

UNITED STATES OF AMERICA
U.S. DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD

UNITED STATES COAST GUARD
Complainant

vs.

CHRISTOPHER JOSEPH CAMP
Respondent

DECISION AND ORDER

The undersigned held a hearing in Fort Walton Beach, Florida on April 16, 2019. The Complaint filed against Christopher Joseph Camp (Respondent) contains two allegations of misconduct. See 46 U.S.C. § 7703; 46 C.F.R. § 5.27. At the conclusion of the Coast Guard's presentation of its case, Respondent made an oral Motion to Dismiss. The undersigned granted Respondent's Motion to Dismiss. Thus, the undersigned dismissed the above captioned case with prejudice. The hearing transcript contains the record of the hearing in its entirety.

WHEREFORE,


ORDER

IT IS HEREBY ORDERED the above captioned case is **DISMISSED WITH PREJUDICE**.

PLEASE TAKE NOTICE service of this Order on you serves as additional notice of your right to appeal as set forth in 33 C.F.R. §§ 20.1001-20.1004.¹ (Attachment B). As

¹ The parties were provided with their appeal rights at the hearing.

discussed at the hearing, the appeal time runs from the date the oral decision was rendered, April 16, 2019. A copy of the transcript will be provided to either party if requested.



Brian J. Curley
US Coast Guard
Administrative Law Judge

Date: April 23, 2019

ATTACHMENT A

WITNESS AND EXHIBIT LIST

Coast Guard Witnesses

1. Cyndi Johnson
2. Carol Hidalgo

Coast Guard Exhibits

1. Copy of Respondent's Merchant Mariner Credential
2. Controlled Substance Use & Alcohol Misuse Policy
3. DISA, Inc. Random Selection Information
4. Federal Drug Testing Custody and Control Form
5. Federal Drug Testing Custody and Control Form
6. DISA, Inc. Drug Test Result Certificate
7. Letter from Diamond Services Corporation
8. Certified Professional Collector Trainer Certificate
9. Certificate of Completion for Department of Transportation Specimen Collection Procedures
10. Federal Drug Testing Custody and Control Form
11. Federal Drug Testing Custody and Control Form
12. Subpoena
13. Letter from Craig Hidalgo
14. Letter from USCG granting extensions to National Endorsements and Medical Certificates

Respondent Witnesses

None

Respondent Exhibits

None

ATTACHMENT B

NOTICE OF APPEAL RIGHTS

33 C.F.R. § 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 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 each 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 that person would have presented.
- (d) The appeal must follow the procedural requirements of this subpart.

33 C.F.R. § 20.1002 Records on appeal.

- (a) The record 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.

33 C.F.R. § 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; 40 S. Gay Street; Baltimore, MD 21201-4022, 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 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 with the Docketing Center 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.

33 C.F.R. § 20.1004 Decisions on appeal.

- (a) The Commandant shall review the record on appeal to determine whether the ALJ committed error in the proceedings, and whether the Commandant should affirm, modify, or reverse the ALJ's decision or should remand the case for further proceedings.
- (b) The Commandant shall issue a decision on every appeal in writing and shall serve a copy of the decision on each party and interested person.