

FEDERAL MARITIME COMMISSION

ANTONIO EGBERTO CARNEIRO
LIMA,

Complainant,

v.

FASTWAY MOVING AND
STORAGE, INC. D/B/A DREAM
CARGO D/B/A FASTWAY D/B/A
FASTWAY MOVING, FASTWAY
MOVING AND SERVICES CORP.,
FASTWAY MOVING AND
TRADING CORP., ABREU LOPES
TRANSPORTES LTDA, AND ABREU
LOGISTICS USA, LLC D/B/A ABREU
LOGISTICS & CARGO,

Respondents.

Docket No. 17-03

Served: June 24, 2019

BY THE COMMISSION: Michael A. KHOURI, *Chairman*,
Rebecca F. DYE, Daniel B. MAFFEI, and Louis E. SOLA,
Commissioners.

Order Affirming-in-Part and Vacating-in-Part Initial Decision

On January 16, 2018, the ALJ issued an Initial Decision on

Default finding that Respondents violated 46 U.S.C. §§ 41102(c), 41104(a)(1), 41104(a)(2)(A), and 41104(a)(11), and awarding Complainant reparations.

In finding a § 41102(c) violation, the ALJ relied on a Commission interpretation of the statute that has since been abrogated. *See, e.g.*, Final Rule: Interpretive Rule, Shipping Act of 1984, 83 Fed. Reg. 64478, 64479 (Dec. 17, 2018); Notice of Proposed Rulemaking: Interpretive Rule, Shipping Act of 1984, 83 Fed. Reg. 45367, 45367-45372 (Sept. 7, 2018). Consequently, the Commission vacates the Initial Decision on Default with respect to 46 U.S.C. § 41102(c).

The Commission affirms the Initial Decision on Default in all other respects and awards reparations to Complainant in the amount of \$37,190.74 and interest in the amount of \$1,850.64, totaling \$39,041.38, for which Respondents shall be jointly and severally liable. Respondents must pay this total by July 9, 2019.

In light of the default nature of this case, the Commission will not consider this order or the Initial Decision on Default as having any precedential effect, and they should not be cited as such.

By the Commission.

Rachel E. Dickon
Secretary