

UNITED STATES OF AMERICA  
UNITED STATES COAST GUARD vs.  
MERCHANT MARINER'S DOCUMENT No. 467-90-3898  
Issued to: Ronald Scott Manley

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

2310

Ronald Scott Manley

This appeal has been taken in accordance with Title 46 CFR 5.30-15.

By order dated 30 December 1982, an Administrative Law Judge of the United States Coast Guard at Houston, Texas revoked Appellant's seaman's document upon finding proved the charge of "conviction for a narcotic drug law violation."

On 4 February 1983 Appellant requested a temporary document pending appeal. The Administrative Law Judge denied the request by letter on 7 February 1983.

BASES OF APPEAL

This appeal has been taken from the denial of a temporary document by the Administrative Law Judge. It is urged that Appellant should have been issued a temporary document.

OPINION

The decision of the Administrative Law Judge states only that the request for the temporary document was received and is denied. This is not sufficient.

The Administrative Procedure Act requires that an agency rejection of an application "be accompanied by a brief statement of the grounds for denial." See 5 USC 555e. The grounds must, of course, be consistent with the applicable law and regulations. The current criteria for granting temporary documents are found at 46 CFR 5.30-15. The statement accompanying a denial of a temporary document must address both of the criteria set forth there.

CONCLUSION

The Administrative Law Judge failed to provide the required statement of his grounds for denial of a temporary document.

ORDER

The order of the Administrative Law Judge dated at Houston, Texas on 7 February 1983 denying Appellant's request for a temporary document is VACATED. The request for a temporary document is REMANDED for a new decision consistent with this opinion.

J. S. GRACEY  
Admiral, U. S. Coast Guard  
COMMANDANT

Signed at Washington, D.C., this 17th day of May 1983