

UNITED STATES OF AMERICA
UNITED STATES COAST GUARD vs.
LICENSE No. 569146
Issued to: Joseph J. POWER

DECISION OF THE VICE COMMANDANT ON REVIEW
UNITED STATES COAST GUARD

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Joseph J. POWER

The Decision of the Vice Commandant on Appeal (No. 2448) in the above-captioned case, dated at Washington, D.C. on 8 June 1987, has been called up for review under the provisions of 46 CFR 5.801.

The facts are as described in Appeal Decision 2448, in which the Vice Commandant affirmed a finding of the Administrative Law Judge as to a charge of misconduct, and set aside a finding as to a charge of negligence. The original order was then vacated, and the case was remanded to the Administrative Law Judge for additional proceedings.

On 17 July 1987, the Administrative Law Judge entered a decision and order dismissing the negligence charge. As to the remaining charge of misconduct, the Administrative Law Judge entered an order of admonition.

Upon further review, I have concluded that the charge of misconduct was not proved by substantial evidence. Accordingly, the misconduct charge must be dismissed.

ORDER

The order of the Vice Commandant dated at Washington, D.C. on 8 June 1987, and the order of the Administrative Law Judge dated at New York, New York, on 17 July 1987 are VACATED. The charge and specification are DISMISSED.

J. C. IRWIN
Vice Admiral, U. S. Coast Guard
VICE COMMANDANT

Signed at Washington, D.C. this 2 day of Dec, 1987.