



# UNITED STATES COAST GUARD

**REPORT OF THE INVESTIGATION  
INTO THE  
ASSISTANCE TOWING VESSEL CAJUN  
SPECIAL (LA7706BC) CAPSIZING AND LOSS  
OF LIFE IN THE PORT ISABEL TURNING BASIN  
ON FEBRUARY 24, 2018**





16732/IIA# 6362046  
22 November 2024

**THE CAPSIZING AND SUBSEQUENT LOSS OF LIFE ON THE ASSISTANCE  
TOWING VESSEL CAJUN SPECIAL (LA7706BC) IN THE PORT ISABEL  
TURNING BASIN (TEXAS) ON FEBRUARY 24, 2018**

**ACTION BY THE COMMANDANT**

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 subject to the following comments. This marine casualty investigation is closed.

**COMMENTS ON THE REPORT**

Subsequent to this investigation, 3<sup>rd</sup> Coast Captains (THRDC) training school was audited in September 2019 and April 2022. Following these audits the Coast Guard identified that the owner of THRDC had provided fictitious course completion certificates to the Master of the CAJUN SPECIAL for Operator Uninspected Passenger Vessel (OUPV), Assistance Towing (AT) and Master 100 Ton Upgrade (M100). These course completion certificates were entered into the National Maritime Center (NMC) Homeport site by the THRDC owner, as a trusted agent. The findings of these audits resulted in the withdraw of all THRDC's training courses in December 2022.

**ACTION ON RECOMMENDATIONS**

**Administrative Recommendation 1:** Recommend the Commandant (CG-5P) consider directing an audit of the 3<sup>rd</sup> party exam centers in South Texas to ensure they are operating in accordance with their Coast Guard course approval. This is to ensure they are not creating an environment where students are pushed through without fail. Multiple creditable sources have expressed that it has become common practice that these centers have created an environment where students will never fail the exam to obtain Operator of Uninspected Passenger Vessel licenses in order to maintain a constant student base.

**Action:** I concur with the intent of this administrative recommendation. THRDC has had several audits since the incident occurred on the CAJUN SPECIAL. The first audit was conducted by Regional Exam Center (REC) Houston in September 2019 and the second audit occurred in April 2022 as part of the Coast Guard Headquarters concentrated audit. Significant non-conformities were identified during both audits. This resulted in THRDC's school course approval being revoked in December 2022. In addition, a Compliance Investigations Team (CIT) was created at the NMC. The CIT is responsible for receiving and investigating all allegations of mariner fraud and/or mariner

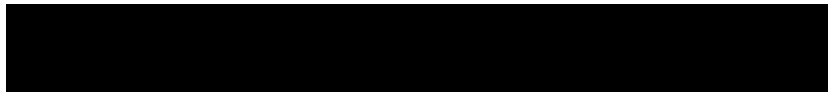
credential non-compliance allegations. This team also works closely with each NMC branch regarding application issues and provides internal training as necessary.

**Administrative Recommendation 2:** Recommend the Commandant (CG-5P) consider directing an audit of REC Houston and National Maritime Center to ensure of proper vetting of application packages as it appears this one was grossly mishandled with minimal scrutiny as it contained multiple errors throughout.

**Action:** I concur with the intent this administrative recommendation. The errors in the application identified by this investigation were re-evaluated by NMC and determined to not be a contributory factor to this casualty. As noted in my response to Recommendation 1, the owner of THRDCC submitted fictitious information to NMC as a trusted agent, which did not prompt additional review by NMC personnel prior to the marine casualty. Following the discovery of multiple fraud schemes, NMC has provided fraud detection training and put new processes in place to identify and help prevent future fraud. In addition, the NMC created the CIT which is responsible for receiving and investigating all allegations of mariner fraud and/or mariner credential non-compliance allegations. This team also works closely with each NMC branch regarding application issues and provides internal training as necessary.

**Administrative Recommendation 3:** Recommend the Commandant issue a Finding of Concern to BoatU.S. regarding the lack of standard operating, hiring, and training procedures that should guide contracted owners carrying the TowBoatU.S. logo when providing assistance towing including acceptable towing arrangements that ensure the safety of those being towed and those providing assistance towing services.

**Action:** I do not concur with this recommendation. As noted in my response to Recommendation 1, the owner of THRDCC submitted fraudulent credentials and endorsements to NMC. As THRDCC was a trusted agent, this submission did not prompt additional review by NMC personnel prior to the marine casualty. BoatU.S. based their hiring decisions on the fraudulent documents provided. For review and awareness, a copy of this report of investigation will be provided to BoatU.S.



A. M. BEACH  
Captain, U.S. Coast Guard  
Director of Inspections and Compliance (CG-5PC)



16732  
March 28, 2022

**ASSISTANCE TOWING VESSEL CAJUN SPECIAL (LA7706BC) CAPSIZING AND  
LOSS OF LIFE IN THE PORT ISABEL TURNING BASIN ON FEBRUARY 24, 2018**

**ENDORSEMENT BY THE COMMANDER,  
EIGHTH COAST GUARD DISTRICT**

After careful review, I approve the record and the report of investigation, including the findings of fact, analysis, conclusions, and recommendations. My comments and endorsements are noted below. I recommend this marine casualty investigation be closed.

**COMMENTS ON THE REPORT**

The loss of this vessel operator was a tragic accident. I offer my sincere condolences to the family and friends of the operator who lost her life.

**ENDORSEMENT ON RECOMMENDATIONS**

**Administrative Recommendation 1:** Recommend the Commandant (CG-5P) consider directing an audit of the 3rd party exam centers in South Texas to ensure they are operating in accordance with their Coast Guard course approval. This is to ensure they are not creating an environment where students are pushed through without fail. Multiple credible sources have expressed that it has become common practice that these centers have created an environment where students will never fail the exam to obtain Operator of Uninspected Passenger Vessel licenses in order to maintain a constant student base.

**Endorsement:** I concur with this recommendation. An audit could identify facilities that are not properly carrying out their responsibilities as an approved testing facility, and could help preserve the integrity of our merchant mariner credentialing program.

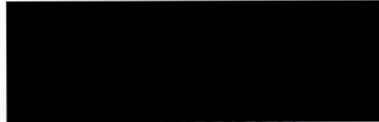
**Administrative Recommendation 2:** Recommend the Commandant (CG-5P) consider directing an audit of REC Houston and National Maritime Center to ensure of proper vetting of application packages as it appears this one was grossly mishandled with minimal scrutiny as it contained multiple errors throughout.

**Endorsement:** I concur with this recommendation. Proper vetting of merchant mariner applications ensures that mariners are adequately qualified to perform the duties for which

they are endorsed. An audit could identify gaps in the Coast Guard's vetting process and could help preserve the integrity of our merchant mariner credentialing program.

**Administrative Recommendation 3:** Recommend the Commandant issue a Finding of Concern to BoatU.S. regarding the lack of standard operating, hiring, and training procedures that should guide contracted owners carrying the TowBoatU.S. logo when providing assistance towing including acceptable towing arrangements that ensure the safety of those being towed and those providing assistance towing services.

**Endorsement:** I concur with this recommendation. A Finding of Concern would allow the Coast Guard to share some of the casual factors that contributed to this chain of events, and could help prevent similar incidents.

A solid black rectangular redaction box covering the signature of T. O. Phillips.

T. O. PHILLIPS //  
Captain, U.S. Coast Guard  
Chief of Prevention, Eighth Coast Guard District  
By Direction



16732  
March 10, 2022

## **ASSISTANCE TOWING VESSEL CAJUN SPECIAL (LA7706BC) CAPSIZING AND LOSS OF LIFE IN THE PORT ISABEL TURNING BASIN ON FEBRUARY 24, 2018**

### **ENDORSEMENT BY THE OFFICER IN CHARGE, MARINE INSPECTION**

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 subject to the following comments. It is recommended that this marine casualty investigation be closed.

### **COMMENTS ON THE REPORT**

I would like to send my sincerest condolences to the family and friends of Sarah Murphy. My team will continue to work toward implementing the recommendations brought about by this investigation to prevent future of loss of life involving towing vessel operations.

### **ENDORSEMENT/ACTION ON RECOMMENDATIONS**

**Administrative Recommendation 1:** Recommend the Commandant (CG-5P) consider directing an audit of the 3<sup>rd</sup> party exam centers in South Texas to ensure they are operating in accordance with their Coast Guard course approval. This is to ensure they are not creating an environment where students are pushed through without fail. Multiple creditable sources have expressed that it has become common practice that these centers have created an environment where students will never fail the exam to obtain Operator of Uninspected Passenger Vessel licenses in order to maintain a constant student base.

**Endorsement:** Concur. The Coast Guard relies on these training centers to educate mariners to operate vessels safely that carry passengers for hire and conduct other maritime operations. Without a concrete knowledge of vessel safety requirements, rules of the road, risk management, and other subjects, mariners are not able to operate safely in the marine environment, putting themselves, their passengers, and others at risk.

**Administrative Recommendation 2:** Recommend the Commandant (CG-5P) consider directing an audit of REC Houston and National Maritime Center to ensure of proper vetting of application packages as it appears this one was grossly mishandled with minimal scrutiny as it contained multiple errors throughout.

**Endorsement:** Concur. It is imperative that Merchant Marine Credential Application Packages are accurately evaluated to ensure only qualified individuals are approved. The U.S. Coast Guard credentialing program is responsible for ensuring a safe, secure,

economically viable and environmentally sound Marine Transportation System manned by fully qualified U.S. mariners.

**Administrative Recommendation 3:** Recommend the Commandant issue a Finding of Concern to BoatU.S. regarding the lack of standard operating, hiring, and training procedures that should guide contracted owners carrying the TowBoatU.S. logo when providing assistance towing including acceptable towing arrangements that ensure the safety of those being towed and those providing assistance towing services.

**Endorsement:** Concur. All maritime operations involve an element of risk. It is imperative that this risk is mitigated with the proper training and education of vessel operators, as well as ensuring well-maintained vessels and equipment. Establishing operating procedures, training programs, and vessel maintenance programs standardizes and clarifies the best way to conduct operations, guarantees maintenance is being completed so that machinery operates as designed, and makes certain the personnel have the required knowledge to safely conduct the operation.



H. C. GOVERTSEN  
Captain, U.S. Coast Guard  
Officer in Charge, Marine Inspection



16732  
March 1, 2022

## **ASSISTANCE TOWING VESSEL CAJUN SPECIAL (LA7706BC) CAPSIZING AND LOSS OF LIFE IN THE PORT ISABEL TURNING BASIN ON FEBRUARY 24, 2018**

### **EXECUTIVE SUMMARY**

On February 24, 2018 at approximately 1650 CST, the assistance towing vessel CAJUN SPECIAL (LA7706BC), operated under the corporate umbrella of BoatU.S., got underway with a Master and one Crewmember onboard to respond to a grounded 30ft recreational sailboat near mile marker 666 of the Gulf Intracoastal Waterway which was also known as the Port Isabel Turning Basin.

Upon arrival on-scene, the Master attempted to make up the towline between the CAJUN SPECIAL and the grounded sailboat, but was unsuccessful. The Owner of the sailboat proceeded to board the CAJUN SPECIAL to make up the towline himself. The Master made several attempts with the CAJUN SPECIAL to pull the sailboat off ground, but was unsuccessful and severed the towline. The Master remade the severed towline to the CAJUN SPECIAL tow bridal and proceeded with another pull attempt. During this attempt, the CAJUN SPECIAL violently capsized. At this time, the Crewmember was ejected from the bow and the Master was inside the wheelhouse. The Master was unable to evacuate the CAJUN SPECIAL and drowned. This was the Master's first tow as a newly hired and newly licensed captain.

Post casualty alcohol and DOT drug testing was conducted on the Crewmember, [REDACTED] results were [REDACTED]. A toxicological alcohol and drug panel screening was conducted on the Master, there were [REDACTED]. The Master did initially [REDACTED], but further screening ordered by the Medical Examiner determined this was due to a prescribed medication.

As a result of its investigation, the Coast Guard has determined that the initiating event for this casualty was the capsizing of the CAJUN SPECIAL. The subsequent event was the Crewmember being ejected from the CAJUN SPECIAL and the Master drowning that resulted in loss of life. The causal factors that contributed to this casualty include: (1) Failure of BoatU.S. to implement written hiring policies, (2) Failure of the CAJUN SPECIAL Owner to provide BoatU.S. required documentation for a newly hired employee, (3) Failure of the CAJUN SPECIAL Owner to implement written procedures for onboard towing operations, (4) Failure of the CAJUN SPECIAL Owner to provide appropriate supervision or training on assistance towing, (5) Failure of the CAJUN SPECIAL Owner to comply with OSHA Act of 1970, Section 5, (6) The Master's lack of experience, (7) Failure of the USCG to better vet the training received by applicants prior to issuing MMCs and associated endorsements, (8) Failure of the CAJUN SPECIAL Owner to ensure the vessel was properly maintained, (9) Ineffective Towing Setup on the CAJUN SPECIAL, and (10) Inability of Crewmember and Master to safely evacuate the CAJUN SPECIAL.





16732  
March 1, 2022

## ASSISTANCE TOWING VESSEL CAJUN SPECIAL (LA7706BC) CAPSIZING AND LOSS OF LIFE IN THE PORT ISABEL TURNING BASIN ON FEBRUARY 24, 2018

### 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 (C.F.R.), Subpart 4.07, and under the authority of Title 46, United States Code (U.S.C.) Chapter 63.

1.2. The Investigating Officer designated the Owner of the CAJUN SPECIAL (LA7706BC) and the family of the deceased, as parties-in-interest to this investigation. No other individuals, organizations, or parties were designated as a party-in-interest in accordance with 46 C.F.R. § 4.03-10.

1.3. The United States Coast Guard (USCG) was the lead agency for all evidence collection activities involving this investigation. No other persons or organizations assisted with this investigation.

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

#### 2. Vessel Involved in the Incident



Figure 1. Starboard aspect of the CAJUN SPECIAL in a dry storage facility. (February 26, 2018/USCG)

Official Name:	CAJUN SPECIAL (TowBoatU.S.)
Identification Number:	LA7706BC HIN:LEL15236M83L
Flag:	United States
Vessel Class/Type/Sub-Type	Recreational / Propelled Vessel / General
Build Year:	1986
Gross Tonnage:	1 GT
Length:	26 feet
Beam/Width:	8 feet
Draft/Depth:	1 foot
Main/Primary Propulsion: (Configuration/System Type, Ahead Horse Power)	Single 200hp Honda outboard motor
Owner:	██████████ Corpus Christi, Texas USA
Operator:	Wright Marine Services (TowBoatU.S.) Port Isabel, Texas USA

### 3. Deceased, Missing, and/or Injured Persons

Relationship to Vessel	Sex	Age	Status
Master	Female	████	Deceased

### 4. Findings of Fact

#### 4.1. The Incident:

4.1.1. On (Saturday) February 24, 2018 at 0830, the Master arrived at the vessel CAJUN SPECIAL located in Port Isabel, TX. The Owner had given her instructions via phone/text where the keys were located. The Owner was not physically present for her arrival to the vessel. The Owner instructed the Master to get the vessel underway to familiarize herself with the area as well as to top off the vessel's two, 45 gallon fuel tanks. Once this was complete, she was to remain in the area to respond to calls from the TowBoatU.S. dispatch center, which were to be relayed to her through the Owner.

4.1.2. At 1430, the Owner received a call from the TowBoatU.S. dispatch center regarding a TowBoatU.S. member's sailboat having run aground and required towing assistance. The Owner called the Master to provide her with the information and location of the grounded sailboat. Although, the Master did have an emergency towing assistance endorsement on her newly obtained 50 Ton/Operator of Uninspected Passenger Vessel (OUPV) license, this was to be the first time to conduct emergency towing assistance with no prior experience or training in this field.

4.1.3. At 1435, the Owner called an acquaintance that served as a deckhand on charter fishing vessels and was in the Port Isabel area. The Owner offered to pay him as a crewmember onboard the CAJUN SPECIAL if he got underway with the Master to show her how to get to the grounded sailboat. The acquaintance agreed and was told by the Owner to meet the Master in Port Isabel, Texas.

4.1.4. At 1450, the Master and the newly hired Crewmember were underway and headed toward the grounded sailboat, which was located approximately 3.75 nautical miles from their location.

4.1.5. At 1600, they arrived on-scene and made contact with the grounded sailboat owner. At this time, the Master attempted to make up the towline between the CAJUN SPECIAL and the grounded sailboat. After several unsuccessful attempts, the sailboat owner boarded the CAJUN SPECIAL and made the towline himself, which was attached to a spool laying on the aft deck and ran through a makeshift tow bridal that was hanging from the top of the wheelhouse. The sailboat owner then returned to his vessel and went below deck to take refuge from potential towline snapback.

4.1.6. At 1630, the first attempt to free the grounded sailboat failed. As the CAJUN SPECIAL maneuvered for another pull attempt, the Master unintentionally backed over and severed the towline that was floating in the water between the two vessels.

4.1.7. At 1646, after making up the now severed towline to the tow bridal, the Master made another attempt to pull the sailing vessel free. As she came up hard on the throttles, the CAJUN SPECIAL turned slightly to left before banking hard to the right as it came to the end of the towline. The CAJUN SPECIAL then rolled violently to right and capsized, throwing the Crewmember who was standing on the bow of the vessel into the water. The Crewmember was able to swim to and board the grounded sailboat. However, the Master was unable to escape from the capsized CAJUN SPECIAL wheelhouse.



Figure 2. Towing bridle coming from top of wheelhouse, with severed line, coming over the stern of the vessel, tied to it. Photo taken after vessel was salvaged. (February 27, 2018/USCG)

4.1.8. At 1649, a small rescue boat from a moored drilling vessel in the vicinity arrived on-scene and attempted to provide rescue assistance. At 1650, a second recreational vessel fishing in the vicinity arrived on scene and attempted to provide rescue assistance.

4.1.9. At 1705, a USCG small boat from Station South Padre Island arrived on scene and deployed a surface swimmer to reach into the windows of the CAJUN SPECIAL's wheelhouse to see if contact could be made with the Master. These efforts were unsuccessful. During this time, the South Padre Island Fire Department was notified, and they dispatched a rescue diver and tender to the South Shore Ice and Fuel Docks located in Port Isabel, Texas for transport by a USCG small boat to the scene.

4.1.10. At 1720, South Padre Island Beach Patrol dive team arrived on scene and immediately deployed a rescue diver into the water. The diver entered the water on the starboard side of the towing vessel and felt a window on the wheelhouse. He slid the window open and felt around inside the space but was unable to visually inspect the compartment due to the limited visibility of the water. After several attempts, the diver swam to the bow of the vessel and found an open door. As he entered the CAJUN SPECIAL's cabin, he felt and grasped a hand and pulled to see if it offered any resistance. Finding none, he exited the vessel's cabin, pulling the Master out with him, and he immediately placed her onboard the USCG small boat where resuscitation efforts were administered by the South Padre Island Fire Department Dive team as the USCG small boat got underway to return to the dock. The USCG small boat then transferred the Master to the awaiting ambulance for transport to Valley Regional Medical Center in Brownsville, Texas.

4.1.11. At 1837, the Master was pronounced deceased at Valley Regional Medical Center by the emergency room medical staff.

4.1.12. At 2300, post casualty drug/alcohol screening was conducted on the Crewmember as ordered by the Owner at the insistence of USCG Investigators.

4.1.13. On February 26, 2018, an autopsy was conducted on the Master by the Cameron County Medical Examiner where toxicology samples were taken and sent for screening.

[REDACTED]  
[REDACTED] A second, more in depth screening was ordered by the Cameron County Medical Examiner, [REDACTED] due to a prescribed medication she was taking at the time of the incident. Furthermore, there were no signs of alcohol in her system at the time of death.

4.1.14. On February 27, 2018, the CAJUN SPECIAL was salvaged by Froggie's Towing and Salvage and taken to South Point Marina in Port Isabel, TX. Vessel was tagged with "Do Not Enter" signs and access was limited to USCG investigating personnel while stored in a secure warehouse during the course of the investigation.

4.1.15. On February 28, 2018, the Crewmember's toxicology screening results came back [REDACTED].

4.1.16. On May 08, 2018, an in depth steering function test was conducted in the presence of the owner, the owners' attorney, and the Master's family attorney. It was found that the steering system was operating with approximately 5 oz. of steering fluid missing from the system and required 10 turns to go from hard port to hard starboard and approximately 1.5 turns before the outboard motor started to turn. When the steering system was topped off with the correct amount of fluid, it only took 6 turns to go from hard port to hard starboard and the outboard motor turned immediately.

#### 4.2. Additional/Supporting Information:

4.2.1. On 23 April, 2017, the Master received certification for the completion of the OUPV course with Assistance Towing endorsement from 3<sup>rd</sup> Coast Captains Training School in Corpus Christi, TX. This training school is authorized to administer proxy exams on behalf of the U.S. Coast Guard for Merchant Mariner licensing purposes. The Master then submitted her package for her Merchant Mariner Credential (MMC) to the National Maritime Center for processing and license issuance.

4.2.2. On August 07, 2017 the Master received a “Notice of Incomplete Application” that her package was incomplete due to unpaid fees required to process the package; no other reasons were included in this response. During the course of this investigation, discrepancies throughout the application package were identified that were never addressed for correction prior to her MMC being issued. These items included: inconsistent spelling of applicant name; inconsistent applicant signatures; gross tonnage not listed or outrageously inflated for the length and type of vessel used to document sea time; missing name and signature on the First Aid certification card; missing name and signature on the CPR AED certification card, and inadequate character references. The second character reference’s name was illegible and the third character reference was not a licensed officer or Master as required by the application. The Coast Guard Regional Exam Center (REC) Houston and National Maritime Center failed to flag these items.

4.2.3. On December 01, 2017, the Owner hired the previous Master with an OUPV License, a local fishing guide, to cover the Port Isabel/South Padre Island area who did not have a the Assistance Towing Endorsement as part of his credentials. The previous Master specifically asked the Owner what the Assistance Towing Endorsement was via text, and how he was to obtain it.

4.2.4. On December 02, 2017, via text, the Owner dispatched the previous Master to tow a vessel from its disabled position back to dock. He did so knowing that the previous Master was not in possession of the Assistance Towing Endorsement, and did not have any formal training operating a vessel in a towing capacity. The Owner told the previous Master via text to “tow him around 2500 rpms at about 6-7 knots” as they are getting paid by the hour.

4.2.5. On December 05, 2017, via text, the Owner asked the previous Master if he was enrolled in a random drug testing program. The previous Master stated he did not know what that was or how he was supposed to get enrolled. The previous Master continued to work for the Owner taking towing calls until February 20, 2018.

4.2.6. On January 10, 2018, the Master began pursuing employment with Wright Marine Services which operated the CAJUN SPECIAL under a TowBoatU.S. franchise, via phone calls and text messages. The TowBoatU.S. franchise is operated under BoatU.S. corporate umbrella. Prior to seeking this employment, the Master had submitted an application packet for a 50 ton Master/ Operator of Uninspected Passenger Vessel Merchant Mariner Credential and was awaiting its arrival from the National Maritime Center. Over the course of the next several weeks, the conversations concerning employment with Wright Marine Services continued. As the conversations progressed, the Owner of Wright Marine Services told the Master once she received her MMC, and

if he decided to bring her on as an employee, he would take her out on a few towing calls so she could get a feel for the job. In the meantime, as these employment conversations were taking place, the Owner purchased another vessel which he was in the process of bringing online to replace the CAJUN SPECIAL. The previous Master revealed that multiple issues were brought to the Owner's attention and went unresolved as money was being used to bring a newly purchased vessel into service.

4.2.7. On January 23, 2018, the Master received her Merchant Mariner Credential from the National Maritime Center.

4.2.8. On (Sunday) February 18, 2018, the previous Master informed the owner via text that the GPS on the vessel had gone out.

4.2.9. On (Monday) February 19, 2018, the previous Master again informed the Owner via text the GPS is still nonoperational and that he needs it to continue working. He also informed the Owner of multiple outstanding things wrong with the vessel that have not been repaired.

4.2.10. On the evening of (Friday) February 23, 2018, the newly licensed Master received a call from the Owner of the CAJUN SPECIAL offering her employment to operate/pilot the CAJUN SPECIAL and conduct assistance towing within the Port Isabel/South Padre Island areas for the weekend. The Master accepted the position and was told to report to the CAJUN SPECIAL the following morning.

4.2.11. At the time of the incident, the Master had only obtained underway time on small recreational vessels. This was her first job as the Master of a vessel in any capacity, including assistance towing operations. The Master had received her first MMC just 30 days prior to this incident and had minimal sea time needed to obtain the MMC. The MMC included the Assistance Towing Endorsement, which covers assistance towing safety, equipment, and procedures. Furthermore, she was not familiar with the local waterways or environmental influences that affected those waterways.

4.2.12. At the time of the incident, the Master had never met the Owner in person. She was hired over the phone based on previous phone and text conversations with the Owner and agreed to provide assistance towing coverage for the South Padre Island/Port Isabel, Texas areas for the weekend. The Owner had previously told the Master that if he brought her on as an employee, he would "take her out on a few calls so that she could get a feel for the job." Additional text conversations included the Owner stating "I'll take you out on a few calls and increase from there. It's slow so it's not the greatest time to train someone. We'll get some time in, it will just take a while." This investigation revealed that the Master was never provided any form of training on the towing vessel nor was she evaluated on her experience with operating vessels or her proficiency performing emergency assistance towing. In a text conversation with a friend, the Master stated that the Owner said, "He was sorry that I didn't get formal training, but he thinks I'll be ok."

4.2.12. The Crewmember involved was not familiar with the Master, the vessel or towing arrangements involved with grounded vessels. The Crewmember was hired by the Owner as a guide to get the Master from the place of mooring to the grounded vessel due to the Master's unfamiliarity with the local area.

4.2.13. At the time of the incident, the sustained winds were 17 - 20 knots out of the southeast with gusts up to 25 - 30 knots.

4.2.14. After being salvaged, the CAJUN SPECIAL's steering was found to be operating at a degraded rate due to a lack of hydraulic fluid within the system. Witness interviews revealed that this was not the first time the CAJUN SPECIAL was operating with insufficient amounts of hydraulic fluid which caused complications in steering and ultimately handling the vessel. In addition, modifications were made to the original design of the vessel, which has a low draft/high freeboard stance. The original design included two 150 horsepower outboard engines, whereas at the time of the incident, the vessel had a single 200 horsepower outboard engine.

4.2.15. The CAJUN SPECIAL did not utilize a standard tow configuration as seen in *Figure 3* below. An example of a standard tow configuration would be a tow post, permanently affixed on the centerline of the vessel, as far aft and low as practicable; this configuration is important as this point is where all the force is exerted on the tow vessel. The designed tow configuration for the CAJUN SPECIAL included a bridal made off to port and starboard handrails on top of the wheelhouse and a line tied off to port and starboard cleats, which was used as a fairlead to bring the towline down to the transom and lower the center of gravity. However, during this evolution, the tow line bypassed the fairlead and was tied off directly to the bridal on top of the wheelhouse as seen in *Figure 4* below. In addition, the Owner did not have any written procedures for his employees to follow when providing assistance towing.



Figure 3. Example of standard tow configuration for assistance towing. The yellow circle shows the specific point of hook-up for the towing line. (December 12, 2018/Google)



Figure 4. CAJUN SPECIAL's towline configuration as it was on the day the incident occurred. Photo taken after salvage of the vessel. Tow bridle is attached to handrails on top of wheelhouse. The blue towline goes aft over the transom (stern) of the vessel and should be under a fairlead (line) that is attached to cleats on the port and starboard aft gunwales to bring the towline low. The fairlead was missing. (February 26, 2018/USCG)

4.2.16. BoatU.S. requires their franchise vessel owners to submit Merchant Mariner Credentials of all employed captains so they can be added to the Annual License/Service Agreement, which is essentially the binding contract BoatU.S. relies on to know who is piloting vessels carrying their logo. At the time of the incident, the Master had not been added to the Annual License/Service Agreement. Boat U.S. does not have a specific policy that specifies steps that should be taken when hiring new employees.

4.2.17. OSHA Act of 1970 Section 5 states; Duties “(a) Each employer- (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.”

## 5. Analysis

5.1. *Failure of BoatU.S. to implement written hiring policies.* BoatU.S. failed to implement a written policy for the hiring of vessel captains that are operating under their corporate umbrella. A formal hiring process typically includes prerequisites for experience, pre-



employment drug-testing, and background checks of employees. For example, when evaluating experience, candidates submit a resume that outlines their relevant work experience, which includes personal and professional references, so the employer can verify the accuracy of the resume and the character of the candidate. Here, BoatU.S. leaves all hiring decisions to the TowBoatU.S. franchise owners without ensuring franchise owners are properly vetting their employees to ensure they are adequately qualified for the work to be performed. Had a policy been in place, the Master's lack of experience in assistance towing as well as the operating area she was providing coverage for would have been reason for the Owner of the vessel to delay her hiring or at least operating the vessel without his supervision and this tragedy may have been avoided.

5.2. *Failure of the CAJUN SPECIAL Owner to provide BoatU.S. required documentation for a newly hired employee.* At the time of the incident, the vessel Owner had not yet provided BoatU.S. the newly hired Master's MMC. In this particular case, had the Owner followed the BoatU.S. policy and submitted the Master's MMC, the Master's employment start date would have likely been delayed while BoatU.S. vetted the MMC before adding or allowing the Master to be added to the CAJUN SPECIAL's Annual License/Service Agreement. This delay may have ensured the Owner assessed the Master's knowledge and ability to conduct towing operations, as well as provide proper training and area familiarization before allowing her to operate the vessel without his supervision which may have prevented this incident from occurring.

5.3. *Failure of the CAJUN SPECIAL Owner to implement written procedures for onboard towing operations.* The Owner failed to implement written procedures for towing operations for all captains who are hired to operate his vessel in an assistance towing capacity. Written procedures typically include detailed instructions on how to properly and safely rig towlines, as well as how to proceed when pulling on a grounded vessel. Had the Owner implemented detailed, specific procedures on how to properly arrange the towlines and how to maneuver the vessel, along with a properly outfitted towing platform, the vessel may not have capsized.

5.4. *Failure of the CAJUN SPECIAL Owner to provide appropriate supervision or training on assistance towing.* The Owner failed to provide any supervision or training to the Master to ensure she was proficient in the handling of the vessel as well as the safe and proper techniques for emergency towing operations. Proper supervision of employees ensures that the employees are qualified and ready to conduct required operations. The Owner knew the Master had limited knowledge and no experience in towing vessel operations, let alone general maritime knowledge including vessel handling. Despite this information, he hired her and despite telling her he would "take her out on a few calls so that she could get a feel for the job", he did not. He even said "he was sorry that [she] didn't get formal training, but he [thought she would] be ok". The lack of the Owner following through to ensure the Master was equipped to assume assistance towing duties on his vessel which resulted in the event unfolding as it did. Had the Owner taken the Master on several training evolutions, he would have had firsthand knowledge of the Master's capabilities and been able to provide training/guidance where necessary, and this incident may not have occurred.

5.5. *Failure of the CAJUN SPECIAL Owner to comply with OSHA Act of 1970, Section 5.* The Vessel Owner, as an employer, also failed to supply the Operator with a properly outfitted towing vessel to be able to perform safe towing in all situations. The fact that the Operator was using a line made up to the highest point of the vessel when placing another

vessel in tow, significantly altering the stability, demonstrated the Owner's unwillingness to properly outfit the vessel for safe towing. Additionally, the Vessel Owner failed to properly maintain vital systems crucial to the safe operation of the vessel. The vessel's steering system was found to be approximately 5.7 ounces low in steering fluid. During tests conducted by USCG Investigating Officers, Vessel Inspectors and witnessed by the Owner along with his attorney, it was found that the boats wheel needed to be turned approximately 1.5 times before the steering ram began to respond. When the ram was fully cycled from hard Port to hard Starboard it took approximately 10 turns of the boats wheel to fully swing the motor. Once steering fluid was filled to the correct capacity and air bled out of the system, the steering ram and response was almost immediate. Turns of the boat's wheel to fully cycle the steering ram from hard Port to hard Starboard was reduced to approximately 6 turns. According to the engineers with SeaStar Solutions, the manufacturer of the steering components, a 5.7 ounce loss of fluid is considered a "substantial amount," in this vessel's specific steering system set up. As stated by the manufacture's engineer, "when just 6.6 ounces of fluid is absent, steering control is essentially lost." A previously employed captain of this vessel complained about the condition while towing another disabled vessel where the CAJUN SPECIAL lost complete steering in the middle of the towing operation. Additionally, the Crewmember the Owner hired to assist the Master with guiding the vessel to the grounded vessel needing assistance had no experience with providing assistance towing nor had he ever been aboard the CAJUN SPECIAL prior to the incident. His only experience on vessels was having served as a deckhand on charter fishing vessels in the local area. The use of a second person on the vessel, also with no training pertaining to the job at hand, further exacerbated the unfolding situation.

5.6. *The Master's lack of experience.* Had the Master possessed basic knowledge of shipboard/towing operations and had been properly trained prior to getting underway, she would have had an awareness of how to properly free grounded vessels and would have been more cautious when making lines and maneuvering the vessel under conditions not normally encountered on a recreational platform where she obtained her sea time. When the Master made the decision to make up from the aft portion of the sailing vessel, she displayed an inability to understand the proper way to safely tow the sailing vessel off ground. The sailing vessel's keel, which was firmly in the mud, was causing the sailing vessel to list to the portside approximately 20°. As was pointed out by the salvage company, that was ultimately called in to unground the sailing vessel and salvage the CAJUN SPECIAL, in order to safely and successfully free the sailing vessel from its grounded position, pulling the sailing vessel from the port side to rock the keel free from the mud bottom was the best option given the severity of the grounding and its position in the mud. The Master's decision to tie up to and pull directly from the stern of the sailing vessel made it clear she lacked the knowledge to understand that the sailing vessel was listing to the portside because the weight of the sailing vessel was pushing down on the keel, which was buried in the mud. In addition, this was the first time she had operated the CAJUN SPECIAL and likely did not have a good grasp on the handling characteristics of the vessel or its material condition. Had she been provided sufficient time to become familiar with the vessel and had more experience performing assistance towing, this accident may not have occurred.

5.7. *Failure of the USCG to better vet the training received by applicants prior to issuing MMCs and associated endorsements.* The Master attended and received her Operator of Uninspected Vessel ("6-pack license") with Masters Upgrade and Towing Endorsement course training from 3rd Coast Captains, located in Corpus Christi, TX. This course training

included classroom instruction as well as course exams. These exams are approved to be administered by proxy for licensing purposes. This investigation revealed that the National Maritime Center does not track the failure rate of students coming through these 3rd party proxy exam sites. During this investigation, in conversations with other Licensed Masters who have attended these courses, the concern was brought up about the quality of instruction that is being taught to students, as well as the strong possibility of those who are not able to pass the exams being coached into passing. Prior to the Master being hired for this position, she had no experience with providing assistance towing. Although, she did have an emergency towing assistance endorsement on her newly obtained 50 Ton/Operator of Uninspected Passenger Vessel (OUPV) license, this incident occurred on the first day on her first job operating with her newly issued MMC.

5.8. *Failure of the CAJUN SPECIAL Owner to ensure the vessel was properly maintained.* At the time of the incident, it was discovered the steering system was not maintained to full operating capacity. The steering system was found to be operating with approximately 15% of its hydraulic steering fluid missing. This condition reduced the steering capability by having to turn the wheel more times to get the steering system to respond. According to design engineers with SeaStar Solutions, the steering system manufacturer, when just 17% of the hydraulic steering fluid is absent, essentially all steering capability is lost. A previous person that had operated the CAJUN SPECIAL had repeated complaints of the same steering system issue that was apparently not addressed. Had the Owner took steps to rectify the steering system issue, the Master may have had an easier time controlling the vessel and the vessel would not have capsized.

5.9. *Ineffective Towing Setup on the CAJUN SPECIAL.* At the time of the incident, the towing configuration on the vessel consisted of a 1 inch line serving as a bridal made up to the handrails on top of the wheelhouse. The Owner stated that the designed tow configuration for the CAJUN SPECIAL included a bridal made off to port and starboard handrails on top of the wheelhouse and an additional line tied off to port and starboard cleats that was used as a fairlead to bring the towline down to the transom and lower the center of gravity. The vessel was found with this fairlead not in place at the time on the capsizing. Although the Owner stated that he verbally instructed the Master via cell phone of the importance of utilizing this second line, it is unlikely that she did due to a witness stating that on the first pull on the grounded vessel, they saw the spool of line jerk straight up off of the deck almost level to the top of the wheelhouse.

5.10. *Inability of Crewmember and Master to safely evacuate the CAJUN SPECIAL.* There is not a reasonable defense to prevent the Crewmember from being ejected or the Master losing their life after the vessel had capsized. At the time of the incident, the Master was in the wheelhouse and the Crewmember was on the bow of the vessel. It was unreasonable for the Crewmember or Master to safely evacuate the CAJUN SPECIAL on their own after the vessel had violently capsized.

## **6. Conclusions**

### 6.1. Determination of Cause:

6.1.1. The initiating event for this casualty was the capsizing of the CAJUN SPECIAL. The causal factors that contributed to this event are:

6.1.1.1. BoatU.S. failed to implement written hiring policies. All hiring vetting determinations were left to franchise owners without corporate guidance.

6.1.1.2. The Owner failed to provide BoatU.S. required documentation for newly hired employees.

6.1.1.3. The Owner failed to implement written towing operating procedures for their crews.

6.1.1.4. The Owner failed to provide appropriate supervision and training on assistance towing for the new Master.

6.1.1.5. The Master's inexperience providing assistance towing and lack of knowledge with the handling of this particular vessel.

6.1.1.6. The Owner failed to comply with OSHA Act of 1970, Section 5, requirements to provide employees a place of employment free from hazards.

6.1.1.7. The U.S. Coast Guard failed to properly vet applicants prior to issuing MMCs and associated endorsements.

6.1.1.8. Ineffective towing arrangements. The towing arrangement was made up to the highest point on the CAJUN SPECIAL.

6.1.1.9. The Owner failed to ensure the CAJUN SPECIAL steering system was properly maintained.

6.1.2. The subsequent events were the ejection of the Crewmember from the vessel and loss of life of the Master. The causal factors that contributed to this event are:

6.1.2.1. Inability of Crewmember and Master to safely evacuate the CAJUN SPECIAL on their own.

6.2. Evidence of Act(s) or Violation(s) of Law by Any Coast Guard Credentialed Mariner Subject to Action under 46 U.S.C. Chapter 77:

6.2.1. As a licensed mariner with an Assistance Towing Endorsement, it was the Master's responsibility to recognize the hazards associated with towing a sailing vessel that was hard aground.

6.3. Evidence of Act(s) or Violation(s) of Law by U.S. Coast Guard Personnel, or any other person:

6.3.1. It was the Owner's responsibility to ensure the Master was verified in her competency of safe towing practices prior to letting her take towing calls on her own unsupervised. The "Occupational Safety and Health Act of 1970" was enacted "to assure safe and healthful working conditions; by providing training in the field of occupational safety and health." As stated in OSHA Act of 1970 Section 5. Duties "(a) each employer- (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." The Vessel Owner knew of the

steering system failure and neglected to have this system properly repaired, which is a direct violation of his responsibilities as the employer.

6.3.2. It was identified in the Operator's application package to the National Maritime Center that there were inconsistencies and errors that should have been caught on review and returned for correction prior to the issuing of the Merchant Mariners License in accordance with 46 CFR 10.225. These items included: inconsistent spelling of applicant name; inconsistent applicant signatures; gross tonnage not listed or outrageously inflated for the length and type of vessel used to document sea time; missing name and signature on the First Aid certification card; missing name and signature on the CPR AED certification card, and inadequate character references. The second character reference's name was illegible and the third character reference was not a licensed officer or Master as required by the application. On August 7, 2017, the Master received a letter from U.S. Coast Guard Regional Exam Center in Houston notifying her of an incomplete application, but that notification only called for the submittal of evaluation fee and issuance fee. None of the errors found by Investigating Officers throughout the application package were addressed or flagged for correction by neither the Regional Exam Center nor the National Maritime Center who reviewed her application package for errors. Furthermore, Sea Service requirements to obtain a 50 gross ton Masters License requires that 180 days must be on a vessel of at least 26 gross tons. On the submitted CG-719S form, none of the vessels listed in her application package met that requirement with the exception of a 19 foot vessel that had an incorrectly entered gross tonnage of 1800gt.

6.4. Evidence of Act(s) Subject to Civil Penalty: There was no evidence of acts subject to civil penalty identified as part of this investigation.

6.5. Evidence of Criminal Act(s): There was no evidence of criminal acts identified as part of this investigation.

6.6. Need for New or Amended U.S. Law or Regulation: This investigation identified no matters needing new or amended U.S. law or regulation.

## **7. Actions Taken Since the Incident**

7.1. After the occurrence of this marine casualty, the subject vessel CAJUN SPECIAL (LA7706BC) has been pulled from towing service by the Vessel Owner.

## **8. Recommendations**

8.1. Safety Recommendation: None.

8.2. Administrative Recommendations:

8.2.1. Recommend the Commandant (CG-5P) consider directing an audit of the 3rd party exam centers in South Texas to ensure they are operating in accordance with their Coast Guard course approval. This is to ensure they are not creating an environment where students are pushed through without fail. Multiple creditable sources have expressed that it has become common practice that these centers have created an

environment where students will never fail the exam to obtain Operator of Uninspected Passenger Vessel licenses in order to maintain a constant student base.

8.2.2. Recommend the Commandant (CG-5P) consider directing an audit of REC Houston and National Maritime Center to ensure of proper vetting of application packages as it appears this one was grossly mishandled with minimal scrutiny as it contained multiple errors throughout.

8.2.3. Recommend the Commandant issue a Finding of Concern to BoatU.S. regarding the lack of standard operating, hiring, and training procedures that should guide contracted owners carrying the TowBoatU.S. logo when providing assistance towing including acceptable towing arrangements that ensure the safety of those being towed and those providing assistance towing services.



Chief Warrant Officer, U.S. Coast Guard  
Investigating Officer