

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

UNITED STATES COAST GUARD

Complainant

vs.

Joseph Robert McCann

Respondent.

Docket Number: 2022-0467
Enforcement Id: 7542659

NOTICE OF ASSIGNMENT

Issued: December 6, 2022

By Order of Chief Administrative Law Judge: Walter J. Brudzinski

PLEASE TAKE NOTICE in accordance with 33 C.F.R. § 20.201, this Contested Coast Guard case is assigned to Chief Judge Walter J. Brudzinski for adjudication. Service of documents via email is preferred, but parties may also serve documents by mail, certified mail, personal delivery, fax, or express-courier service. **All original correspondence and pleadings shall be sent to:**

Chief Administrative Law Judge Walter J. Brudzinski
United States Coast Guard
1 South Street, Battery Park Building, Room 216
New York, NY 10004-1466
Email: Regina.v.maye@uscg.mil
Phone: (202) 372-4444
Fax: (202) 372-8304

PLEASE TAKE FURTHER NOTICE a copy of all correspondence and pleadings shall also be simultaneously served on the Hearing Docket Clerk as follows (email service is preferred):

ALJ Docketing Center
U.S. Custom House
40 S. Gay Street, Room 414
Baltimore, MD 21202
Email: aljdocketcenter@uscg.mil
Phone: (410) 962-5100
Toll Free: (866) 612-7524
Fax: (410) 962-1746
Toll Free Fax: (877) 243-3453

Additional copies shall be simultaneously served on the parties (or their designated representatives) at the addresses as follows:

LCDR Orlando Hernandez
Jennifer Mehaffey, Esq.
Suspension & Revocation NCOE
100 Forbes Drive
Martinsburg, WV 25404
Email: Orlando.HernandezJr@uscg.mil
Email: Jennifer.A.Mehaffey@uscg.mil

Brian McEwing, Esq.
10 Andrews Lane, PO Box 599
Dorchester, NJ 08316
Email: mcewing@lawofsea.com

Anthony Sabitsky, Esq.
1004 S. Front Street
Philadelphia, PA 19147
Email: sabitsky@lawofsea.com

The Administrative Law Judge will issue a scheduling order or contact the parties to schedule the hearing. The hearing date and location will be designated by the Administrative Law Judge in accordance with 33 C.F.R. §20.704(a).

Done and Dated December 6, 2022 at
Baltimore, MD

Lauren M. Meus

Lauren M. Meus
Hearing Docket Clerk
U.S. Coast Guard
By Direction of the Chief Administrative Law
Judge

CERTIFICATE OF SERVICE

I hereby certify that I have served the forgoing NOTICE OF ASSIGNMENT upon the following parties (or their designated representatives) to this proceeding at the addresses indicated below by.

Chief Administrative Law Judge Walter J. Brudzinski
United States Coast Guard
1 South Street, Battery Park Building, Room 216
New York, NY 10004-1466
Email: Regina.v.maye@uscg.mil
Sent Electronically via Email

LCDR Orlando Hernandez
Jennifer Mehaffey, Esq.
Suspension & Revocation NCOE
100 Forbes Drive
Martinsburg, WV 25404
Email: Orlando.HernandezJr@uscg.mil
Email: Jennifer.A.Mehaffey@uscg.mil
Sent Electronically via Email

Brian McEwing, Esq.
10 Andrews Lane, PO Box 599
Dorchester, NJ 08316
Email: mcewing@lawofsea.com
Sent Electronically via Email

Anthony Sabitsky, Esq.
1004 S. Front Street
Philadelphia, PA 19147
Email: sabitsky@lawofsea.com
Sent Electronically via Email

Done and Dated December 6, 2022 at
Baltimore, MD

Lauren M. Meus

Lauren M. Meus
Hearing Docket Clerk
U.S. Coast Guard

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

UNITED STATES COAST GUARD,)
)
COMPLAINANT,)
)
v.) DOCKET No.: 2022-0467
)
JOSEPH ROBERT MCCANN,)
)
RESPONDENT.)

**ANSWER OF RESPONDENT JOSEPH ROBERT MCCANN
TO UNITED STATES COAST GUARD'S COMPLAINT**

Respondent, Joseph Robert McCann, by and through his attorneys,
Reeves McEwing, LLP, hereby Answers the Complaint of the United States
Coast Guard as follows:

JURISDICTIONAL ALLEGATIONS

1. Admitted.
2. Denied as stated. Responded served as Master of the MAERSK MICHIGAN from March 1, 2021 to May 16, 2021.

FACTUAL ALLEGATIONS - Misconduct

1. Denied. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in this paragraph, and therefore same are denied and strict proof thereof is demanded at trial.
2. Denied as stated. It is admitted only that Responded served as Master of the MAERSK MICHIGAN from March 1, 2021 to May 16, 2021.

3. Denied. The allegations in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required the allegations are denied and strict proof thereof is demanded at trial. It is specifically denied that Respondent was Master or member of the crew of the MAERSK MICHIGAN between February 11, 2021 and March 1, 2021. It is further specifically denied that Respondent expressed a desire for a sexual relationship or created an intimidating or hostile work environment.

4. Denied. This allegation is a conclusion of law to which no response is required. To the extent a response is deemed required the allegations are denied and strict proof thereof is demanded at trial. It is specifically denied that Respondent violated USMMI's policies.

5. Denied. This allegation is a conclusion of law to which no response is required. To the extent a response is deemed required the allegations are denied and strict proof thereof is demanded at trial. It is specifically denied that Respondent was negligent, or that he inflicted emotional harm.

6. Denied. This allegation is a conclusion of law to which no response is required. To the extent a response is deemed required the allegations are denied and strict proof thereof is demanded at trial. It is specifically denied that Respondent sexually harassed the Chief Cook.

WHEREFORE, Respondent demands dismissal of this count, an award of attorney fees and costs of defense, and such other and further relief as may be appropriate under the circumstances.

FACTUAL ALLEGATIONS - Misconduct

1. Denied. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore same are denied and strict proof thereof is demanded at trial.

2. Denied as stated. It is admitted only that Respondent served as Master of the MAERSK MICHIGAN from March 1, 2021 to May 16, 2021.

3. Denied. Respondent is without knowledge or information sufficient to form a belief as to the truth of the matters contained in this paragraph, and therefore same are denied and strict proof thereof is demanded at trial.

4. The allegations in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required the allegations are denied and strict proof thereof is demanded at trial. It is specifically denied that Respondent was Master or member of the crew of the MAERSK MICHIGAN between February 11, 2021 and March 1, 2021. It is specifically denied that Respondent expressed a desire for a sexual relationship or created an intimidating or hostile work environment.

5. Denied. This allegation is a conclusion of law to which no response is required. To the extent a response is deemed required the allegations are denied and strict proof thereof is demanded at trial. It is specifically denied that Respondent violated USMMI's policies.

6. Denied. The allegations contained in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required the allegations are denied and strict proof thereof is demanded

at trial. It is specifically denied that Respondent sexually harassed the Chief Cook.

WHEREFORE, Respondent demands dismissal of this Count, an award of attorney fees and costs, and such other and further relief as may be appropriate under the circumstances.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim for which relief can be granted.
2. Respondent has not violated 46 CFR § 5.61.
3. Respondent has not violated 46 CFR § 5.27.
4. Respondent has not violated USMMI policy.
5. Respondent was not serving as Master of the MAERSK MICHIGAN between February 11, 2021 and March 1, 2021, and any allegations during said period are not attributable to Respondent as Master.
6. Respondent did not acknowledge the USMMI sexual harassment policy until May 6, 2021, after the Chief Cook complained.
7. Text messaging between the Chief Cook and respondent were mutual.
8. The Chief Cook was a willing participant and admits in her texts to Respondent that she played a role in the mutual text messaging.
9. The Chief Cook encouraged the mutual texting.
10. The Chief Cook was the aggressor in text messaging the Respondent.

11. The Chief Cook used sexually explicit language in her texts to the Respondent, not vice versa.

12. Respondent never sought a sexual relationship.

13. Respondent stopped text messaging to the Chief Cook when first asked to do so.

14. There was no physical contact between the Respondent and the Chief Cook.

15. The Chief Cook entered the Respondent's office aboard the MAERSK MICHIGAN without permission in violation of USMMI policy.

16. Text messaging between mutual participants is not harassment.

17. Text messaging between mutual participants is not misconduct.

18. There was no alteration in the terms and conditions of the Chief Cook's employment aboard the MAERSK MICHIGAN.

19. No hostile work environment existed for the Chief Cook.

20. The Chief Cook did not suffer any emotional distress as a result of her participation in texting the Respondent.

21. The Chief Cook took photos of the Respondent aboard ship.

22. Respondent reserves the right to amend these affirmative defenses as discovery continues.

23. Respondent claims all of the defenses available to him under U.S. Law and Regulation.

PROPOSED ORDER

The Respondent proposed dismissal, with prejudice and with costs of the two Counts of Misconduct.

HEARING LOCATION

Respondent proposes the following hearing location and dates:

	First	Second	Third
	4/3/23	4/10/23	4/24/23
Baltimore, Md			

SETTLEMENT DISCUSSIONS

Respondent requests a settlement conference.

Respectfully submitted,
REEVES McEWING, LLP

Dated: December 5, 2022

By: /s/ Brian McEwing
Brian McEwing
10 Andrews Lane, PO BOX 599
Dorchester, NJ 08316
Telephone: (609) 846-4717
Facsimile: (609) 884-4378
mcewing@lawofsea.com
Attorney for Respondent,
Joseph Robert McCann

CERTIFICATE OF SERVICE

I, Brian McEwing, hereby certify that I have this date caused to be filed a true and correct copy of the above and foregoing Answer to the USCG Complaint via ALJDocketCenter@uscg.mil to the below recipients:

U.S. COAST GUARD
Administrative Law Judge Docketing Center
Attn.: Hearing Docketing Clerk, Room 412
40 S. Gay St.
Baltimore, MD 21201-4022

Ms. Jennifer A. Mehaffey
USCG S&R National Center of Expertise 100 Forbes Drive
Martinsburg, WV 25404
Jennifer.A.Mehaffey@uscg.mil

Dated: December 5, 2022

/s/ Brian McEwing
Brian McEwing, Esquire

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

UNITED STATES COAST GUARD,)
)
COMPLAINANT,)
)
v.) DOCKET No.: 2022-0467
)
Joseph Robert McCann,)
)
RESPONDENT.)

ENTRY OF APPEARANCE

COMES NOW, Anthony Sabitsky, of the law firm Reeves McEwing, LLP, and enters his appearance as Co-counsel for Respondent, Joseph Robert McCann.

Counsel certifies that he is a member in good standing of the highest court of the States of Pennsylvania and the State of New Jersey.

Respectfully submitted,

REEVES McEWING, LLP

Dated: December 5, 2022

By: /s/ Anthony Sabitsky
Anthony Sabitsky
1004 S Front St.
Philadelphia, PA 19147
Telephone: (267) 324-3773
Facsimile: (267) 529-9463
sabitsky@lawofsea.com
Attorney for Respondent

CERTIFICATE OF SERVICE

I, Brian McEwing, hereby certify that I have on the date set forth below caused to be filed a true and correct copy of the foregoing Entry of Appearance via email via D05-SMB-ALJBALT-ALJDocket@uscg.mil to the below recipients:

U.S. COAST GUARD
Administrative Law Judge Docketing Center
40 S. Gay St., Room 412
Baltimore, MD 21201-4022

Ms. Jennifer A. Mehaffey
USCG S&R National Center of Expertise 100 Forbes Drive
Martinsburg, WV 25404
Jennifer.A.Mehaffey@uscg.mil

Dated: December 5, 2022

/s/Brian McEwing
Brian McEwing

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

UNITED STATES COAST GUARD,)
)
 COMPLAINANT,)
)
 v.) DOCKET No.: 2022-0467
)
 Joseph Robert McCann,)
)
 RESPONDENT.)

ENTRY OF APPEARANCE

COMES NOW, Brian McEwing, of the law firm Reeves McEwing, LLP, and enters his appearance as Counsel for Respondent, Joseph Robert McCann, and requests that copies of all pleadings and notices of all hearings or other proceedings be sent to the below address:

Brian McEwing, Esquire
10 Andrews Lane, PO BOX 599
Dorchester, NJ 08316

Counsel certifies that he is a member in good standing of the highest court of the States of Pennsylvania and the State of New Jersey.

Respectfully submitted,

REEVES McEWING, LLP

Dated: November 30, 2022

BY: /s/ Brian McEwing
Brian McEwing
10 Andrews Lane, PO BOX 599
Dorchester, NJ 08316
Telephone: (609) 846-4717
Facsimile: (609) 884-4378
mcewing@lawofsea.com
Attorney for Respondent

CERTIFICATE OF SERVICE

I, Brian McEwing, hereby certify that I have on the date set forth below caused to be filed a true and correct copy of the foregoing Entry of Appearance via email via ALJDocketCenter@uscg.mil to the below recipients:

**U.S. COAST GUARD
Administrative Law Judge Docketing Center
40 S. Gay St., Room 412
Baltimore, MD 21201-4022**

Ms. Jennifer A. Mehaffey
USCG S&R National Center of Expertise 100 Forbes Drive
Martinsburg, WV 25404

Jennifer.A.Mehaffey@uscg.mil

Dated: November 30, 2022

/s/Brian McEwing
Brian McEwing, Esquire

UNITED STATES OF AMERICA U.S. DEPARTMENT OF HOMELAND SECURITY UNITED STATES COAST GUARD	
ADDRESS OF COAST GUARD UNIT: Detachment Chief Suspension & Revocation NCOE 100 Forbes Drive Martinsburg, WV 25404 INVESTIGATING OFFICER: LCDR Orlando Hernandez TELEPHONE: (304) 433-3751	FOR DOCKETING CENTER USE ONLY
COMPLAINANT: UNITED STATES COAST GUARD	
RESPONDENT: JOSEPH ROBERT MC CANN	DOCKET NUMBER 2022-0467
Notice of Addition of Coast Guard Representative	COAST GUARD ENFORCEMENT ACTIVITY NUMBER 7542659

The Coast Guard hereby provides notice that Ms. Jennifer A. Mehaffey is serving as Complainant's additional representative in the above-captioned matter.


Ms. Mehaffey is an Attorney with the Coast Guard Suspension and Revocation National Center of Expertise, and is licensed to practice in New York.

Ms. Mehaffey can be reached as follows:

Ms. Jennifer A. Mehaffey
USCG S&R National Center of Expertise
100 Forbes Drive
Martinsburg, WV 25404

Tel: (304) 433-3541
Fax: (304) 433-3408
Jennifer.A.Mehaffey@uscg.mil

Respectfully Submitted,

<p>For the U.S. Coast Guard</p>  <p><i>LCDR Orlando Hernandez</i> <i>Investigating Officer for the U.S. Coast Guard</i></p> <p>Date: 18 November 2022</p>
--

SHORT TITLE OF CASE	DOCKET NUMBER 2022-0467
U.S. Coast Guard v. JOSEPH ROBERT MC CANN	COAST GUARD ENFORCEMENT ACTIVITY NUMBER 7542659

CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing document with the Administrative Law Judge (ALJ) Docketing Center by e-mail.

I hereby certify that I have filed the foregoing document with Respondent's counsel by e-mail.

Mr. Brian McEwing
10 Andrews Lane
PO BOX 599
Dorchester, NJ 08316
mcewing@lawofsea.com

For the U.S. Coast Guard



LCDR Orlando Hernandez
Investigating Officer for the U.S. Coast Guard

Date: 18 November 2022

UNITED STATES OF AMERICA U.S. DEPARTMENT OF HOMELAND SECURITY UNITED STATES COAST GUARD	
ADDRESS OF COAST GUARD UNIT: Detachment Chief Suspension & Revocation NCOE 100 FORBES DR MARTINSBURG, WV 25404 INVESTIGATING OFFICER: LCDR Orlando Hernandez TELEPHONE: (304) 433-3751	FOR DOCKETING CENTER USE ONLY:
COMPLAINANT: UNITED STATES COAST GUARD	
RESPONDENT: JOSEPH ROBERT MC CANN	DOCKET NUMBER: 2022-0467
Return of Service	COAST GUARD ENFORCEMENT NUMBER: 7542659


Return of Service for Complaint

The Coast Guard served the Respondent with a copy of the Complaint on 11/14/2022 by:

Express Courier Service

Delivered to the Respondent and signed for by a person of suitable age and discretion

I declare that the information contained in the Return of Service is true and correct.

For the U.S. Coast Guard  Investigating Officer: LCDR Orlando Hernandez Date: <u>November 14, 2022</u>
--

ORIGINAL - ALJ Docketing Center
 COPY - JOSEPH ROBERT MC CANN
 COPY - Suspension & Revocation NCOE



November 14, 2022

Dear Customer,

The following is the proof-of-delivery for tracking number: [REDACTED]

Delivery Information:

Status:	Delivered	Delivered To:	Residence
Signed for by:	J.MCCANN	Delivery Location:	[REDACTED]
Service type:	FedEx 2Day		
Special Handling:	Deliver Weekday; Residential Delivery; Adult Signature Required		[REDACTED]
		Delivery date:	Nov 14, 2022 12:22

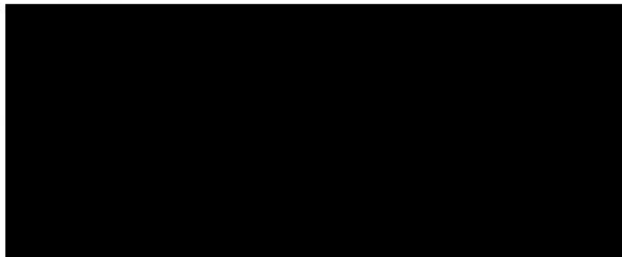
Shipping Information:

Tracking number:	[REDACTED]	Ship Date:	Nov 10, 2022
		Weight:	0.5 LB/0.23 KG

Recipient:
Joseph McCann
[REDACTED]

Shipper:
Nicholas Canfield,
100 Forbes Dr.
Martinsburg, WV, US, 25404

Reference	NMC-3.2
Department Number	8544-NMC



Thank you for choosing FedEx

UNITED STATES OF AMERICA U.S. DEPARTMENT OF HOMELAND SECURITY UNITED STATES COAST GUARD	
ADDRESS OF COAST GUARD UNIT: Detachment Chief Suspension & Revocation NCOE 100 Forbes Drive Martinsburg, WV 25404 INVESTIGATING OFFICER: LCDR Orlando Hernandez TELEPHONE: (304) 433-3751	FOR DOCKETING CENTER USE ONLY
COMPLAINANT: UNITED STATES COAST GUARD	
RESPONDENT: JOSEPH ROBERT MC CANN	DOCKET NUMBER 2022-0467
COMPLAINT	COAST GUARD ENFORCEMENT ACTIVITY NUMBER 7542659

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

Statutory Authority:	46 U.S.C. § 7703(1)(B)
Regulatory Authority:	46 C.F.R. § 5.27 Misconduct

Coast Guard records indicate the Respondent's address is as follows:

Street [REDACTED]		
City [REDACTED]	State [REDACTED]	Zip [REDACTED]
Phone [REDACTED]	E-mail [REDACTED]	

JURISDICTIONAL ALLEGATIONS

- Respondent is the holder of the following U.S. Coast Guard-issued Merchant Mariner Credential(s) [REDACTED]
- Between February 11, 2021 and April 30, 2021, Respondent acted under the authority of Merchant Mariner Credential # [REDACTED], by serving as Master aboard the vessel MAERSK MICHIGAN as required by law or regulation.

SHORT TITLE OF CASE	DOCKET NUMBER 2022-0467
U.S. Coast Guard v. JOSEPH ROBERT MC CANN	COAST GUARD ENFORCEMENT ACTIVITY NUMBER 7542659

1.

FACTUAL ALLEGATIONS-Misconduct

The Coast Guard alleges that:

1. Between February 11, 2021 and April 30, 2021, MAERSK MICHIGAN (Official Number 1214343), was a U.S.-flagged vessel owned by Maersk Line Limited, and operated by U.S. Marine Management Inc. (USMMI).
2. Between February 11, 2021 and April 30, 2021, Respondent was employed by USMMI, and assigned to MAERSK MICHIGAN as Master.
3. Between February 11, 2021 and April 30, 2021, Respondent made unwelcome sexual advances towards the Chief Cook by sending inappropriate text messages and making comments expressing a desire for a sexual relationship with her, which created an intimidating and hostile work environment for the Chief Cook.
4. Respondent's unwelcome sexual advances towards the Chief Cook while he was assigned as Master of the MAERSK MICHIGAN and she was the Chief Cook under his supervision, caused the Chief Cook serious emotional harm.
5. Respondent's negligent conduct of directly inflicting emotional harm on the Chief Cook is Misconduct as described by 46 U.S.C § 7703(1)(B) and as defined by 46 C.F.R § 5.27.
6. In aggravation: Respondent's sexual harassment of the Chief Cook, constitutes sexual molestation as described by 46 C.F.R § 5.61(a)(3).

2.

FACTUAL ALLEGATIONS-Misconduct

The Coast Guard alleges that:

1. Between February 11, 2021 and April 30, 2021, MAERSK MICHIGAN (Official Number 1214343), was a U.S.-flagged vessel owned by Maersk Line Limited, and operated by U.S. Marine Management Inc. (USMMI).
2. Between February 11, 2021 and April 30, 2021, Respondent was employed by USMMI, and assigned to MAERSK MICHIGAN as Master.
3. Between February 11, 2021 and April 30, 2021, USMMI had a policy that prohibited employees from committing acts of sexual harassment.

SHORT TITLE OF CASE	DOCKET NUMBER 2022-0467
U.S. Coast Guard v. JOSEPH ROBERT MC CANN	COAST GUARD ENFORCEMENT ACTIVITY NUMBER 7542659

4. Between February 11, 2021 and April 30, 2021, Respondent sexually harassed Chief Cook by sending inappropriate text messages and making comments expressing a desire for a sexual relationship which created an intimidating and hostile work environment for the Chief Cook.
5. Respondent's violation of USMMI's Anti-Discrimination, Anti-Harassment, Anti-Bullying, Equal Employment Opportunity and Code of Conduct Policy (Policy Letter 6168) is Misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 CFR § 5.27.
6. In aggravation: Respondent's sexual harassment of the Chief Cook, constitutes sexual molestation as described by 46 C.F.R § 5.61(a)(3).

3.

FACTUAL ALLEGATIONS-Misconduct

The Coast Guard alleges that:

1. Between February 11, 2021, and April 30, 2021, MAERSK MICHIGAN (Official Number 1214343), was a U.S.-flagged vessel owned by Maersk Line Limited, and operated by U.S. Marine Management Inc. (USMMI).
2. Between February 11, 2021, and April 30, 2021, Respondent was employed by USMMI, and assigned to MAERSK MICHIGAN as Master.
3. On or about April 01, 2021, while underway onboard MAERSK MICHIGAN, the Chief Cook communicated to Respondent she opposed Respondent's sexually harassing behavior towards her. Respondent's reaction to her opposition created adverse working conditions for the Chief Cook from on or about April 02, 2021 through April 30, 2021.
4. Respondent's violation of USMMI's Anti-Discrimination, Anti-Harassment, Anti-Bullying, Equal Employment Opportunity and Code of Conduct Policy (Policy Letter 6168) is Misconduct as described by 46 U.S.C. § 7703(1)(B) and defined by 46 CFR § 5.27.
5. In aggravation: Respondent's sexual harassment of the Chief Cook, constitutes sexual molestation as described by 46 C.F.R § 5.61(a)(3).


PROPOSED ORDER

The Coast Guard proposes Revocation.

SHORT TITLE OF CASE U.S. Coast Guard v. JOSEPH ROBERT MC CANN	DOCKET NUMBER 2022-0467 COAST GUARD ENFORCEMENT ACTIVITY NUMBER 7542659
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PROPOSED HEARING LOCATION

City, State: Freeport, NY

Received <hr/> <i>Respondent: Joseph Robert Mc Cann</i> Refused _____ IO's Initials _____	For the U.S. Coast Guard  <i>Investigating Officer: LCDR Orlando Hernandez</i> Date: 09 NOV 2022
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SHORT TITLE OF CASE	DOCKET NUMBER 2022-0467
U.S. Coast Guard v. JOSEPH ROBERT MC CANN	COAST GUARD ENFORCEMENT ACTIVITY NUMBER 7542659

RESPONDENT'S 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 for 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]

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.

SHORT TITLE OF CASE	DOCKET NUMBER 2022-0467
U.S. Coast Guard v. JOSEPH ROBERT MC CANN	COAST GUARD ENFORCEMENT ACTIVITY NUMBER 7542659

Certificate of Service for Complaint

I hereby certify that I have filed the foregoing document with the Administrative Law Judge Docketing Center by e-mail.

I hereby certify that I have filed the foregoing document upon the following parties (or their designated representatives) to this proceeding at the address indicated by Certified Mail, Return Receipt.

Joseph Robert Mc Cann



For the U.S. Coast Guard

LCDR Orlando Hernandez
Investigating Officer for the United States Coast Guard

Date: 09 NOV 2022