



16722

To Whom It May Concern:

Please find the enclosed checklist to assist you in completing your Administrative Clemency request. If your license, certificate and/or document was (were) surrendered or revoked, you must first obtain permission from the Commandant through Administrative Clemency, in order to become eligible to hold new papers.

If your license, certificate and/or document was (were) revoked/surrendered for drug use, you must wait 3 years to submit your request. The minimum waiting period is 3 years for offenses found in 46 CFR 5.59 or 5.61(a). All other offenses require a 1-year waiting period. The minimum waiting period may be waived if:

- a. The surrender or revocation resulted from alcohol use, or related to alcohol, e.g., National Driver's Registration Act violations.
- b. Surrender or revocation resulted from misconduct or conviction for wrongful simple possession of a dangerous drug (personal quantity, this does not include distribution related offenses) or use of a dangerous drug; or
- c. The applicant has demonstrated "Good Character" within the community for a period that exceeds 3 years from the date of occurrence, which resulted in surrender or revocation. For the waiver to be granted, the 3 years must be continuous. Jail time, or time spent avoiding prosecution does not count.

Your goal in submitting a clemency request is to show the Commandant that you can now be entrusted with a new license, certificate and/or document. To do that, you must complete (as a minimum) every item on the enclosed checklist. This checklist is written for those mariners, who had their license, certificate and/or document revoked for drug type offenses. If this was not the reason for your revocation, ask the investigator for an explanation. Most of the requirements are the same. The checklist items are explained as follows:

1. **Rehabilitation:** You must complete a bona fide drug rehabilitation program. Bona fide drug abuse rehabilitation program is interpreted to mean a program certified by a governmental agency, such as a state drug/alcohol abuse administration, or, in the alternative, certified by an accepted independent professional association, such as the Joint Commission on Accreditation of Health Care Organizations.
  - a. You must include a letter from the program verifying your enrollment and completion date.

b. You must demonstrate complete non-association with dangerous drugs, for a minimum of 1-year following completion of this program, before applying for Administrative Clemency. (See paragraph 3. – Monitoring).

2. **Aftercare:** Recent guidance from the Commandant indicates that your chances for clemency increase if you either remain in an aftercare program, one offered by the rehabilitation program or an organization such as Narcotics Anonymous; or as an alternative, provide a letter from the rehabilitation facility stating that after evaluating you, an aftercare program was not deemed necessary.

3. **Monitoring:** Administrative Clemency package must include drug tests from a bona fide abuse monitoring program. Bona fide drug abuse monitoring program is interpreted to mean a drug abuse-monitoring program that incorporates random, unannounced testing during that year. This normally means 8-12 tests during that year. It is the applicant's responsibility for obtaining copies of all drug tests.

4. **Letter to Commandant:** This is a letter from you requesting Administrative Clemency. This letter should specifically state what changes have occurred in your life since the incident, and how you have overcome the problem that resulted in the revocation/surrender of your papers, and why you are now fit to again possess a license, certificate and/or document. If you are seeking a waiver (of the 3-year waiting period), it must be specifically requested in this letter. The letter must also address your employment history, since the surrender or revocation. A chronological history listing the dates held, name of business, and the position held is the preferred format. All periods of extended unemployment must be explained. This letter should be submitted (with your package) to the local Coast Guard Marine Safety Office, and should be addressed to:

Commandant (G-MOA)  
U.S. Coast Guard  
Washington, DC 20593

5. **Criminal Background Check:** All applicants must provide a criminal background check, as part of their Administrative Clemency package. The applicant shall first attempt to obtain the records from the appropriate agency, such as the State Police, District Attorney's Office, or Department of Motor Vehicles. Some applicants may not be able to obtain such records, due to state laws that prohibit the release of criminal records, even to the individual whom the records pertain. If this is the case, you must provide the Investigating Officer written "permission to conduct a criminal background check." Make sure that you sign and date your written statement giving the Investigating Officer this permission.

6. **Employment Letters:** You should obtain letters of reference from each employer, since the surrender/revocation of your document/license, or for the past 3 years. The employer(s) should address your work history to include: performance of duties, interaction with fellow employees, whether or not you were subject to random drug testing, duration of employment, and the reason why you left. All letters should include a daytime phone number and an address for verification purposes.

7. **Application for License as Officer, Staff Officer, Operator and Merchant Mariner's Document:** You must complete this application. An application can be obtained at Marine Safety Office Mobile. License applicants should pay close attention to Section V. Merchant Marine

Document applicants should pay close attention to question 2A and Section IV. Applicants are not required to submit photos or physicals with the application.

8. **Additional Information:** You may provide any other information that would help your clemency case (any community service, schools or college or vocational classes entered or completed). It is strongly recommended that you provide letters from reputable members of your community (clergymen, public officials, teachers, etc.), who can attest to your good character. Letters should address your prior problem. This is important for the letter to have meaning. Letters from family members are acceptable, but the ACRB would rather see letters from co-workers, supervisors, counselors, community leaders, etc. These letters should include a daytime phone number and an address for verification purposes.

a. **NOTE:** The individual requesting Clemency is required to obtain and submit all required documentation and reference letters to the Investigations Department.

b. Once all of the above items have been completed, you must submit your Administrative Clemency package to the USCG MSO Mobile, Investigations Department, 150 N. Royal Street, P.O. Box 2924, Mobile, AL 36652-2924, (334) 441-5207. From there, it will be forwarded to the Commandant.

9. **IMPORTANT:** If you do not fulfill all the requirements listed, your application will be rejected by the Marine Safety Office Mobile, Investigation Department. If your clemency request is submitted to Coast Guard Headquarters and is rejected, you must wait at least 1 year before reapplying. It is their goal to respond to you by letter within 20 working days of receipt of your application package.

MARINE SAFETY OFFICE  
Investigations Department

Enclosure: (1) Administrative Clemency Checklist

**ADMINISTRATIVE CLEMENCY CHECKLIST  
DRUG USE**

Applicant must complete all of the top section, and must present this checklist to MSO Mobile Investigation Department.

Name:

Address:

City, State, Zip Code:

Phone:

- \_\_\_\_\_1.      Rehabilitation; date completed\_\_\_\_\_.
- \_\_\_\_\_2.      Aftercare; meeting attendance list and drug test submitted (Alcoholic Anonymous, Narcotics Anonymous).
- \_\_\_\_\_3.      Monitoring; number of drug tests results.
- \_\_\_\_\_4.      Letter to G-MOA Commandant.
- \_\_\_\_\_5.      Criminal and driving record checks.
- \_\_\_\_\_6.      Employment letters; number submitted.
- \_\_\_\_\_7.      Application for License/Document; date submitted.
- \_\_\_\_\_8.      Additional information.

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This section to be completed by MSO Mobile Investigation Officer.

Local Case:

PA Case:

Investigating Officer assigned to case:

- \_\_\_\_\_1.      Has applicant completed all requirements for Clemency?
- \_\_\_\_\_2.      Date of surrender or revocation.
- \_\_\_\_\_3.      Date criminal and driving record checks obtained.
- \_\_\_\_\_4.      Verified drug rehabilitation completion.
- \_\_\_\_\_5.      Verified drug test results.
- \_\_\_\_\_6.      Verified rehabilitation aftercare if needed.
- \_\_\_\_\_7.      Completion of clemency cover letter and CO endorsement.
- \_\_\_\_\_8.      Date electronic clemency case forwarded.
- \_\_\_\_\_9.      Date clemency package mailed.

NOTES: