

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

UNITED STATES OF AMERICA	:	DECISION OF THE
UNITED STATES COAST GUARD	:	
	:	VICE COMMANDANT
v.	:	
	:	ON APPEAL
	:	
	:	NO.
MERCHANT MARINER DOCUMENT	:	' 27 15
	:	'
<u>Issued to: SIMONE JOYCE SOLOMON</u>	:	

APPEARANCES

For the Government:
CWO Dan Sammons, USCG
LT John D. Nee, USCG
Senior Investigating Officer Mark Gibbs

For Respondent:
Graham W. Syfert, Esq.

Administrative Law Judge: Dean C. Metry

This appeal is taken in accordance with 46 U.S.C. Chapter 77, 46 C.F.R. Part 5, and 33 C.F.R. Part 20.

By a Decision and Order (hereinafter "D&O") dated May 15, 2013, an Administrative Law Judge of the United States Coast Guard (hereinafter "ALJ") suspended the Merchant Mariner Document of Ms. Simone Joyce Solomon (hereinafter "Respondent") for fourteen months upon finding proved one charge of misconduct. The specification found proved alleged that on July 2, 2012, Respondent, while serving as a crewmember aboard the vessel ALLIANCE CHARLESTON, refused a chemical test, in violation of 49 C.F.R. § 40.191(b), by submitting what according to 49 C.F.R. § 40.93(b) was a substituted urine specimen.

Respondent subsequently appealed the D&O to the Commandant, United States Coast Guard, who affirmed the D&O. Respondent then appealed to the National Transportation Safety Board (NTSB). In *Zukunft v. Solomon*, NTSB Order No. EM-213 (March 24, 2016), the NTSB remanded the matter for further examination of salient issues.

The parties now advise that they have reached a tentative settlement agreement, and request that the matter be remanded to the ALJ to allow the agreement to be effected.

ORDER

The ALJ's Decision and Order dated July 2, 2012, is reversed and the case is REMANDED in accordance with the parties' request.



Charles D. Michel
Admiral, U.S. Coast Guard
Vice Commandant

Signed at Washington, D.C., this 3rd day of October, 2016.