

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

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UNITED STATES COAST GUARD

Complainant

Vs.

JOSEPH RICARDO BROWN

Respondent,

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Docket Number CG S&R 03-0070  
CG Case No. 1731335

DEFAULT ORDER

**Issued by: Archie R. Boggs, Administrative Law Judge**

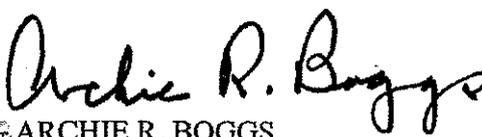
On 31 March 2003 the United States Coast Guard submitted a Motion for a Default Order to be approved by the court under 33 CFR 20.310.

After reviewing the Motion for a Default Order, the undersigned is satisfied that Respondent (1) has been properly served with the complaint; (2) has failed to file a timely answer within the twenty (20) day rule, or (3) has not requested an extension of time to file an answer. Therefore, it is determined that a default may be entered against the Respondent, JOSEPH RICARDO BROWN.

ORDER

IT IS HEREBY ORDERED that merchant mariner's document No [REDACTED] or any license, merchant mariner's document, or certificate of service held by Respondent, JOSEPH RICARDO BROWN, by the United States Coast Guard, or any predecessor authority, now held by you, are revoked. Respondent is hereby ordered to surrender his merchant mariner's document No [REDACTED] or any license, merchant mariner's document, or certificate of service held by him, to the Marine Safety Office in Jacksonville, FL, or the nearest Marine Safety Office of the United States Coast Guard.

IT IS FURTHER ORDERED that the service of this Decision & Order upon Respondent will serve to notify Respondent of his right to appeal which is set forth in 33 CFR Subpart J, 20.1001. (Attachment A)

  
ARCHIE R. BOGGS  
Administrative Law Judge  
United States Coast Guard

Dated 20 May 2003  
New Orleans, Louisiana.

Subpart J—Appeals

§ 20.1001 General.

(a) Any party may appeal the ALJ's decision by filing a notice of appeal. The party shall file the notice with the U. S. Coast Guard Administrative Law Judge Docketing Center, Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street, Baltimore, MD 21201-4022. The party shall file the notice 30 days or less after issuance of the decision, and shall serve a copy of it on the other party and each interested person.

(b) No party may appeal except on the following issues:

(1) Whether each finding of fact is supported by substantial evidence.

(2) Whether each conclusion of law accords with applicable law, precedent, and public policy.

(3) Whether the ALJ abused his or her discretion.

(4) The ALJ's denial of a motion for disqualification.

(c) No interested person may appeal a summary decision except on the issue that no hearing was held or that in the issuance of the decision the ALJ did not consider evidence that that person would have presented.

(d) The appeal must follow the procedural requirements of this subpart.

§ 20.1002 Records on appeal.

(a) The record of the proceeding constitutes the record for decision on appeal.

(b) If the respondent requests a copy of the transcript of the hearing as part of the record of proceeding, then,—

(1) If the hearing was recorded at Federal expense, the Coast Guard will provide the transcript on payment of the fees prescribed in 49 CFR 7.45; but,

(2) If the hearing was recorded by a Federal contractor, the contractor will provide the transcript on the terms prescribed in 49 CFR 7.45.

§ 20.1003 Procedures for appeal

ATTACHMENT (A)

(a) Each party appealing the ALJ's decision or ruling shall file an appellate brief with the Commandant at the following address: U.S. Coast Guard Administrative Law Judge Docketing Center, Attention: Hearing Docket Clerk; Room 412; 40 S. Gay Street, Baltimore, MD 21201-4022, and shall serve a copy of the brief on every other party.

(1) The appellate brief must set forth the appellant's specific objections to the decision or ruling. The brief must set forth, in detail, the—

(i) Basis for the appeal;

(ii) Reasons supporting the appeal;

and

(iii) Relief requested in the appeal.

(2) When the appellant relies on material contained in the record, the appellate brief must specifically refer to the pertinent parts of the record.

(3) The appellate brief must reach the Docketing Center 60 days or less after service of the ALJ's decision. Unless filed within this time, or within another time period authorized in writing by the Docketing Center, the brief will be untimely.

(b) Any party may file a reply brief with the Docketing Center 35 days or less after service of the appellate brief. Each such party shall serve a copy on every other party. If the party filing the reply brief relies on evidence contained in the record for the appeal, that brief must specifically refer to the pertinent parts of the record.

(c) No party may file more than one appellate brief or reply brief, unless—

(1) The party has petitioned the Commandant in writing; and

(2) The Commandant has granted leave to file an added brief, in which event the Commandant will allow a reasonable time for the party to file that brief.

(d) The Commandant may accept an *amicus curiae* brief from any person in an appeal of an ALJ's decision.

§ 20.1004 Decisions on appeal.

(a) The Commandant shall review the record on appeal to determine whether the ALJ committed error in the proceedings, and whether the Commandant should affirm, modify, or reverse the ALJ's decision or should remand the case for further proceedings.

(b) The Commandant shall issue a decision on every appeal in writing and shall serve a copy of the decision on each party and interested person.

Certificate of Service

I hereby certify that I have this day served the foregoing document(s) upon the following parties and limited participants (or designated representatives) in this proceeding at the address indicated by Facsimile:

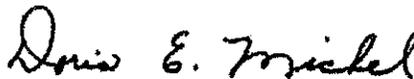
CPO Curtis Fuller, Jr.  
Marine Safety Office Jacksonville  
7820 Arlington Expy, Suite 400  
Jacksonville, FL 32211-7445  
FAX -904-232-2664

I hereby certify that I have this day served the foregoing document(s) upon the following parties and limited participants (or designated representatives) in this proceeding at the address indicated by First Class Mail:

Patty Spivey Esq.  
101 George King Boulevard, Suite 5  
Cape Canaveral, FL 32920

I hereby certify that I have this day forwarded the attached document by Federal Express to the following person:

ALJ Docketing Center  
United States Coast Guard  
40 South Gay Street  
Baltimore, MD 21202-4022



Doris Michel  
Legal Assistant

Dated 20 May 2003  
New Orleans, Louisiana