



UNITED STATES COAST GUARD

**REPORT OF THE INVESTIGATION
INTO THE
COMMERCIAL FISHING VESSEL LADY ELLEN
(O.N. 625371) CREWMEMBER LOSS OF LIFE IN
TANGIER SOUND NEAR DEAL ISLAND, MD ON
JULY 23, 2024**



MISLE ACTIVITY NUMBER: 7965695

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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16732/IIA # 7965695
27 April 2026

**FALL OVERBOARD AND SUBSEQUENT LOSS OF ONE LIFE FROM THE
COMMERCIAL FISHING VESSEL LADY ELLEN (O.N. 625371) WHILE FISHING
IN TANGIER SOUND NEAR DEAL ISLAND, MARYLAND ON JULY 23, 2024**

ACTION BY THE COMMANDANT

The record and the report of the investigation completed for the subject casualty have been reviewed. The record and the report, including the findings of fact, analyses, conclusions, and recommendations, are approved subject to the following comments. This marine casualty investigation is closed.

ACTION ON RECOMMENDATIONS

Recommendation 1: Recommend the Commandant's U.S. Coast Guard (USCG) Office of Commercial Vessel Compliance – Fishing Vessel Compliance (CG-CVC-3) amend Commercial Fishing Vessel Safety (CFVS) compliance examinations to include a mandate for all Commercial Fishing Vessels (CFV), regardless of operating area. Title 46 United States Code (USC) Subchapter 4502(f) requires a dockside examination for CFVs which operate beyond three nautical miles from the territorial sea baseline at least once every five years. The USCG advises safety examinations to be completed every two years to maintain currency of the CFVS compliance decals. CFVS examinations include a thorough check of applicable safety equipment and procedures required for each vessel, indicating compliance with Title 46 Code of Federal Regulations (CFR) Subchapter C requirements. Amending this requirement to mandate safety examinations for all documented CFVs would significantly bolster safety standards across the fishing fleet, dramatically reducing the risk of marine casualties and preventing the loss of life.

Action: I do not concur with this recommendation. The investigation of the LADY ELLEN identified that a primary contributing factor to the incident was the vessel operator's decision to not participate in the USCG's voluntary dockside safety examination program after 2008. The operator's failure to engage with existing and readily available safety resources is not indicative of a gap in the existing regulatory framework for CFVs.

Recommendation 2: Recommend Commandant CG-CVC-3 amend 46 CFR § 28.265 and § 28.270 to expand requirements for emergency instructions and drills, to include all documented CFVs, regardless of operating area. The requirement is currently only applicable to documented vessels that operate beyond the boundary lines or with more than 16 individuals on board, or for fish tender vessels engaged in the Aleutian trade. Expanding the scope of this requirement will significantly enhance readiness and operational efficiency for all commercial fishermen by ensuring consistent procedure implementation and comprehensive training, ultimately improving survivability and reducing recovery times in the event of a man overboard.

Action: I do not concur with this recommendation. The investigation's Findings of Fact indicate that this marine casualty was the result of poor decision-making and a disregard for fundamental safety protocols by the vessel's crew, rather than a failure of regulatory oversight. Of particular note, the investigation identified that the deceased crew member was found to have illicit drugs in his system. The USCG Office of Investigations and Casualty Analysis' statistics show substance abuse usage while commercially fishing can directly impact judgment and safety. Specifically, substance abuse is known to severely impair coordination, judgment, and the physiological ability to survive in the water, which can increase the risk of falling overboard and drowning. While training and drills are foundational to safety, their effectiveness is negated when an individual is impaired by substance abuse.

Furthermore, the Report of Investigation (ROI) provides no evidence to support the claim that a lack of training or skill contributed to this casualty. The crew's extensive operational history suggests they possessed the requisite knowledge for safe operations. The Master's competence was demonstrated by his successful maneuver of the vessel directly to the position of the crew member in the water. The subsequent failure to retrieve the crew member was hampered by the individual's own impaired state, which likely prevented him from assisting in his own rescue.

Recommendation 3: Recommend the Commandant, amend the regulations in 46 CFR § 28.110 to expand the wear and size requirements for personal floatation devices (PFD) and immersion suits, but it does not address when they shall be worn. Fisherman often neglect wearing a PFD due to the potential interference with fishing operations (entanglement or restricted movement), perceived lack of need for, and discomfort while wearing one. Type V commercial hybrid PFDs and work vests are significantly less bulky yet still provide an adequate level of protection should someone fall overboard while wearing one. Implementing a requirement to wear a Type V hybrid PFD or work vest while engaged in operations which involve leaning over or working near the side of the vessel would immensely enhance survivability and significantly reduce recovery times for commercial fishermen following a fall overboard.

Action: I do not concur with this recommendation. A mandatory PFD requirement aboard CFVs can introduce operational hazards that are as significant as the risks the safety measure aims to prevent. The vest's bulk and straps present an entanglement liability with rigging, winches, and other deck machinery, creating the potential for an accident where the PFD itself is the primary cause. Furthermore, PFDs restrict the agility and range of motion essential for performing demanding physical tasks and, more critically, for moving quickly to evade hazards. This physical reality underscores the flaw in a blanket mandate. Such a rule would undermine the expertise of seasoned professionals, impeding their ability to determine the appropriate safety posture based on the specific task, environmental conditions, and their expert judgment.

It is important to note that the USCG has published voluntary guidance encouraging crews to wear activity-appropriate PFDs while working on the decks of CFVs. This guidance has been recommended by the National Commercial Fishing Safety Advisory Committee (NCF SAC).

The Commercial Fishing Industry Vessels Best Safety Practices Guide states the following:

It is advised that every person on board the vessel, when on an open deck—particularly at night, when alone, during gear setting or hauling, in adverse weather, while crossing

hazardous bars, or when other risks are present—wear an activity-appropriate flotation device with sufficient buoyancy to keep the wearer afloat. This device may be used in addition to, but not as a replacement for, the PFDs required by 46 CFR Part 28. (The use of a non-USCG-approved PFD is not a violation, provided the required PFDs are also on board).

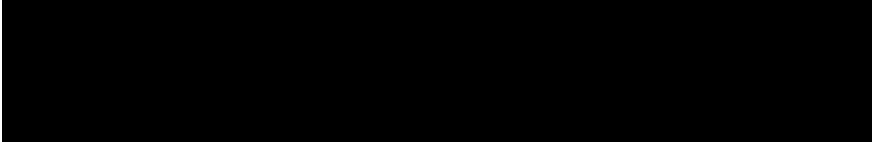
Recommendation 4: Recommend the Commandant, USCG establish a requirement for credentialing of operators of CFVs over 36 feet in length. Despite the established credentialing requirements for other segments of the commercial marine industry, the USCG has not yet implemented similar standards for CFVs. A significant portion of the U.S. fishing fleet, including an estimated 25,600 vessels greater than 36 feet in length according to the National Marine Fisheries Service, would benefit from such a mandate, aligning with the vessel length criteria outlined in 46 CFR § 25.26-5. This alignment would ensure that CFV operators are credentialed, thereby promoting safety through a chemical testing program that includes pre-employment, random, and reasonable cause testing, along with post-casualty testing requirements mandated by 46 CFR § 16. Establishing this credentialing requirement would standardize operational competencies, strengthen drug and alcohol procedures, and significantly enhance overall safety for operators of larger CFVs.

Action: I do not concur with this recommendation. The investigation's Findings of Fact indicate that the marine casualty resulted from a lack of prudent decision-making by both the vessel Master and the deceased crew member.

Key contributing factors included:

- Non-adherence to a zero-tolerance drug policy.
- Failure to wear activity-appropriate PFDs on deck.
- The absence of a retrieval plan for a person-overboard event.

Furthermore, the ROI lacks sufficient facts to support a requirement for mariners on this class of CFV to hold a Merchant Mariner Credential (MMC). The Master and crewmember had numerous years (44 years and 30 years, respectively) operating on board the vessel involved in the incident and 94 years combined experience working in the maritime fishing industry without any previous incidents. This extensive experience provided them sufficient practical boating safety and emergency knowledge to safely operate this vessel. Therefore, the causal factors for this incident do not indicate that current credentialing requirements are inadequate and the evidence collected during the investigation does not justify pursuing statutory authority to mandate MMCs for operators of CFVs over 36 feet.



R. C. COMPHER
Captain, U.S. Coast Guard
Director of Inspections and Compliance (CG-5PC)



16732
November 10, 2025

**COMMERCIAL FISHING VESSEL LADY ALLEN (O.N. 625371) CREWMEMBER
LOSS OF LIFE IN TANGIER SOUND NEAR DEAL ISLAND, MD ON JULY 23, 2024.**

ENDORSEMENT BY THE COMMANDER, COAST GUARD EAST DISTRICT

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved. It is recommended that this marine casualty investigation be closed.

ENDORSEMENT ON RECOMMENDATIONS

Safety Recommendation 8.1.1: Recommend the Commandant's Office of CFV Compliance (CG-CVC-3) amend CFVS compliance examinations to include a mandate for all CFVs, regardless of operating area. 46 USC Subchapter 4502(f) requires a dockside examination for CFVs which operate beyond three nautical miles from the territorial-sea baseline at least once every five years. The Coast Guard advises safety examinations to be completed every two years to maintain currency of the CFVS compliance decals. CFVS examinations include a thorough check of applicable safety equipment and procedures required for each vessel, indicating compliance with 46 CFR Subchapter C requirements. Amending this requirement to mandate safety examinations for all documented CFVs would significantly bolster safety standards across the fishing fleet, dramatically reducing the risk of marine casualties and preventing the loss of life.

Endorsement: Partially Concur – While I agree that expanding the scope of mandatory safety examinations to include all documented Commercial Fishing Vessels (CFV) would significantly enhance safety standards across the industry, reduce the risk of marine casualties, and help prevent the loss of life, I believe further analysis is needed to assess the potential operational, resource, and economic implications of this change. Specifically, the impact on Coast Guard personnel and the ability to effectively enforce compliance across a larger pool of vessels should be carefully evaluated. Additionally, an economic study should be conducted to assess how this mandate might affect the CFV industry, including potential costs to vessel operators, impacts on productivity, and the financial feasibility of compliance for smaller operators. I recommend conducting a detailed feasibility study, including an economic impact analysis, to address these concerns and ensure the proposed amendment can be effectively implemented without undue burden on industry or compromising the Coast Guard's ability to fulfill other critical missions.

Safety Recommendation 8.1.2: Recommend the Commandant's Office of CFV Compliance

(CG-CVC-3) amend Title 46 CFR Subpart 28.265 and 28.270 to expand requirements for emergency instructions and drills, to include all documented CFVs, regardless of operating area. The requirement is currently only applicable to documented vessels that operate beyond the boundary lines or with more than 16 individuals on board, or for fish tender vessels engaged in the Aleutian trade. Expanding the scope of this requirement will significantly enhance readiness and operational efficiency for all commercial fishermen by ensuring consistent procedure implementation and comprehensive training, ultimately improving survivability and reducing recovery times in the event of a man overboard.

Endorsement: Do Not Concur – The investigation revealed that the master/operator had over 50 years of experience in the CFV industry, while the deceased crewmember had over 30 years of experience in the same field. This was a two-man operation with very experienced personnel, and the master responded to the man overboard incident in accordance with his extensive experience conducting CFV operations. The investigation did not identify any emergency procedures or drills that could have changed the outcome of this casualty.

Safety Recommendation 8.1.3: Recommend the Commandant, U.S. Coast Guard amend the regulations in 46 CFR Subpart 28.110 to expand requirements by including language that specifically mandates the wearing of PFDs for Crewmembers who work on exposed decks or are engaged in fishing operations requiring leaning over the side of the vessel. The regulation addresses the number, type, stowage, and size requirements for PFDs and immersion suits, but it does not address when they shall be worn. Fisherman often neglect wearing a PFD due to the potential interference with fishing operations (entanglement or restricted movement), perceived lack of need for, and discomfort while wearing one. Type V commercial hybrid PFDs and work vests are significantly less bulky yet still provide an adequate level of protection should someone fall overboard while wearing one. Implementing a requirement to wear a Type V hybrid PFD or work vest while engaged in operations which involve leaning over or working near the side of the vessel would immensely enhance survivability and significantly reduce recovery times for commercial fishermen following a fall overboard.

Endorsement: Concur with Intent – Since the incident, the Coast Guard has published the *Commercial Fishing Industry Vessels Best Safety Practices Guide*, which includes a critical recommendation for wearing activity-appropriate Coast Guard-approved life jackets or buoyant work vests when working over or near water where the risk of drowning exists. This recommendation aligns with similar federal regulations under the Occupational Safety and Health Administration's jurisdiction in 29 CFR § 1926.106. The guidance specifically states: "It is recommended that every person on board the vessel, when on an open deck (especially at night, when alone, when gear is being set/hailed, in bad weather, crossing hazardous bars, or when other hazards exist), wear an activity-appropriate flotation device of sufficient buoyancy to keep the wearer afloat. The device may be in addition to but not replacing the Personal Flotation Devices (PFDs) required by 46 CFR § Part 28. (Use of a non-Coast Guard approved PFD is not a violation as long as the required PFDs are also onboard)." To enhance safety standards and mitigate the risk of drowning incidents, I strongly recommend the widespread promulgation of these best practices through all available avenues within the Coast Guard's outreach and communication capabilities. Specifically, the use of activity-appropriate flotation devices with sufficient buoyancy should be emphasized as a critical safety measure for the industry. This effort could include targeted

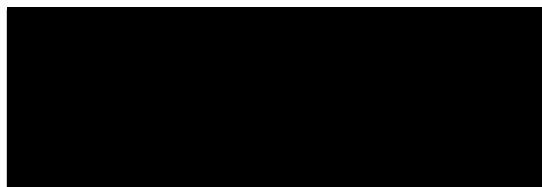
outreach initiatives such as industry publications, comprehensive training programs, social media campaigns, direct communication with commercial fishing vessel (CFV) operators, and collaborative partnerships with industry stakeholders.

Safety Recommendation 8.1.4: Recommend the Commandant, U.S. Coast Guard establish a requirement for credentialing of operators of CFVs over 36 feet in length. Despite the established credentialing requirements for other segments of the commercial marine industry, the Coast Guard has not yet implemented similar standards for CFVs. A significant portion of the U.S. fishing fleet, including an estimated 25,600 vessels greater than 36 feet in length according to the National Marine Fisheries Service, would benefit from such a mandate, aligning with the vessel length criteria outlined in 46 CFR Subpart 25.26-5. This alignment would ensure that CFV operators are credentialed, thereby promoting safety through a chemical testing program that includes pre-employment, random, and reasonable cause testing, along with the post-casualty testing requirements mandated by 46 CFR Part 16. Establishing this credentialing requirement would standardize operational competencies, strengthen drug and alcohol procedures, and significantly enhance overall safety for operators of larger CFVs.

Endorsement: Partially Concur – Although the investigation did not yield relevant evidence regarding the captain/operator’s ability to safely maneuver the vessel or the positive use of drugs or alcohol, regardless of Coast Guard mariner credentials, I firmly believe that establishing a drug and alcohol testing program for CFV mariners would significantly enhance industry standards and improve safety. I recommend conducting comprehensive research to thoroughly evaluate the feasibility of this initiative. This should include defining the specific dimensions of CFV that should fall under this requirement, analyzing operational routes, and assessing other critical factors to ensure informed and effective implementation. Additionally, a detailed feasibility and cost analysis should be conducted to assess the practicality and potential impacts of establishing tailored requirements for a drug and alcohol testing program specific to the CFV industry. These efforts would enhance safety, promote accountability and professionalism within the industry, and contribute significantly to the protection of lives, property, and the marine environment.

Administrative Recommendation 2. Recommend this investigation be closed.

Endorsement: Concur. The Coast Guard East District agrees with the analysis and conclusions of the Investigating Officer and the endorsement of the Officer in Charge, Marine Inspection. No further action is required by the Coast Guard.



MATTHEW J. MESKUN
Captain, U.S. Coast Guard
Chief, Prevention Division

Enclosures: (1) Endorsement by the Officer in Charge, Marine Inspection
(2) Executive Summary
(3) Investigating Officer’s Report



16732
October 7, 2025

**COMMERCIAL FISHING VESSEL LADY ELLEN (O.N. 625371) CREWMEMBER
LOSS OF LIFE IN TANGIER SOUND NEAR DEAL ISLAND, MD ON JULY 23, 2024**

ENDORSEMENT BY THE OFFICER IN CHARGE, MARINE INSPECTION

The record and the report of the investigation convened for the subject casualty were reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved. It is recommended that this marine casualty investigation be closed.

ENDORSEMENT ON RECOMMENDATIONS

Safety Recommendation 1: Recommend the Commandant's Office of CFV Compliance (CG-CVC-3) amend CFVS compliance examinations to include a mandate for all CFVs, regardless of operating area. 46 USC Subchapter 4502(f) requires a dockside examination for CFVs which operate beyond three nautical miles from the territorial sea baseline at least once every five years. The Coast Guard advises safety examinations to be completed every two years to maintain currency of the CFVS compliance decals. CFVS examinations include a thorough check of applicable safety equipment and procedures required for each vessel, indicating compliance with 46 CFR Subchapter C requirements. Amending this requirement to mandate safety examinations for all documented CFVs would significantly bolster safety standards across the fishing fleet, dramatically reducing the risk of marine casualties and preventing the loss of life.

Endorsement 1: Concur with the Safety recommendation proposed by the Investigating Officer.

Safety Recommendation 2: Recommend the Commandant's Office of CFV Compliance (CG-CVC-3) amend Title 46 CFR Subpart 28.265 and 28.270 to expand requirements for emergency instructions and drills, to include all documented CFVs, regardless of operating area. The requirement is currently only applicable to documented vessels that operate beyond the boundary lines or with more than 16 individuals on board, or for fish tender vessels engaged in the Aleutian trade. Expanding the scope of this requirement will significantly enhance readiness and operational efficiency for all commercial fishermen by ensuring consistent procedure implementation and comprehensive training, ultimately improving survivability and reducing recovery times in the event of a man overboard.

Endorsement 2: Concur with the Safety recommendation proposed by the Investigating Officer.

Safety Recommendation 3: Recommend the Commandant, U.S. Coast Guard amend the regulations in 46 CFR Subpart 28.110 to expand requirements by including language that specifically mandates the wearing of PFDs for Crewmembers who work on exposed decks or are engaged in fishing operations requiring leaning over the side of the vessel. The regulation addresses the number, type, stowage, and size requirements for PFDs and immersion suits, but it does not address when they shall be worn. Fisherman often neglect wearing a PFD due to the potential interference with fishing operations (entanglement or restricted movement), perceived lack of need for, and discomfort while wearing one. Type V commercial hybrid PFDs and work vests are significantly less bulky yet still provide an adequate level of protection should someone fall overboard while wearing one. Implementing a requirement to wear a Type V hybrid PFD or work vest while engaged in operations which involve leaning over or working near the side of the vessel would immensely enhance survivability and significantly reduce recovery times for commercial fishermen following a fall overboard.

Endorsement 3: Concur with the Safety recommendation proposed by the Investigating Officer.

Safety Recommendation 4: Recommend the Commandant, U.S. Coast Guard establish a requirement for credentialing of operators of CFVs over 36 feet in length. Despite the established credentialing requirements for other segments of the commercial marine industry, the Coast Guard has not yet implemented similar standards for CFVs. A significant portion of the U.S. fishing fleet, including an estimated 25,600 vessels greater than 36 feet in length according to the National Marine Fisheries Service, would benefit from such a mandate, aligning with the vessel length criteria outlined in 46 CFR Subpart 25.26-5. This alignment would ensure that CFV operators are credentialed, thereby promoting safety through a chemical testing program that includes pre-employment, random, and reasonable cause testing, along with the post-casualty testing requirements mandated by 46 CFR Part 16. Establishing this credentialing requirement would standardize operational competencies, strengthen drug and alcohol procedures, and significantly enhance overall safety for operators of larger CFVs.

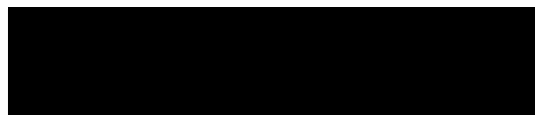
Endorsement 4: Concur with the Safety recommendation proposed by the Investigating Officer.

Administrative Recommendation 1: No administrative recommendations have been made for violations identified in paragraph 6.4. The master has since completed a voluntary CFVS examination to comply with regulations and prevent violation recurrence.

Endorsement 1: Concur with not pursuing enforcement for the violations identified.

Administrative Recommendation 2: It is recommended that this investigation be closed.

Endorsement 2: Concur with the analysis and conclusions of the Investigating Officer.



PATRICK C. BURKETT
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection



16732
October 23, 2024

COMMERCIAL FISHING VESSEL LADY ELLEN (O.N. 625371) CREWMEMBER LOSS OF LIFE IN TANGIER SOUND NEAR DEAL ISLAND, MD ON JULY 23, 2024

EXECUTIVE SUMMARY

On July 23, 2024, at approximately 0500, the commercial fishing vessel LADY ELLEN (O.N. 625371) departed Corbin's Seafood dock in Chance, MD, for an eight-hour fishing excursion to gather crabs. The vessel had a two-person crew, consisting of the master and a crewmember (CM). At approximately 0530, the LADY ELLEN arrived at their fishing grounds of Mud Rock in Tangier Sound near Deal Island, MD. The crew began checking the crab pots that were previously set in the area. The observed weather conditions in Tangier Sound were six to eight knot winds from the southwest with less than one-foot seas, air temperature was 82 degrees Fahrenheit, water temperature was 79 degrees Fahrenheit, and skies were partly cloudy.

While the vessel was transiting to the next line of crab pots at approximately 0815, the master, who was at the helm, heard a commotion followed by a splash from behind him, and turned to investigate. The master realized that the CM who was standing on the starboard mid-deck, was no longer aboard the vessel and had fallen overboard. The master immediately maneuvered the vessel astern until the starboard bow was positioned towards the CM in the water. Several unsuccessful attempts were made by the master to retrieve the CM. The CM disappeared beneath the water's surface as the master went into the vessel's cabin to grab the ring life buoy (RLB).

Emergency responders from Coast Guard Station Crisfield, Coast Guard Air Station Atlantic City, Somerset County Sheriff's and Fire Department, Maryland Natural Resources Police (MNRP), Maryland State Police Aviation (SYSCOM), and Somerset County's Critical Incident Services (CIS) arrived on scene to search for the missing CM. On July 25, 2024, at approximately 1602, the CM's body was recovered near the shoreline of Deal Island by MNRP and transferred via Davis Transport to the State of Maryland's Office of the Chief Medical Examiner (OCME) in Baltimore, Maryland for an autopsy. The cause of death was determined to be drowning, complicated by the presence of cocaine in the CM's system. The manner of death was ruled accidental.

Through its investigation, the Coast Guard determined the initiating event for this marine casualty was the CM falling into the water. This was followed by the subsequent drowning death of the CM. The causal factors contributing to this casualty include: (1) Lack of perimeter railing to prevent falls overboard, (2) The CM was under the influence of cocaine, (3) Failure of CM to wear a personal floatation device, (4) Lack of immediately available RLB, and (5) Lack of emergency procedures and training.



16732
October 23, 2024

**COMMERCIAL FISHING VESSEL LADY ELLEN (O.N. 625371) CREWMEMBER
LOSS OF LIFE IN TANGIER SOUND NEAR DEAL ISLAND, MD ON JULY 23, 2024**

INVESTIGATING OFFICER'S REPORT

1. Preliminary Statement

1.1. This marine casualty investigation was conducted, and this report was submitted in accordance with Title 46, Code of Federal Regulations (CFR), Subpart 4.07, and under the authority of Title 46, United States Code (USC) Chapter 63.

1.2. The Investigating Officer did not designate any individuals, organizations, or parties as a party-in-interest in accordance with 46 CFR Subsection 4.03-10.

1.3. The Coast Guard was the lead agency for all evidence collection activities pertaining to this investigation. Somerset County Sheriff's and Fire Department, Maryland Natural Resources Police (MNRP), Maryland State Police Aviation (SYSCOM), and Somerset County's Critical Incident Services responded on scene and assisted with initial response, evidence collection, and next-of-kin notifications. MNRP conducted an internal after-action incident report, MNRP-24-00854, and provided a copy to the Coast Guard upon completion. No other individuals or organizations assisted in this investigation.

1.4. All times listed in this report are in Eastern Standard Time using a 24-hour format and are approximate.

2. Vessel Involved in the Incident

Official Name:	LADY ELLEN
Identification Number:	625371 – Official Number (US)
Flag:	United States
Vessel Class/Type/Sub-Type	Fishing Vessel / Fish Catching Vessel / General
Build Year:	1980
Gross Tonnage:	12 GT
Length:	41.3 feet
Beam/Width:	12.6 feet
Draft/Depth:	3.6 feet
Main/Primary Propulsion: (Configuration/System Type, Ahead Horsepower)	Inboard Diesel Engine (400 Ahead/Astern HP)

Owner/Operator:	<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> Chance, Maryland, USA
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Figure 1. Photograph of LADY ELLEN post-incident moored at Corbin’s Seafood private dock in Chance, MD. This photo was taken by the attending U.S. Coast Guard Investigating Officer on 23Jul2024.

3. Deceased, Missing, and/or Injured Persons

Relationship to Vessel	Sex	Age	Status
Crewmember	Male	58	Deceased

4. Findings of Fact

4.1. The Incident:

4.1.1. On July 23, 2024, at approximately 0500 hours, the commercial fishing vessel (CFV) LADY ELLEN (O.N. 625371) departed Corbin’s Seafood dock in Chance, MD, for an eight-hour crab potting trip. The vessel had a two-person crew, consisting of the Master and Crewmember.

4.1.2. At 0530 hours, the LADY ELLEN arrived at their fishing grounds near Mud Rock in Tangier Sound off Deal Island, MD. The water depth in the area was approximately 16 feet. The observed weather conditions in vicinity of Tangier Sound consisted of partly cloudy skies, winds were six to eight knots out of the southwest, seas were less than one foot, air temperature was 82 degrees Fahrenheit, and water temperature was 79 degrees Fahrenheit.

4.1.3. The Master and Crewmember began checking their previously set crab pots, moving from one crab pot to the next. The Crewmember was wearing blue oilskins (fishing bibs), blue gloves, and grey boots, but was not wearing a personal floatation device (PFD).

4.1.7. At 0930 hours, LADY ELLEN departed the search area and returned to the Master's private dock in Chance, MD, where it safely moored. The Master, distraught from the ongoing search for the Crewmember, returned to his residence to be with his family and await any updates from emergency responders.

4.1.8. At 1030 hours, MNRP collected witness statements with family members, gathered preliminary evidence, and made next-of-kin (NOK) notifications. The Crewmember's daughter was determined as his NOK. Alcohol testing devices were not available on the vessel and the responding MNRP officers did not determine a reasonable suspicion to conduct alcohol testing of the Master.

4.1.9. At 1630 hours, the Master, who was directly involved in the incident, underwent chemical testing for evidence of drug use in accordance with 46 CFR Subpart 4.06; results were negative. The Master's arrival at the testing facility was outside of the eight-hour alcohol testing window, therefore, alcohol testing of the Master was not conducted.

4.1.10. At 1815 hours, the Coast Guard suspended search efforts after saturating the search area with numerous multi-agency air, marine, and drone resources and yielding no success in locating the Crewmember. Search efforts were conducted utilizing side scan sonar and visual surface search patterns.

4.1.11. On July 25, 2024, at 1602 hours, the deceased body of the Crewmember was located via surface search by MNRP marine units along the shoreline of a private residence on Deal Island. The body was recovered by MNRP and transferred via Davis Transport to the State of Maryland's Office of the Chief Medical Examiner (OCME) in Baltimore, Maryland for an autopsy. A subsequent autopsy determined the cause of death to be drowning, complicated by cocaine use, and the manner of death was ruled accidental. Toxicology results revealed the presence of cocaine and benzoylecgonine, with an ethanol level of 0.07 percent.



Figure 3. A starboard quarter aspect showing LADY ELLEN's low bulwarks and lack of perimeter railing or courses. The photo was taken by the attending U.S. Coast Guard Investigating Officer on 23Jul2024 at Corbin's Seafood dock in Chance, MD.

4.2. Additional/Supporting Information:

4.2.1. The LADY ELLEN was an uninspected 41.3-foot wooden-hulled CFV built in 1980, arranged for oystering and crabbing operating within three nautical miles of the baseline. It was well-deck constructed with solid bulwarks located approximately three feet from the deck and waterline. There were no additional deck railing or courses installed. LADY ELLEN was homeported at the Master's private crab house dock, Corbin's Seafood, in Chance, MD.

4.2.2. LADY ELLEN held a valid Certificate of Documentation with a fishery endorsement and received a voluntary commercial fishing vessel safety (CFVS) dockside examination in January of 2008. As a result, a two-year CFVS decal 07-147170 was issued in compliance with applicable regulations listed in 46 CFR Subchapter C but had not participated CFVS program since 2008. LADY ELLEN was boarded twice by the Coast Guard in 2009 to verify compliance with various laws regarding fisheries, safety and environmental protection, with no deficiencies or violations issued. LADY ELLEN's typical manning was a Master and Crewmember.

4.2.3. LADY ELLEN did not have formal policies, procedures, or instructions for the conduct of daily operations, maintenance, or emergency protocols. There were no drills or training conducted, and no mandate for personnel to wear a PFD while working on deck. There was one Type I PFD stored within LADY ELLEN's cabin. 46 CFR Subchapter C requires each vessel not carrying passengers and 40 feet in length or longer to have at least one Type I or Type V commercial hybrid PFD for each person on board.

4.2.4. The Master owned/operated LADY ELLEN for approximately 44 years and worked in the maritime fishing industry for more than 50 years. He did not hold a valid Merchant Mariner Credential, nor was one required by regulation.

4.2.5. The Crewmember worked aboard LADY ELLEN for approximately 30 years and worked in the maritime fishing industry for approximately 44 years. He did not hold a Merchant Mariner Credential, nor was one required by regulation. He was highly regarded by his community, family, and friends and was considered family by the Master.

4.2.6. When the Crewmember embarked LADY ELLEN, he was six feet and one inch in height, weighed 159 pounds, and a subsequent medical autopsy revealed a diagnosis of mild atherosclerotic coronary artery disease. The investigation revealed that he rarely went to the doctor so there were no known medical issues, but he was a known cocaine user who consumed alcohol, according to his NOK. He was able to swim by the account of the Master.

4.2.7. An examination of the Master's work/rest history for 96-hours prior to the incident provided no indication of impairment or inability to perform assigned duties as required.

4.2.8. An examination of the Crewmember's work/rest history for 96 hours prior to the incident was not collected as there was no means to accurately account for the past 96 hours.

5. Analysis

5.1. **Lack of perimeter railing to prevent falls overboard.** The Crewmember fell into the water while the Master was at the helm, facing forward and steering the vessel. The Crewmember was positioned amidships on the starboard side, awaiting arrival at the next line of crab pots. LADY ELLEN lacked additional railing support, leaving large openings above the bulwarks just a few feet from the waterline. As a result of fishing, the decks were likely wet due to the maneuvering of crab pots in and out of the water which likely increased the risk for falls overboard. Bulwarks play a crucial role in preventing falls overboard, particularly in conjunction with sturdy rails to prevent individuals from unintentionally falling into the water. While not required for LADY ELLEN under 46 CFR Subpart 28.410(b), installing permanent deck railings or guardrails at appropriate heights (at least 39.5 inches from the deck) around areas where crew regularly work and transit—particularly during transit—could significantly enhance safety aboard the vessel. While the presence of railing support or guardrails around the amidships perimeter could impede LADY ELLEN's normal operations, it may have prevented the Crewmember from falling into the water.

5.2. **The Crewmember was under the influence of cocaine.** A post-mortem toxicology report was conducted during the autopsy of the Crewmember by the OCME. While the Master did not observe cocaine use by the Crewmember or any signs of impairment prior to the incident, the investigation revealed that the Crewmember had been a user of cocaine. Cocaine (0.14 milligrams per liter) and Benzoylcegonine (2.5 milligrams per liter) were detected in the Crewmember's decomposition fluid. The Master recalled that the Crewmember struggled to grasp any available means of assistance after falling into the water, suggesting possible impairment due to substance use. The autopsy determined the cause of death to be drowning, complicated by cocaine use. It is likely that the effects of cocaine contributed to a state of medical distress, which may have played a role in the Crewmember's fall overboard and subsequent drowning.

5.3. **Failure of Crewmember to wear a PFD.** The Crewmember was wearing oilskins (fishing bibs), boots and gloves when he fell overboard, and was not wearing a PFD. Despite there being a Type I PFD aboard LADY ELLEN, it was common practice for the crew to work without one, potentially due to interference with normal operations, perceived lack of need, and discomfort while wearing one. Had the Crewmember been wearing a PFD when he fell into the water, it could have kept him afloat and prevented the subsequent drowning.

5.4. **Lack of immediately available RLB.** LADY ELLEN had not completed a CFVS dockside examination since 2008. A CFVS examination is free and required for CFVs operating beyond three nautical miles from the baseline and encouraged for all other vessels. LADY ELLEN was not required to complete one since it operated within the baseline. There was one RLB stored within LADY ELLEN's cabin. 46 CFR Subchapter C requires each vessel of 26 feet in length or longer to have at least one lifebuoy immediately available. The RLB's storage location within the cabin forced the Master to go into the wheelhouse to retrieve it, delaying response and losing visual contact with the Crewmember in the water. By the time the Master returned to the starboard side of the vessel with the RLB, the Crewmember had disappeared beneath the surface of the water. Had LADY ELLEN maintained the vessel to minimum safety standards, a RLB may have been positioned outside the cabin, easily accessible for immediate use, allowing the Master to deploy it without delay and maintain visual contact with the Crewmember, potentially preventing his drowning.

5.5. Lack of emergency procedures and training. LADY ELLEN did not have formal policies, procedures, or instructions for conduct of daily operations, to include emergency protocols. There were no drills or training conducted. 46 CFR Subpart 28.270 requires the Master of each vessel operating beyond the territorial sea baselines to ensure drills are conducted and instruction is given at least once each month, including using emergency equipment to recover an individual from the water. 46 CFR Subpart 28.265 requires emergency instructions readily available for procedures to be used if an individual falls overboard, such as throwing a RLB, keeping the individual in sight, and notifying search and rescue authorities. LADY ELLEN had not participated in a voluntary CFVS examination or received a CFVS compliance decal since 2008. Had the Master opted to maintain compliance with CFVS examinations, he may have been more familiar with safety equipment and procedures listed within 46 CFR Subchapter C, potentially preventing this drowning.

6. Conclusions

6.1. Determination of Cause:

6.1.1. The initiating event for this casualty occurred when the Crewmember fell into the water. Causal factors leading to this event were:

6.1.1.1. The vessel did not have permanent deck railings or guardrails available for use during transit as an added safety measure to prevent falls overboard.

6.1.1.2. The Crewmember was under the influence of cocaine which was identified during an autopsy as a complication for his drowning death.

6.1.2. The subsequent event for this marine casualty was the drowning of the Crewmember after entering the water. Factors contributing to this event were:

6.1.2.1. The Crewmember was not wearing a PFD when he entered the water.

6.1.2.2. The vessel did not have RLB that was immediately available to throw from the external perimeter of the cabin in the event of a person in the water.

6.1.2.3. The vessel did not have any emergency procedures to be used if an individual falls overboard, nor were drills conducted monthly to familiarize crew with duties and response efforts to recover an individual from the water.

6.2. Evidence of Act(s) or Violation(s) of Law by Any Coast Guard Credentialed Mariner Subject to Action Under 46 USC Chapter 77: This investigation did not identify any evidence of act(s) or violation(s) of law by a credentialed mariner.

6.3. Evidence of Act(s) or Violation(s) of Law by U.S. Coast Guard Personnel, or any other person: There were no acts of misconduct, incompetence, negligence, unskillfulness, or violations of law by Coast Guard employees, or any other person identified that contributed to this casualty.

6.4. Evidence of Act(s) Subject to Civil Penalty: This investigation identified evidence of acts subject to civil penalty for the following:

6.4.1. The marine employer (Master) failed to conduct alcohol testing within the specified time frames, as required by 46 CFR Subpart 4.06.

6.4.2. The Master failed to ensure a PFD was available for each person on board, as required by 46 CFR Subpart 25.25-5(b)(2).

6.4.3. The Master failed to ensure the RLB was immediately available, as required by 46 CFR Subpart 25.25-9.

6.5. Evidence of Criminal Act(s): This investigation did not identify potential violations of criminal law.

6.6. Need for New or Amended U.S. Law or Regulation: This investigation identified recommendations to add new or amend existing U.S. laws or regulations under 46 CFR Subchapter C and 46 USC Subchapter 4502(f). Paragraphs 8.1.1. through 8.1.4. below further outlines these safety recommendations for CFVs.

6.7. Unsafe Actions of Conditions that Were Not Causal Factors: This investigation did not reveal any additional unsafe actions or conditions outside of the identified causal factors in paragraphs 5.1. through 5.5. above.

7. Actions Taken Since the Incident

7.1. The LADY ELLEN completed a voluntary dockside CFVS examination by the U.S. Coast Guard on April 9, 2025. LADY ELLEN was found not in compliance with 46 CFR Subchapter C and was issued two worklist items for not having a current COD aboard the vessel and for the RLB missing 60 feet of line attached to the body of the RLB. A CFVS compliance decal was not issued, and the Master failed to complete the worklist items within the 30-day timeframe.

8. Recommendations

8.1. Safety Recommendations:

8.1.1. Recommend the Commandant's Office of CFV Compliance (CG-CVC-3) amend CFVS compliance examinations to include a mandate for all CFVs, regardless of operating area. 46 USC Subchapter 4502(f) requires a dockside examination for CFVs which operate beyond three nautical miles from the territorial sea baseline at least once every five years. The Coast Guard advises safety examinations to be completed every two years to maintain currency of the CFVS compliance decals. CFVS examinations include a thorough check of applicable safety equipment and procedures required for each vessel, indicating compliance with 46 CFR Subchapter C requirements. Amending this requirement to mandate safety examinations for all documented CFVs would significantly bolster safety standards across the fishing fleet, dramatically reducing the risk of marine casualties and preventing the loss of life.

8.1.2. Recommend the Commandant's Office of CFV Compliance (CG-CVC-3) amend Title 46 CFR Subpart 28.265 and 28.270 to expand requirements for emergency instructions and drills, to include all documented CFVs, regardless of operating area. The requirement is currently only applicable to documented vessels that operate beyond

the boundary lines or with more than 16 individuals on board, or for fish tender vessels engaged in the Aleutian trade. Expanding the scope of this requirement will significantly enhance readiness and operational efficiency for all commercial fishermen by ensuring consistent procedure implementation and comprehensive training, ultimately improving survivability and reducing recovery times in the event of a man overboard.

8.1.3. Recommend the Commandant, U.S. Coast Guard amend the regulations in 46 CFR Subpart 28.110 to expand requirements by including language that specifically mandates the wearing of PFDs for Crewmembers who work on exposed decks or are engaged in fishing operations requiring leaning over the side of the vessel. The regulation addresses the number, type, stowage, and size requirements for PFDs and immersion suits, but it does not address when they shall be worn. Fisherman often neglect wearing a PFD due to the potential interference with fishing operations (entanglement or restricted movement), perceived lack of need for, and discomfort while wearing one. Type V commercial hybrid PFDs and work vests are significantly less bulky yet still provide an adequate level of protection should someone fall overboard while wearing one. Implementing a requirement to wear a Type V hybrid PFD or work vest while engaged in operations which involve leaning over or working near the side of the vessel would immensely enhance survivability and significantly reduce recovery times for commercial fishermen following a fall overboard.

8.1.4. Recommend the Commandant, U.S. Coast Guard establish a requirement for credentialing of operators of CFVs over 36 feet in length. Despite the established credentialing requirements for other segments of the commercial marine industry, the Coast Guard has not yet implemented similar standards for CFVs. A significant portion of the U.S. fishing fleet, including an estimated 25,600 vessels greater than 36 feet in length according to the National Marine Fisheries Service, would benefit from such a mandate, aligning with the vessel length criteria outlined in 46 CFR Subpart 25.26-5. This alignment would ensure that CFV operators are credentialed, thereby promoting safety through a chemical testing program that includes pre-employment, random, and reasonable cause testing, along with the post-casualty testing requirements mandated by 46 CFR Part 16. Establishing this credentialing requirement would standardize operational competencies, strengthen drug and alcohol procedures, and significantly enhance overall safety for operators of larger CFVs.

8.2. Administrative Recommendations:

8.2.1. No administrative recommendations have been made for the violations identified in paragraph 6.4. above. The manner of death was ruled accidental in nature and the Master made numerous prudent attempts to rescue the Crewmember.

8.2.2. Recommend this investigation be closed.



Lieutenant, U.S. Coast Guard
Investigating Officer