

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

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**UNITED STATES COAST GUARD**

**Complainant**

**vs.**

**MATTHEW JUSTIN THOMAS,**

**Respondent.**

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**Docket Number 2022-0282**

**Enforcement Activity Number 7476211**

**CONSENT ORDER APPROVING SETTLEMENT AGREEMENT AND  
ORDER CANCELING HEARING**

**By: Honorable Walter J. Brudzinski, Chief Administrative Law Judge**

**Issued: January 26, 2023**

**Appearances:**

**ANDREW S. MYERS, ESQ.  
LINEKA N. QUIJANO, ESQ.**

**National Center of Expertise  
For the Coast Guard**

**D. MICHAEL RENY, ESQ.  
HARRIS, RENY, TORZEWSKI, LPA  
Attorney for the Respondent**

**CONSENT ORDER APPROVING SETTLEMENT AGREEMENT AND  
ORDER CANCELING HEARING**

On or about July 8, 2022, the United States Coast Guard (Coast Guard) issued a Complaint against MATTHEW JUSTIN THOMAS (Respondent) seeking to revoke his Merchant Mariner Credential (MMC). In its Complaint, the Coast Guard alleges Respondent committed four counts of misconduct under 46 U.S.C. § 7703(1)(B) and 46 C.F.R. § 5.27, and one count of violation of law or regulation under 46 U.S.C. § 7703(1)(A) and 46 C.F.R. § 5.33.

The Coast Guard and Respondent agreed to settle this matter. Therefore, on January 26, 2023, the Coast Guard submitted the parties' Motion for Approval of Settlement Agreement and Entry of Consent Order to be approved as a settlement of this case under 33 C.F.R. § 20.502. I have carefully reviewed the terms of the Settlement Agreement, and find that the agreement is fair and reasonable and in substantial compliance with the requirements of 33 C.F.R. § 20.502.

WHEREFORE,

**ORDER**

Upon consideration of the record, it is hereby **ORDERED** that the Settlement Agreement is **APPROVED** in full and incorporated herein by reference.

**IT IS FURTHER ORDERED**, this Consent Order shall constitute full, final, and complete adjudication of this proceeding.

**IT IS FURTHER ORDERED**, the hearing scheduled to commence on February 7, 2023 in Nashua, NH is **CANCELED**.

Done and dated January 26, 2023  
New York, NY




*Walter J. Brudzinski*

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HON. WALTER J. BRUDZINSKI  
CHIEF ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD

| UNITED STATES OF AMERICA<br>U.S. DEPARTMENT OF HOMELAND SECURITY<br>UNITED STATES COAST GUARD   |  |
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| ADDRESS OF COAST GUARD UNIT:<br><br>Detachment Chief<br>Suspension & Revocation NCOE<br>100 Forbes Drive<br>Martinsburg, WV 25404<br><br>INVESTIGATING OFFICER: LCDR Orlando Hernandez<br>TELEPHONE: (304) 433-3751 | FOR DOCKETING CENTER USE ONLY                      |
| COMPLAINANT:<br><b>UNITED STATES COAST GUARD</b>  |  |
| RESPONDENT:<br><b>MATTHEW JUSTIN THOMAS</b>   | DOCKET NUMBER<br>2022-0282                         |
| <b>Motion for Approval of Settlement Agreement and Entry of Consent Order</b>   | COAST GUARD ENFORCEMENT ACTIVITY NUMBER<br>7476211 |

1. The Coast Guard initiated an administrative proceeding by filing a Complaint on July 15, 2022 seeking to revoke Coast Guard issued Credential(s) and Endorsement(s).
2. The Coast Guard believes that settlement of this matter is in the public interest and that the filing of the attached Settlement Agreement and subsequent entry of a Consent Order without further litigation is the most appropriate means of resolution.
3. The Coast Guard requests that the Administrative Law Judge issue a Consent Order in this case under 33 CFR 20.502.

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| <br><br><br><i>Investigating Officer for the United States Coast Guard</i> |
| Date: 26 JAN 2023   |

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### Settlement Agreement

The parties agree that settlement of this matter is in the public interest and that the subsequent entry of a Consent Order without further litigation is the most appropriate means of resolution. The parties consent to the filing of this Settlement Agreement without a hearing on any issue of fact or adjudication on any issue of law and that the decision in this case will have the same force and effect as would a decision made after a hearing. The parties agree to bear their own costs including, but not limited to attorney's fees, in regard to this proceeding.

1. Respondent enters into this Settlement Agreement solely for the purpose of settling this matter and does not admit any liability for the claims set forth in the Complaint. Without any hearing or litigation of any issue of fact or law, Respondent admits the jurisdictional allegations of the Complaint. Respondent neither admits nor denies the factual allegations in the Complaint and agrees, except as provided in this agreement, to the following:
  - a. Waive any right to a hearing, and waive any right to appeal.
  - b. This Settlement Agreement and Consent Order are binding on Respondent, and become effective on the date filed with the Hearing Docket Clerk, subject to final approval by the Administrative Law Judge (ALJ).
  - c. The terms of this Settlement Agreement and Consent Order constitute a full settlement of this proceeding with respect to the administrative claims and causes of action alleged in the Complaint.
2. The Respondent agrees that all of his Coast Guard issued Merchant Mariner Credentials (MMC) are suspended outright for a period of twelve (12) months, followed by twelve (12) months suspension remitted on twenty-four (24) months probation. Respondent agrees to successfully complete the terms and adhere to the conditions set forth in paragraph 3. Respondent understands that any violation of the terms and conditions set forth in this settlement agreement will result in the remitted sanction will be automatically imposed.
3. Together, the parties agree to the following:
  - a. Respondent agrees to deposit their MMC with the Coast Guard for the twelve (12) months period of outright suspension. The parties understand and agree that Respondent will be given credit towards the twelve (12) month outright suspension period starting on the date which Respondent signs this settlement and deposits the MMC with the Coast Guard. Finally, Respondent understands that they are prohibited from working in any capacity that requires a Coast Guard MMC while the MMC is on deposit with the Coast Guard;
  - b. If Respondent is currently employed by a marine employer, not later than 10 days from the date Respondent signs this agreement, Respondent agrees to inform their current marine employer of the status of the MMC and affected endorsements for the time period covered in the Settlement Agreement. The Respondent also agrees to inform any future or prospective marine employers of the status of his/her MMC prior to commencing any work-related duties for that marine employer, as well as any changes of the MMC status during the time period covered in the Settlement Agreement. Respondent understands and agrees that the "status of the MMC" is defined as including any of the following: stayed revocation, suspension, probation, or any other limitations or conditions, including but not limited to drug monitoring programs, medical restrictions or waivers, maritime training or course requirements, periods of deposit, etc., that may affect the safe operation of a vessel or create a safety risk within the maritime environment;
  - c. If Respondent is currently employed by a marine employer, not later than 10 days from the date Respondent signs this agreement, Respondent agrees to provide the Coast Guard Investigating Officer (IO), via email or phone call, with the name, address, and phone number of their current marine employer. Similarly, if Respondent obtains new employment, Respondent agrees to provide the IO, via email or phone call, with the name, address, and phone number of the new marine employer within one-week from the date of hire. Finally, Respondent agrees to immediately inform the Coast Guard of any changes in employment status during the time period covered in this Settlement Agreement;
  - d. Respondent agrees to undergo a psychosexual evaluation led by a qualified practitioner as defined by FL Statute 948.001(9) or a similar federal or state equivalent. Respondent understands and agrees to disclose to the qualified practitioner the allegations listed in the complaint. Respondent also agrees to provide to the Coast Guard Investigating

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Officer (IO) a copy of the evaluation report. Further, Respondent also agrees to sign a release allowing the qualified practitioner to provide to the IO a copy of any and all reports related to Respondent's treatment;

- e. Respondent also understands and agrees to subsequently enroll in the rehabilitation and/or treatment program recommended by the qualified practitioner. Respondent agrees to submit proof of enrollment in the rehabilitation education and/or treatment program to the IO, listed below, within one-week of enrollment;
- f. Not later than ninety (90) days from the date Respondent signs this Settlement Agreement, Respondent will successfully complete all elements, or be making positive progress towards completion of all elements of the rehabilitation education and/or treatment program recommended by the qualified practitioner. Upon completion of the rehabilitation education and/or treatment program, Respondent agrees to provide to the IO proof of completing the recommended rehabilitation education and/or treatment program;
- g. Pay all expenses associated with completion of items 3.a. through 3.f.;
- h. Send evidence of successful completion of the below to the Investigating Officer at the following address:

Detachment Chief  
Suspension & Revocation NCOE  
100 Forbes Drive  
Martinsburg, WV 25404  
TELEPHONE: 757-668-5513

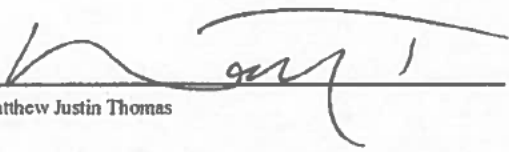


Attn: [REDACTED]

- i. Advise the Investigator identified in paragraph 3.h. in writing of any changes of address and/or telephone number by mail or e-mail;
  - j. Respondent provided evidence of having undergone evaluation by a qualified substance abuse professional for alcohol use. The Coast Guard accepts Respondent's evidence demonstrating he is of low risk for alcohol abuse.
  - k. Respondent shall not commit any act during the total 24-month probation period that serves as the basis for suspension or revocation enforcement action, as set forth in Title 46, United States Code §§ 7703 and 7704, which is subsequently found proved at a hearing.
4. The Coast Guard shall review the evidence and do one of the following:
- a. Accept the evidence and notify the Respondent and Docketing Center of the successful completion and return the Respondent's credentials. The Docketing Center will update its records to reflect the successful completion.
  - b. Reject the evidence, notify the Respondent in writing of any deficiencies in the evidence and grant Respondent 30 days to correct the deficiencies; or
  - c. Reject the evidence and notify the Respondent and Docketing Center of the failure to complete and that the sanction for failure to complete in accordance with paragraph 6 of this Agreement will be automatically invoked unless the Respondent requests a hearing before an ALJ on the Coast Guard's rejection of the Respondent's evidence by filing a written request with the Hearing Docket Clerk within 10 days of receiving the notice of failure to complete.
5. If the Respondent requests a hearing before an ALJ under the provisions of paragraph 4.c., then the sanction for failure to complete will be stayed until the ALJ issues an order.
6. The parties stipulate that this table sets forth the appropriate orders in this matter:

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| If the Respondent<br>Fails to satisfactorily comply with the conditions of paragraph 3. | then the Respondent's Credential(s) will be<br>Suspended outright for 24 months.    |
| Successfully completes these conditions to the satisfaction of the U.S. Coast Guard.    | 12 month outright suspension followed by 12 months remitted on 24 months probation. |

7. Nothing in this Settlement Agreement and Consent Order shall relieve Respondent of the duty to comply with all applicable provisions of any Federal, State, or local laws or statutes.
8. The parties to this agreement consent to the entry of this Settlement Agreement and Consent Order without further notice.

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| Received  | For the U.S. Coast Guard  |
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| Respondent: Matthew Justin Thomas   | Investigating Officer:  |
| Refused: _____ IO's Initials: _____   | Date: 26 JAN 2023   |