

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

ADDRESS OF COAST GUARD UNIT: MARINE SAFETY DETACHMENT BELFAST 2 FRANKLIN STREET, SUITE 201 BOSTON, MA 04915		FOR DOCKETING CENTER USE ONLY
INVESTIGATING OFFICER: TWO JOEY DORE TELEPHONE: (207) 338-8395 (EXT. 204)		
COMPLAINANT: UNITED STATES COAST GUARD		
RESPONDENT: AARON THOMAS JANDREAU		DOCKET NUMBER: 2022-0362
COMPLAINT		COAST GUARD ENFORCEMENT NUMBER: 7478312

The Coast Guard has initiated an administrative proceeding against your credential(s) and/or endorsement(s)

Statutory Authority:	46 USC § 7703(1)(B), 46 USC 7703(1)(A)
Regulatory Authority:	46 CFR § 5.27, 46 CFR 5.33

Coast Guard Records indicate the respondents address is as follows:

Street [REDACTED]			
City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
Phone Number [REDACTED]	Email [REDACTED]		

JURISDICTIONAL ALLEGATIONS

- Respondent is the holder of the following U.S. Coast Guard-issued Merchant Mariner Credential(s):
[REDACTED]
- From [REDACTED] Respondent acted under the authority of MMC [REDACTED], by serving as 1st Assistant Engineer aboard the [REDACTED] as required by law or regulation.

FACTUAL ALLEGATIONS

- 1. Violation of Law or Regulation**
The Coast Guard alleges that:
 - [REDACTED] is a United States flagged vessel, inspected under 46 U.S.C. Chapter 33.
 - On [REDACTED] Respondent was 1st Assistant Engineer, operating the [REDACTED] as described by 33 CFR § 95.015(b).

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3. [REDACTED] while aboard the [REDACTED] Respondent was observed by the 2nd Assistant Engineer [REDACTED] having rambled, talkative, and slurred speech, erratic actions, being partially dressed, and his breath smelled like alcohol.
4. At approximately 0600, Respondent was also observed by the [REDACTED] Cadet to have alcohol on his breath.
5. Based on the observations of the 2nd Assistant Engineer and [REDACTED] Cadet, Respondent was in violation of the standard in 33 CFR 95.020(b).
6. Respondent was directed by the Master of the [REDACTED] to undergo a chemical test based on reasonable cause, pursuant to 33 CFR § 95.035(2).
7. At approximately 1250, Respondent underwent a reasonable cause chemical test administered by the Master of the [REDACTED] resulting in a 0.083 Blood Alcohol Concentration (BAC).
8. At approximately 1300, Respondent underwent a second chemical test administered by the Master of the [REDACTED], resulting in a 0.066 BAC.
9. Respondent was in violation of the standards in 33 CFR 95.020(b).
10. [REDACTED] Respondent was under the influence of alcohol, as defined by 33 CFR § 95.040, while aboard the [REDACTED] in violation of 33 CFR § 95.045(b).
11. Violation of 33 CFR § 95.045(b) is a violation of a regulation as described by 46 U.S.C. § 7703(1)(A) and defined by 46 CFR § 5.27.
12. In Aggravation: On [REDACTED] at approximately 0600, Respondent failed to report for his assigned engineering watch.

2. Misconduct

The Coast Guard alleges that:

1. From [REDACTED] Respondent was employed by Crowley Government Services Inc. (CGS), aboard the [REDACTED] and subject CGS's policies.
2. From [REDACTED] CGS had a policy prohibiting crewmembers from having possession of alcohol in any amount while assigned to a CGS vessel or premises.
3. On [REDACTED] the Master of the [REDACTED] found alcohol in Respondent's cabin in violation of HR IV.3 section 5.3 of Crowley Government Service's Drug and Alcohol Procedure.
4. Respondent's violation of CGS's HR IV.3 section 5.3 Drug and Alcohol Procedure, is misconduct as described by 46 U.S.C. 7703(1)(B) and defined by 46 CFR 5.27.

3. Misconduct

The Coast Guard alleges that:

1. From [REDACTED] Respondent was employed by Crowley Government Services Inc. (CGS), aboard the [REDACTED] and subject CGS's policies.

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2. From [REDACTED], CGS had a policy prohibiting crewmembers from harassing, sexually harassing, or sexually assaulting other crewmembers, aboard CGS operated vessels.
3. Sometime between [REDACTED] while aboard the [REDACTED], Respondent sexually harassed an [REDACTED] Cadet by picking them up and carrying them from the engine control room to the engine room, creating an intimidating and hostile working environment in violation of section 5.6 of CGS's Productive Work Environment policy.
4. On [REDACTED] while aboard the [REDACTED], Respondent sexually harassed an [REDACTED] Cadet by aggressively knocking on the [REDACTED] cadet's door while undressed, unwelcomely exposing himself to the [REDACTED] Cadet when the door was open without permission, creating an intimidating and hostile working environment, in violation of section 5.6 of CGS's Productive Work Environment policy.
5. Respondent's violation of CGS's Productive Work Environment policy, is misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 CFR § 5.61(a)(3).

4. Misconduct

The Coast Guard alleges that:

1. From [REDACTED], the [REDACTED] was a U.S. flagged vessel.
2. From [REDACTED] the [REDACTED] was operating within the special Maritime and Territorial Jurisdiction of the United States, as defined in 18 U.S.C. § 7.
3. From [REDACTED] Respondent was employed by Crowley Government Services (CGS) and assigned to the [REDACTED] as a 1st Assistant Engineer.
4. Sometime between [REDACTED] while aboard the [REDACTED] Respondent engaged in sexual contact and sexually assaulted [REDACTED] Cadet by intentionally placing his buttock on the [REDACTED] Cadet's groin area, through clothing, without permission, and with the intent to harass the [REDACTED] Cadet.
5. Respondent's intentionally placing his buttock on the [REDACTED] Cadet's groin, through clothing, without the [REDACTED] Cadet's permission, and with the intent to harass the [REDACTED] Cadet, is an abusive sexual contact, which is a violation of 18 U.S.C. § 2244(b).
6. Violation of 18 U.S.C. § 2244(b), is misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 CFR § 5.61(a)(3).
7. In aggravation: Respondent's act of intentionally placing his buttock on the [REDACTED] Cadet's groin through clothing without the [REDACTED] Cadet's permission, and with the intent to harass the [REDACTED] Cadet, constitutes sexual molestation as described in 46 CFR § 5.61(a)(3).


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PROPOSED ORDER

The Coast Guard proposes: Revocation

PROPOSED HEARING LOCATION

Edward T. Gignout U.S. Courthouse, 156 Federal Street, Portland, ME, 04101

Received _____	For the U.S. Coast Guard
Respondent: AARON THOMAS JANDREAU	Investigating Officer: CWO Joey Dore 
Refused _____ IO's Initials _____	Date: <u>September 8, 2022</u>

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RESPONDENT INSTRUCTIONS

YOU MUST RESPOND TO THIS COMPLAINT WITHIN 20 DAYS

1. You must answer these allegations or request an extension within 20 days of receipt. The rules for Answers are at 33 CFR 20.308 and read as follows:

§20.308 Answers.

- (a) The respondent shall file a written answer to the complaint 20 days or less after service of the complaint. The answer must conform to the requirements of this subpart for filing and service.
 - (b) The person filing the answer shall, in the answer, either agree to the place of hearing proposed in the complaint or propose an alternative.
 - (c) Each answer must state whether the respondent intends to contest any of the allegations set forth in the complaint. It must include any affirmative defenses that the respondent intends to assert at the hearing. The answer must admit or deny each numbered paragraph of the complaint. If it states that the respondent lacks sufficient knowledge or information to admit or deny a particular paragraph, it denies that paragraph. If it does not specifically deny a particular numbered paragraph, it admits that paragraph.
 - (d) A respondent's failure without good cause to file an answer admits each allegation made in the complaint.
2. If you admit the allegations, an Administrative Law Judge (ALJ) will issue an order entering the proposed sanction.
 3. If you deny any allegations, an ALJ will schedule a hearing on the matter.
 4. You may request an extension of time to file your answer within 20 days. Each request must explain why more time is needed and will be ruled on by an ALJ.
 5. If you do not file an answer, request extension, or attend any scheduled hearing, you may be found in default. Default constitutes an admission of all facts alleged in the Complaint and a waiver of your right to a hearing. If the ALJ finds you in default, a decision could be issued against you without any hearing.
 6. You may request a settlement agreement with the Coast Guard. If you wish to discuss a settlement, call the Coast Guard Investigating Officer shown on the first page of this Complaint.
 7. If you and the Coast Guard reach agreement, a proposed settlement agreement will be submitted to the ALJ for review and approval. If the ALJ approves the settlement, an order implementing the agreement will be issued.

YOU HAVE THE RIGHT TO:

1. have representation by counsel at the hearing and that counsel may be, but need not be, a lawyer (NOTE: free legal aid may be available through the state bar or legal aid services);
2. have witnesses, records, or other evidence subpoenaed;
3. examine witnesses;
4. cross-examine witnesses;
5. introduce relevant evidence into the record; and
6. testify to facts or relevant information on your own behalf

FILE YOUR ANSWER TO THIS COMPLAINT OR MOTION FOR AN EXTENSION WITH:

Administrative Law Judge Docketing Center

U.S. Coast Guard
40 South Gay Street, Room 412
Baltimore, MD 21202-4022

Phone: (410) 962-5100
Toll Free: (866) 612-7524 [61A-SKCG]
Fax: (410) 962-1746
Toll Free Fax: (877) 243-3453 [CGE FILE]

A COPY OF YOUR ANSWER TO THIS COMPLAINT WITH THE COAST GUARD AT THE ADDRESS SHOWN ON PAGE ONE OF THIS COMPLAINT.

YOU MUST NOTIFY THE ALJ DOCKETING CENTER AND THE COAST GUARD UNIT ON PAGE ONE OF THIS COMPLAINT ANYTIME THERE ARE CHANGES TO YOUR MAILING ADDRESS AND/OR PHONE NUMBER.