

UNITED STATES OF AMERICA  
DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES COAST GUARD

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**Complainant**

vs.

**MAUREEN ANN MIKAN,**

**Respondent.**

**Docket Number CG S&R 06-0204**  
**CG Enforcement Activity No: 2546494**

**DECISION AND ORDER**  
**OF DISMISSAL**

On May 1, 2006, Sector Honolulu, Hawaii, issued a Complaint against Respondent, MAUREEN ANN MIKAN, for a violation of 46 USC 7704 alleging Use of or Addiction to the Use of Dangerous Drugs.

On June 19, 2006, the ALJ Docketing Center received the Respondent's Answer, dated June 14, 2006. In that Answer, the Respondent admitted to all jurisdictional allegations as stated in the Complaint and agreed to the Coast Guard's proposed Order.

On June 14, 2006, Respondent entered into a Voluntary Surrender Agreement and surrendered her document to the United States Coast Guard at Sector Honolulu. As a result of Respondent's surrender of her document, this case is hereby DISMISSED, WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the service of this Dismissal Order upon Respondent will certify that Respondent has been advised of her right to appeal which is set forth in 33 CFR Subpart J, Section 20.1001 (Attachment A).

Dated: July 13, 2006.

  
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Anthony B. Canorro  
Administrative Law Judge

**33 CFR PART 20 – APPEALS**  
**SUBPART J**

**Sec. 20.1001 – General**

- (a) Any party may appeal the ALJ's decision by filing a notice of Appeal. The Party shall file the notice with the U.S. Coast Guard Administrative Law Judge Docketing Center, Attention: Hearing Docket Clerk, Room 412, 40 S. Gay Street, Baltimore, MD 21201-4022. The party shall file the notice thirty (30) days or less after issuance of the decision and shall serve a copy of it on the other party and each interested person.
- (b) No party may appeal except on the following issues: (1) Whether each finding of fact is supported by substantial evidence; (2) Whether such conclusion of law accords with applicable law, precedent, and public policy; (3) Whether the ALJ abused his or her discretion; (4) The ALJ's denial of a motion for disqualification.
- (c) No interested person may appeal a summary decision except on the issue that no hearing was held or that in the issuance of the decision the ALJ did not consider evidence that the person would have presented.
- (d) The appeal must follow the procedural requirements of this subpart.

**Sec. 20.1002 – Record on Appeal**

- (1) The record of appeal of the proceeding constitutes the record for decision on appeal.
- (b) If the respondent requests a copy of the transcript of the hearing as part of the record of proceeding then, (1) If the hearing was recorded at Federal expense, the Coast Guard will provide the transcript on payment of the fees prescribed in 49 CFR 7.45; but, (2) If the hearing was recorded by a Federal contractor, the contractor will provide the transcript on the terms prescribed in 49 CFR 7.45.

**Sec. 20.1003 – Procedures for Appeal**

- (a) Each party appealing the ALJ's decision or ruling shall file an appellate brief with the Commandant at the following address: U.S. Coast Guard Administrative Law Judge Docketing Center, Attention: Hearing Docket Clerk, Room 412, S40 S. Gay Street, Baltimore, MD 21202-4022 and shall serve a copy of the brief on every other party.
  - (1) The appellate brief must set forth the appellant's specific objections to the decision or ruling. The brief must set forth, in detail, the (i) Basis for the appeal; (ii) Reasons supporting the appeal; and (iii) Relief requested in the appeal. (2) When the appellant relies on material contained in the record, the appellate brief must specifically refer to the pertinent parts of the record. (3) The appellate brief must reach the Docketing Center sixty (60) days or less after service of the ALJ's decision. Unless filed within this time or within another time period authorized in writing by the Docketing Center, the brief will be untimely.
- (b) Any party may file a reply brief the Docketing Center thirty-five (35) days or less after service of the appellate brief. Each such party shall serve a copy on every other party. If the party filing the reply brief relies on evidence contained in the record for the appeal, that brief must specifically refer to the pertinent parts of the record.
- (c) No party may file more than one appellate brief or reply brief, unless (1) The party has petitioned the Commandant in writing; and (2) The Commandant has granted leave to file an added brief, in which event the Commandant will allow a reasonable time for the party to file that brief.
- (d) The Commandant may accept an *amicus curiae* brief from any person in an appeal of an ALJ's decision.