.902(a)(1) (requiring a finding on each conclusion of law in a decision).

NEGLIGENCE

The admitted factual allegations are sufficient to find Respondent committed negligence under 46 U.S.C. § 7703(1)(B). A presumption of negligence occurs amounting to prima facie case of negligence when a moving vessel collides with a fixed object. Brown & Root Marine Operators Inc. v. Zapata Off-Shore Co., 377 F.2d 724, 726 (5th Cir. 1967); Appeal Decision 2373 (OLDOW) (1984), aff'd sub nom., Commandant v. Oldow, NTSB Order EM-121 (1985).

Since Respondent admitted the allegations concerning negligence, the presumption remains un rebutted. Therefore, I find the negligence violation **PROVED**.

VIOLATION OF REGULATION

However, I cannot find Respondent committed a violation of a regulation under 46 U.S.C. § 7703(1)(A) even though he admitted to violating 46 C.F.R. § 4.05-1 by failing to notify the Coast Guard of a marine casualty. 46 C.F.R. § 4.05-1 requires a vessel's master, like Respondent in this case, to notify the nearest Coast Guard Sector Office¹ whenever that vessel is involved in a casualty in certain circumstances. The regulation specifies certain circumstances necessary for notification. 46 C.F.R. § 4.05-1(a)(1)-(8).

The admitted allegations concerning violation of a regulation in the Complaint provide Respondent failed to notify the nearest Coast Guard Sector Office when his vessel allided with a vessel moored in a slip. Yet, allision with a vessel is not contained within the circumstances requiring notification of the Coast Guard in 46 C.F.R. § 4.05-1(a). Therefore, Respondent as the master of the Squid was not required to notify the Coast Guard of a marine casualty. As a result, Respondent did not violate 46 C.F.R. § 4.05-1 in contravention of 46 U.S.C. § 7703(1)(A) as defined by 46 C.F.R. § 5.33. Consequently, I find the allegation of violation of a regulation in the Complaint **NOT PROVED**.

SANCTION

Having found an allegation of Negligence proved against Respondent, I must now levy an appropriate sanction. In suspension and revocation proceedings I have the authority and exclusive discretion to select the appropriate sanction in these proceedings. 46 C.F.R. § 5.569(a); Appeal Decision 2362 (ARNOLD) (1984). Assisting my discretion is Table 5.569

¹ A person in charge can also report to the nearest Marine Inspection Office or Coast Guard Group Office.

Suggested Range of an Appropriate Order (Table). The Table is a guide intended to promote uniformity in orders rendered. 46 C.F.R. § 5.569(d); Appeal Decision 2694 (LANGLEY) (2011). Orders issued consistent with the Table are not excessive. Id. (noting that a sanction will not be disturbed on review unless there is a gross departure from the Table). However, I have wide discretion to choose an appropriate sanction based on the specific facts of a case while not bound by the Table, stipulation of the parties, or recommendation of Coast Guard's investigating officer. Appeal Decision 2695 (AILSWORTH) (2011); Appeal Decision 2628 (VILAS) (2002); Appeal Decision 2173 (PIERCE) (1979).

The Table does not expressly specify a sanction for negligence resulting from the allision of two vessels. 46 C.F.R. § 5.569 tbl. 5.569. Yet, the Table provides sanction ranges for negligently performing navigational and non-navigational duties related and unrelated to vessel safety. Id. Those sanction ranges stretch from one to six months outright suspension. Id.

To depart from a sanction range specified in the Table requires a clearly articulated explanation of the aggravating and or mitigating factors supporting the departure. Appeal Decision 2455 (WARDELL) (1987), aff'd, NTSB Order No. EM-149 (1988); Appeal Decision 2702 (CARROLL) (2013) (quoting Commandant v. Moore, NTSB Order No. EM-201 (2005)). Thus, a sanction will remain undisturbed by reviewing authorities if it is not obviously excessive or an abuse of discretion. Appeal Decision 2624 (DOWNS) (2001).

In this case the Coast Guard requested, and Respondent agreed with, a sanction of two months' outright suspension. This sanction sits within all of the sanction ranges corresponding to negligence in the Table. Additionally, the Coast Guard did not allege any aggravating or mitigating factors in the Complaint. Therefore, I find the proposed sanction from the Complaint and agreed to by Respondent appropriate in light of the proved allegation.

WHEREFORE,

ORDER

IT IS HEREBY ORDERED that Respondent's violation of 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.29 is **PROVED BY ANSWER**. I have carefully reviewed the file and find that the proposed sanction is appropriate under the provisions of 46 C.F.R. § 5.569.

IT IS FURTHER ORDERED, Respondent's violation of 46 U.S.C. § 7703(1)(A) and 46 C.F.R. § 5.33 is **NOT PROVED**.

IT IS FURTHER ORDERED that Respondent's Merchant Mariner Credentials [REDACTED] is **SUSPENDED OUTRIGHT FOR TWO (2) MONTHS**, commencing on the date they are deposited with the Coast Guard. Respondent shall immediately deliver all Coast Guard issued credentials, licenses, certificates, or documents, including the MMCs, by mail, courier service, or in person to: Wayne Bush, Sector Key West, 100 Trumbo Rd., Key West, FL 33040. 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 Decision on the parties and/or parties' representative(s) serves as notice of appeal rights set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

Done and dated, June 10, 2025,
Seattle, Washington



GEORGE J. JORDAN
UNITED STATES COAST GUARD
ADMINISTRATIVE LAW JUDGE