

**UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION**

IN THE MATTER OF:

Ethan Collins, Respondent

25-TSOB-0100

Response to Respondent's Reply Brief

Judith A. Gomez
Attorney Advisor
Department of Homeland Security
Transportation Security Administration
Chief Counsel – Mail Stop 02
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This matter is a request by Respondent, Ethan Collins, that the Transportation Security Oversight Board (TSOB) grant him a waiver to the 60-day filing deadline outlined in Title 6, Code of Federal Regulations (C.F.R.), § 126.13(a). Respondent has appealed to the TSOB for review of an Administrative Law Judge's (ALJ) May 30, 2024, Final Decision and Order ("Order" "Final Order") wherein the ALJ affirmed the Transportation Security Administration's (TSA, or Agency) determination that Respondent poses a security threat and, therefore, is ineligible to hold Federal Aviation Administration (FAA) certificates.

TSA respectfully submits the following Response to Respondent's Reply to TSA's Motion to Deny Waiver of Timeliness, pursuant to 6 C.F.R. § 126.13(e). Based on the evidence on the record and Respondent's repeated failures to provide evidence of due diligence and good cause, TSA respectfully maintains its request that the TSOB deny Respondent's appeal and motion to waive the timeliness.

I. ARGUMENT

A. Respondent's Response to TSA's Motion Opposing Waiver of Timeliness Lacks Any Evidence of Due Diligence or Good Cause as Required by Precedent and Regulations.

Title 6, Code of Federal Regulations (C.F.R.), § 126.13(d) requires the TSOB to reject and summarily dismiss a notice of appeal that is filed more than 60 calendar days after the date of the issuance of the ALJ's written decision. This regulation is compulsory not permissive. Respondent's blanket claim that he never received the ALJ's Final Order is insufficient to establish due diligence or good cause. The evidence shows that both Respondent's counsel and TSA were provided a copy of the ALJ's Order on May 30, 2024. *See* Attachment 1. If Respondent's claims are true, which the evidence before the TSOB puts into question, Respondent's grievances are with his previous counsel and he should pursue the necessary

remedies against his previous counsel, but this is not the venue, nor is it a justification to waive the timeliness as outlined by the courts.

Respondent has provided a very vague and incomplete copy of an email to support his claims that he did not receive a copy of the ALJ's Order until September 6, 2025, but TSA notes that he failed to provide any context of the email communication, such as a statement contained in the email to his attorney that the attorney failed to provide Respondent with a copy of the Order despite multiple requests for him to do so. Respondent could have provided evidence of his first attempt to retrieve the ALJ's Order from his attorney but did not.

Respondent claims he made multiple attempts to retrieve the Order from his attorney—which he boils down to a breakdown in attorney communication—but completely fails to provide any proof that he attempted to contact his attorney and obtain the Order such as emails sent to his attorney requesting the ALJ Order be provided. Respondent bears the burden of proving that he exercised due diligence and ordinary prudence and has failed to carry that burden here. Surely if Respondent could provide a copy of his most recent email communication with his attorney, he could have provided his alleged past communications wherein he allegedly attempted to obtain a copy of the ALJ's Order, but he chose not to do so, not once, but twice.

Respondent concedes in his supplemental declaration that he was aware a decision had been entered but again fails to show what steps he took prior to his September 6, 2025, email to his attorney to obtain the Order. TSA notes that Respondent filed his original appeal *pro se* and was in possession of both TSA's and the ALJ's contact information but made no attempt to reach out to either agency to obtain the Order, despite his attorney allegedly ignoring his requests for the same and Respondent knowing the Order had been issued. TSA has attached the ALJ's

Certificate of Service in addition to the email from the ALJ's Paralegal Specialist proving that the Respondent was provided with a copy of the ALJ's Order on May 30, 2024.

Finally, even if the TSOB were to accept Respondent's claim that he did not receive the ALJ's Order, he has failed to provide any articulable arguments or evidence to show how the ALJ's review of the evidence and his final order, wherein he upheld TSA's Determination of Security Threat, were not based on substantial evidence.

B. Respondent Has Stipulated to the Facts Reviewed by the ALJ and His Arguments that There Has Been No Recurrence of the Same Conduct that Led to His FAA Revocation is Irrelevant to the TSOB's Review of the ALJ's Order.

Title 6 of C.F.R. § 126.9(a) states, "A TSOB Review Panel reviews an ALJ's decision to address whether the decision is supported by substantial evidence in the record before the TSOB Review Panel." Respondent is seeking review from the TSOB based on evidence that is irrelevant to the TSOB's review of the ALJ's Order. The TSOB's review is limited to determining whether the ALJ's Order was based on substantial evidence in the record, yet Respondent is presenting arguments and evidence of rehabilitation and character references that have no bearing on the TSOB's review. Similarly, Respondent has submitted evidence of college courses, but college courses do not justify his failure to timely apply for the TSOB's review. The delay must have been caused by circumstances outside Respondent's control that affected his ability to comply with the regulatory time limits, or he endured an unavoidable casualty or misfortune which similarly shows a causal relationship to his inability to timely file his petition. *See Green v. Office of Personnel Management*, CH831L8510657, 1988 WL 10001, at 133 (M.S.P.B. Feb. 2, 1988). Attending college is not the sort of circumstance that was outside the Respondent's control that would have affected his ability to comply with the regulatory time limits, nor is it an avoidable casualty or misfortune.

Respondent's alleged rehabilitation is not at issue here, nor is it for the TSOB to evaluate. If Respondent believes he has been properly rehabilitated, he can reapply for his certificates through the proper channels such as the Federal Aviation Administration (FAA) and TSA, who are the authorities responsible for and who have the subject matter experts to evaluate such claims.

II. CONCLUSION

For the reasons outlined above, TSA respectfully requests that the TSOB reject and summarily dismiss Respondent's Notice of Appeal and Request for a Waiver of Timeliness for failure to establish good cause in accordance with 6 C.F.R. § 126.13(d).

Respectfully Submitted,

Date: January 2, 2026

A handwritten signature in black ink that reads "Judith A. Gomez". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Judith A. Gomez, Attorney-Advisor
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of January 2026, a true and correct copy of this Motion Opposing Waiver of Timeliness for the Transportation Security Administration was sent as indicated to each of the following via the methods noted below:

TSOB Docket Clerk
Office of the General Counsel
Department of Homeland Security
Washington, DC, 20528-0485
Email: TSOB_Docket@hq.dhs.gov
Sent via Email

ALJ Hearing Docketing Clerk
Hearing Docket Clerk
United States Coast Guard
ALJ Docketing Center
40 South Gay Street, Room 412
Baltimore, Maryland 21202-4022
Email: aljdocketcenter@uscg.mil
Phone: (410) 962-5100
Fax: (410) 962-1742
Sent via Email

Respondent
Ethan Jeffrey Collins
1929 Leander Drive
West Columbia, SC 29169
Email: ethanjcollins@student.midlandstech.edu
Phone: (803) 704-4422
Sent via Email

ATTACHMENT 1

From: [Mulmore, Nicole E CIV \(USA\)](#)
To: [Gomez, Judith A](#)
Cc: [Meus, Lauren M CIV USCG \(USA\)](#); [Johns, John C CIV DHS \(USA\)](#)
Subject: FW: Decision and Order 22-TSA-0105 Ethan Collins
Date: Tuesday, November 25, 2025 10:24:51 AM
Attachments: [image001.jpg](#)
[Decision and Order.pdf](#)

Good morning, Ms. Gomez,

Here is the Order you requested along with the email chain below.

Thanks,

Nicole E. Mulmore
Paralegal Specialist to
Hon. Brian J. Curley
Acting Chief Administrative Law Judge
United States Coast Guard
500 Poydras St., Suite 1211
New Orleans, LA 70130
Ofc: 504-671-2210
Teams: 571-607-5456

From: Mulmore, Nicole E CIV (USA)
Sent: Thursday, May 30, 2024 11:34 AM
To: D05-SMB-ALJBALT-ALJDocket <D05-SMB-ALJBALT-ALJDocket@uscg.mil>; Itami, Brian <Brian.Itami@tsa.dhs.gov>; Geoffrey Chambers <g.k.chambers@gmail.com>; Johns, John C CIV DHS (USA) <John.C.Johns@uscg.mil>; Staiti, Lauren S CIV USCG (USA) <Lauren.S.Staiti@uscg.mil>; Meus, Lauren M CIV USCG (USA) <Lauren.M.Meus@uscg.mil>
Subject: Decision and Order 22-TSA-0105 Ethan Collins

Parties,

Please see the attached Decision and Order in the above entitled case.

Thanks,



Nicole E. Mulmore
Paralegal Specialist to
Hon. Brian J. Curley
USCG Admn. Law Judge
500 Poydras St. #1211
New Orleans, LA 70130
504.671.2210 (desk)
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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing **DECISION AND ORDER** upon the following parties (or designated representatives) at the addresses indicated below.

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ALJ Docketing Center
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40 S. Gay Street, Room 412
Baltimore, MD 21202
Email: aljdocketcenter@uscg.mil
Sent by Email

Done and dated this 30th of May 2024, at
New Orleans, LA

/s/

Nicole E. Mulmore
Paralegal Specialist