

U.S. DEPARTMENT OF HOMELAND SECURITY  
TRANSPORTATION SECURITY ADMINISTRATION

In the Matter of: )  
 )  
 CLEMENT O. DENNIS, JR., ) Docket No. 09-TSA-0022  
 )  
 Respondent. )

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**DECISION AND ORDER**

Respondent, Clement O. Dennis, Jr., petitions for reconsideration of the Final Decision and Order issued by the Transportation Security Administration (TSA) Decision Maker on March 22, 2010. In the Final Decision and Order, the Decision Maker affirmed the Initial Decision of the Administrative Law Judge finding Respondent violated 49 C.F.R. § 1540.111(a)(1) and assessing a civil penalty of \$3,000.00. As explained in this Decision and Order, the Petition is denied as to the determination that the Respondent violated 49 C.F.R. § 1540.111(a)(1) and remanded to the ALJ for a determination regarding Respondent's ability to pay the civil penalty.

In his Petition, Respondent does not offer any new evidence or dispute the fact that he attempted to enter the sterile area of the airport and board an aircraft with a loaded firearm in his accessible property. Therefore, the Initial Decision of the ALJ finding that Respondent violated 49 C.F.R. § 1540.111(a)(1) affirmed in the Final Decision and Order is upheld.

Respondent repeats his complaint that he did not receive a hearing. As explained in the Final Decision and Order, the ALJ's initial decision is consistent with TSA's rules of practice. The Initial Decision of the ALJ that a hearing was not required and the Final Decision and Order affirming the ALJ Decision is upheld.

Finally, Respondent provides information regarding his finances. This issue is remanded to the ALJ to allow Respondent the opportunity to provide reliable evidence as to his financial

status and for the ALJ to determine whether any such evidence warrants modifying the civil penalty amount.

Dated: 11/3/2010

  
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Gale Rossides  
Deputy Administrator