

UNITED STATES OF AMERICA
U.S. DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

UNITED STATES COAST GUARD

Complainant

vs.

DWAYNE K. RHODES,

Respondent.

Docket Number CG S&R 02-0428
CG Case No. 1639750

DECISION AND ORDER

Issued: January 14, 2003

Issued by: Thomas E. McElligott, Administrative Law Judge

Representing the U.S. Coast Guard:

Marine Science Technician First Class (MST1) T. Blaine Hoover and Lieutenant Andrew Williamson, both Investigating Officers stationed at the Marine Safety Office for the ports of Houston to Galveston, 9640 Clinton Drive, Houston, Texas 77029.

Representing the Respondent:

Dwayne K. Rhodes, 756 Orleans, Corpus Christi, Texas 78415

I. PRELIMINARY STATEMENT

The Coast Guard Investigating Officers alleged in their Complaint that the captioned Respondent failed a drug test for methamphetamines and amphetamines. Therefore, they seek Revocation of Respondent's U.S. Merchant Mariner's Document, issued to him by the U.S. Coast Guard.

This adversary hearing before the above Administrative Law Judge is brought pursuant to the legal authority contained in 46 U.S. Code Chapter 77, specifically §§ 7701-04 (West Supp. 2000); the U.S. Administrative Procedure Act, 5 U.S. Code §§ 551-59 (West Supp. 2000); Rules of Practice, Procedure, and Evidence for Formal Administrative Proceedings of the Coast Guard, 33 C.F.R. Part 20 (2000); Marine Investigation Regulations - Personnel Action, 46 C.F.R. Part 5 (1999); Chemical Testing, 46 C.F.R. Part 16 (1999); and Procedures for Transportation Workplace Drug Testing Programs, 49 C.F.R. Part 40 (1999).

On December 11, 2002, a hearing before the captioned Judge for the above captioned matter convened as scheduled in the hearing room located in Houston, Texas. This administrative hearing was commenced against the captioned Respondent, Dwayne K. Rhodes, through service of a Complaint, by certified mail, return receipt, by the Investigating Officer (IO), Lieutenant Robert L. Helton, presently stationed at the Marine Safety Office (MSO) for the port and region of Corpus Christi, Texas. The Complaint alleges a statutory violation charging the Respondent with the Use of or Addiction to the Use of Dangerous Drugs in violation of 46 U.S. Code § 7704(c) (West Supp. 2000). The Complaint seeks the revocation

of the Respondent's U.S. Coast Guard issued Merchant Mariner's Document (MMD) Number 258250607.

The Investigating Officers' Complaint served upon the Respondent alleged the following Factual Allegations:

- "1. On March 27, 2002, the Respondent submitted to a random urinalysis.
- "2. A urine specimen was collected by San Augustine Industrial Clinic, 321 W. San Augustin, - Deer Park, TX.
- "3. The Respondent signed a Federal Drug Testing Custody and Control Form on March 27, 2002.
- "4. The urine specimen was analyzed by One Source Toxicology using procedures approved by the Department of Transportation.
- "5. That specimen subsequently tested positive for Amphetamine/Methamphetamine [sic] and results verified by Ricky McShane, MD, MRO."

The Complaint was dated July 2, 2002, and requested a hearing at the Marine Safety Office, Corpus Christi, Texas.

Later when Lieutenant Helton found out that the Respondent had moved his residence to Deer Park, Texas, a suburb of Houston, he filed a motion and requested a change of venue for the hearing to Houston, Texas. The undersigned Judge, without objection by Respondent and with the agreement of the Senior Investigating Officer in Houston, granted this request. The case was then accepted and transferred to the Marine Safety Office for the ports and region of Houston to Galveston, Texas. Later the Investigating Officer from the Marine Safety Office Houston-Galveston requested a continuance of the case. Without objection, the Judge granted this continuance of

the hearing date to December 11, 2002, in Houston, Texas. Respondent was previously notified of this hearing date and place.

The Complaint was served personally upon the Respondent, as shown by IO Exhibit 10, the U.S. Post Office Domestic Return Receipt for the Complaint. Subsequently the Respondent completed and signed a formal Answer to the Complaint and filed it with the Administrative Law Judge (ALJ) Docketing Center. The Respondent in his Answer denied all Factual Allegations in the Complaint and requested a hearing before a U.S. Administrative Law Judge.

The Complaint and Respondent's written Answer were filed with the U.S. Coast Guard, Administrative Law Judge Docketing Center, Baltimore, Maryland and this matter was assigned to the undersigned Judge.

At the hearing six (6) witnesses testified under oath. Five (5) for the Investigating Officer and the Respondent testified on his own behalf. There was also some telephonic testimony from a lady representing the Nueces Occupation Medicine Clinic, 7406 Upriver Road, Corpus Christi, Texas 78409, regarding Respondent Dwayne K. Rhodes' later application for a position or job with Petroleum Service Corporation. The later examination dates were on March 29, 2002 and/or April 1, 2002. She was called because the Respondent insisted initially and in his Opening Statement that he had taken and passed a drug test for Petroleum Service Corporation by providing a urine sample on the very next day following his March 27, 2002 urine sample for tests for Adams Land & Marine, Ltd. However, as shown by IO's Exhibit 15 and Respondent's Exhibit 1, Respondent's later physical examinations were conducted on March 29, 2002 and his drug test urine specimen, the second one, was

not taken from him until March 29, 2002, or five (5) days later, on April 1, 2002.

Since there are thirty-one (31) days in March, April 1, 2002, was five (5) days later.

In addition to the testifying six (6) witnesses, this Administrative Law Judge admitted into evidence fourteen (14) of the exhibits offered by Investigating Officer Hoover. IO Exhibit 13 was not offered and therefore was not admitted. One exhibit consisting of several pages was offered by the Respondent and was admitted into evidence by the Administrative Law Judge and marked as "Resp Ex 1". This made a total of fifteen (15) exhibits admitted into evidence by this Judge.

**II. FINDINGS OF FACT BASED UPON THE ENTIRE RECORD
CONSIDERED AS A WHOLE**

1. At all relevant times herein mentioned and specifically on and about March 27, 2002 through April 1, 2002, the captioned Respondent, Mr. Dwayne Kelley Rhodes, was a holder in possession of a U.S. Coast Guard issued, Merchant Mariner's Document Number 258250607.
2. The captioned Respondent gave his first urine specimen for drug testing at the request of his prospective marine employer, Adams Land & Marine, Ltd, on Wednesday, March 27, 2002, while applying for employment under the authority of his U.S. Merchant Mariner's Document. Later a notification letter from Adams Land & Marine, Ltd. was received by the Coast Guard Marine Safety Office Corpus Christi, Texas, stating a failure of the drug tests by the Respondent.

3. The Respondent was later charged by the Marine Safety Office Corpus Christi, Texas to appear before the Administrative Law Judge at a hearing in Corpus Christi, Texas. Lieutenant Robert Helton, of the Marine Safety Office Corpus Christi, Texas later asked for and was granted a change of venue for the Respondent to appear before the Judge on September 5, 2002, in Houston, Texas without objection by the Respondent and the Senior Investigating Officer for Houston to Galveston, Texas.
4. Later an Investigating Officer of the Marine Safety Office for the region of Houston to Galveston then asked for and was granted a continuance of the hearing date, without objection by the Respondent. The Respondent was then scheduled and did appear before the Administrative Law Judge, on December 11, 2002, in Houston, Texas for a hearing to defend against the charge of "Use of or Addiction to the Use of Dangerous Drugs."
5. Lieutenant Robert Helton had prior contacted the Respondent at his residence and explained Respondent's rights to him and served the Complaint by certified return receipt U.S. mail on the Respondent, on July 6, 2002. Respondent completed his formal written Answer to the Complaint and forwarded it to the ALJ Docketing Center in Baltimore, Maryland by express courier service, on July 20, 2002.
6. Prior to Respondent's filing of his Answer to the Complaint, the substance of the charge was explained to the Respondent by Lieutenant Robert L. Helton, of the Coast Guard Marine Safety Office Corpus Christi, Texas. Included in the conversation of advices to Mr. Rhodes, was his right to an attorney, his right to witnesses and relevant evidence subpoenaed on his behalf, his right to cross-

examine or question witnesses testifying against him, his right to introduce relevant evidence into the record and also his right to remain silent if he so wished.

7. The following exhibits were admitted into evidence at the hearing before this ALJ:
 - a. IO Exhibit 1 is a letter from marine employer Adams Land & Marine, Ltd. informing the U.S. Coast Guard of Respondent's drug test failure for use of amphetamines and methamphetamines.
 - b. IO Exhibit 2 is the official Investigating Officer's Complaint served by Lieutenant Robert Helton on the Respondent by certified mail, return receipt.
 - c. IO Exhibit 3 is a true photocopy of the Respondent's U.S. Coast Guard issued U.S. Merchant Mariner's Document Number 258250607.
 - d. IO Exhibit 4 is a certified true copy of the first urine collector's copy of the Federal Drug Testing Custody & Control Form number 100238252, signed by the collector of the urine specimen, Mr. Donovan K. Dela Cruz and Respondent.
 - e. IO Exhibit 5 is the litigation package from the certified laboratory, One Source Toxicology. It contains a forwarding letter dated August 27, 2002, explaining what is contained in the litigation package, as well as a brief explanation of how a urine specimen is handled and tested. It includes a table of contents and a copy of Federal Register Volume 67, Number 148, dated Thursday, August 1, 2002, certifying One Source Toxicology Laboratory as a qualified drug-testing laboratory for the U.S. Department of Transportation

and U.S. Coast Guard. It further contains a curriculum vitae or resume for Mr. Steve Harris, the Laboratory Director and Certifying Scientist for the laboratory; the laboratory copy of the Federal Drug Testing Custody and Control Form; the positive test report from One Source Toxicology for the specimen with its identification (ID) number; the Internal Chain of Custody Batch Document for batch number ND 032701, containing sequence number 2, accession number 645652; as well as the preliminary screening data in the GC/MS Aliquot Chain of Custody Confirmation Worklist Document, dated March 27, 2002, containing sequence number 17, accession number 645652 and also the data from the second confirmatory laboratory test on the first urine sample.

- f. IO Exhibit 6 is the Medical Review Officer's (MRO's) copy of the Federal Drug Testing Custody and Control Form.
- g. IO Exhibit 7 is the curriculum vitae or resume of Dr. Ricky M. McShane, the Medical Review Officer (MRO) in this case.
- h. IO Exhibit 8 is the notification from the Medical Review Officer for the positive test results for use of amphetamines and methamphetamines by Respondent.
- i. IO Exhibit 9 is the written Answer completed and signed by Respondent Dwayne K. Rhodes, as his Answer to the Investigating Officer's Complaint. Respondent denied all factual allegations in the Complaint.

- j. IO Exhibit 10 is a Domestic Return Receipt by the U.S. Post Office, proving personal service on the Respondent of the Complaint, by Lieutenant Robert Helton, of the Coast Guard Marine Safety Office Corpus Christi, Texas.
 - k. IO Exhibit 11 is the undersigned Judge's Ruling on Motion for Change of Venue from Corpus Christi, Texas to Houston, Texas, without objection.
 - l. IO Exhibit 12 is the undersigned Judge's Order of Continuance of the hearing at the request of the Investigating Officer for the Marine Safety Houston-Galveston, without objection, ordering the hearing to commence on December 11, 2002, in Houston, Texas.
 - m. IO Exhibit 13 was never offered and therefore was not admitted into evidence.
 - n. IO Exhibit 14 is the application for employment filled out and signed by the Respondent for marine employer Adams Land & Marine, Ltd.
 - o. IO Exhibit 15 contains reports from Petroleum Service Corporation for Respondent's drug test on his second urine sample taken on April 1, 2002.
8. In Respondent's opening statement, his main defense was that he gave a second urine specimen to another employer the very next day that was reported negative for drug use. Respondent gave a second urine specimen for a pre-employment test for Petroleum Service Corporation of Baton Rouge, Louisiana. However, all the related hearing records, exhibits and written reports admitted into evidence prove that the time for his donation of the second urine specimen for the drug test under the Department of Transportation (DOT) program was either on March 29, 2002, two (2) days later, or five (5) days later, on April 1, 2002, from the date of the first urine specimen.

9. Mr. Steve Harris, the Laboratory Director and also a Certifying Scientist employed by One Source Toxicology (the original certified laboratory), with about three (3) years of experience as a Laboratory Director, testified that even after one (1) day a later human urine sample, with even higher numbers than Respondent tested positive for, has tested negative one (1) day later. This could be expected. Respondent's giving of the second urine specimen was actually two (2) to five (5) days later, not one (1) day later, as Respondent testified to. I find the testimony by the Respondent not credible as compared to the testimony of the five (5) listed witnesses testifying for the Investigating Officers, whom I do find credible. They are neutral and disinterested witnesses testifying to what they did and know. The exhibits, records and reports in evidence prove the second urine sample was given two (2) to five (5) days later. As the Medical Review Officer and the Laboratory Director credibly testified, the human body is continually flushing such drugs out of the body. Thus, later produced urine samples can easily be reported negative. This does not disprove that on the day of the first urine specimen for drug tests Respondent was found by the certified laboratory in or above the positive ranges for drug use.

10. The President of Adams Land & Marine, Ltd., Mr. Michael K. Swift, testified under oath that his company would not have paid about \$128.00 or so for all the tests on the Respondent if Respondent had told them Respondent was also applying for another or second job with Petroleum Service Corporation, on or about the same day. This credible testimony also contradicted Respondent's and again showed Respondent's credibility was lacking.

11. The trained and experienced collector of the urine specimen, Mr. Donovan K. Dela Cruz, testified that he carefully collected Respondent's first urine specimen and properly filled out the collection form on the day in question in front of the Respondent and sent it on to the certified laboratory.
12. The Laboratory Director and Certifying Scientist, Mr. Steve Harris, employed by the certified laboratory, One Source Toxicology, testified that the laboratory performed the two required special DOT tests on Respondent's first urine specimen and both resulted in a positive for amphetamines and methamphetamines. He testified that the mere fact that Respondent passed a test for another laboratory by giving a later specimen at least a day or two later would not contradict the first specimen test results because the human body is continuously flushing out the dangerous drugs, as Medical Review Officer, Dr. Michael M. McShane, also testified to. They both testified that the body is continuously flushing out these types of drugs and so once they get down to a certain level in the human urine they will not test positive. Mr. Steve Harris testified this negative second test could be done on a urine sample given one day later. However, Respondent's second urine sample was only produced for testing two (2) to five (5) days later. A urine sample given two (2) to five (5) days later would easily test negative.
13. We also had testimony by doctor and MRO, Ricky M. McShane, stating that when he notified the Respondent of his failing of the first urine drug test, the Respondent did not ask for another drug test of his initial urine specimen, even

though Respondent's original urine sample had been put into two separate specimen bottles and then sent directly to the first certified laboratory.

14. Lieutenant Robert L. Helton, the Investigating Officer at the Marine Safety Office Corpus Christi, Texas testified credibly that he had properly advised the Respondent of his rights in these hearings and proceedings; and served the Investigating Officer's Complaint on the Respondent in this matter, well before the hearing date.

III. ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent Dwayne K. Rhodes and the subject matter of this hearing are clearly and properly within the jurisdiction of the United States Coast Guard and the U.S. Administrative Law Judge in accordance with 46 U.S. Code Chapter 77, including, 46 U.S. Code § 7704 (West Supp. 2000); U.S. Department of Transportation's (DOT's) 49 C.F.R. Part 40 (1999); and the U.S. Coast Guard's (USCG's) 46 C.F.R. Parts 5 and 16 (1999); 33 C.F.R. Part 20 (2000); and 33 C.F.R. Part 95.
2. At all relevant times, the captioned Respondent was the holder of and acted under the authority of his U.S. Coast Guard issued Merchant Mariner's Document while applying first for a job or position in the U.S. Merchant Marine with Adams Land & Marine, Ltd. and later with Petroleum Service Corporation for a position as a "shore-side tankerman" as Respondent called it.

3. The chemical urinalysis drug test on the first urine samples submitted by the captioned Respondent, on Wednesday, March 27, 2002, was satisfactorily performed without any fatal errors. It was performed in substantial compliance with DOT and USCG chemical urinalysis drug testing requirements and rules including, 46 C.F.R. Part 16 (1999) and 49 C.F.R. Part 40 (1999). They were supported and determined by the required two certified laboratory drug tests supported by a qualified and certified drug testing laboratory, one certifying scientist and laboratory director, and one qualified Medical Review Officer, to be POSITIVE for amphetamines and methamphetamines. Thus, proving the use of dangerous drugs, namely amphetamines and methamphetamines, by the Respondent, on or before March 27, 2002.
4. The Complaint “**USE OF OR ADDICTION TO THE USE OF DANGEROUS DRUGS**” is found **PROVED** by a preponderance of the reliable, probative, substantial and credible evidence by considering the entire hearing record considered as a whole.
5. It is well settled in the law that findings may conform the pleadings to the proof. It is found that on the day in question, March 27, 2002, Respondent submitted his first urine specimen for a pre-employment drug test to the said Adams Land and Marine, Ltd., a U.S. Merchant Marine employer, in accordance with the U.S. Department of Transportation and the U.S. Coast Guard rules for such drug tests.

IV. OPINION

Some major purposes of Coast Guard suspension and revocation proceedings and hearings before U.S. Administrative Law Judges are to promote safety at sea and in our nations coastal areas, ship channels, port cities and navigable rivers and oceans waterways. See 46 U.S. Code § 7701 (West Supp. 2000). “If it is shown that a holder has been a user of, or addicted to, a dangerous drug, the license, certificate of registry, or merchant mariner’s document shall be revoked unless the holder provides satisfactory proof that the holder is cured.” 46 U.S. Code § 7704(c) (2000); see also COMMANDANT’S APPEAL DECISION 2535 (SWEENEY). “If an individual fails a chemical test for dangerous drugs under this part, the individual will be presumed to be a user of dangerous drugs.” 46 C.F.R. § 16.201(b) (2000).

On March 27, 2002, the captioned Respondent submitted his first urine specimen for chemical urinalysis drug testing that was analyzed by two different approved test methods by a federally approved, tested and certified testing laboratory. This laboratory reported the Respondent’s urine specimen to be “positive” for the presence of amphetamines and methamphetamines. These laboratory test findings were later supported by the credible testimony of the Laboratory Director and the Medical Review Officer (MRO) assigned to Respondent’s case.

The statutory wording of 46 U.S. Code § 7704(c) (2000) clearly shows that even a one time use of a dangerous drug constitutes grounds for revocation unless the mariner shows satisfactory proof that he is cured. See 46 U.S. Code § 7704(c); see also APPEAL DECISION 2535 (SWEENEY).

The Investigating Officer has the burden of proof in a Coast Guard suspension and revocation proceeding and hearing before a U.S. Administrative Law Judge to prove a prima facie case by the preponderance of the evidence that the Respondent is a user of or is addicted to the use of a dangerous drug. See 46 U.S. Code § 7704; 33 C.F.R. § 20.701-02 (2000); see also APPEAL DECISION 2379 (DRUM) (stating U.S. Coast Guard Investigating Officer has the burden of proof to establish or show drug use).

The captioned Respondent submitted his first urine specimen for a chemical urinalysis drug test on March 27, 2002 that was tested, analyzed and confirmed by two tests by an independent, approved and certified laboratory that resulted in a positive test result during both tests for the presence of amphetamines and methamphetamines. The Laboratory Certifying Scientist and Laboratory Director and the MRO found and testified credibly to support these positive results. The Respondent's March 27, 2002 first urine sample resulted in two (2) positive test results. This created the presumption and more that Respondent used a dangerous drug on or before March 27, 2002. See 46 C.F.R. § 16.201(b) (1999). The Respondent's evidence and claims did not properly contradict nor rebut the Investigating Officers' strong and persuasive evidence.

The Respondent's own Exhibit 1 contains a page wherein the Respondent's signature, with his printed name above it, shows the second urine sample date was five (5) days later, on April 1, 2002. The document is entitled "Petroleum Service Corporation Drug and Alcohol Testing Consent Form." IO Exhibit 15 also shows a Drug Testing Custody and Control Form showing the Respondent giving his second

urine specimen on April 1, 2002, with Respondent's signature, and was given at the Nueces Clinic, in Corpus Christi, Texas, which was the collector company for the later urine sample or second urine specimen from the Respondent for Petroleum Service Corporation.

As a professor of mine in law school use to say, "The palest ink is better than the strongest memory" or the written records and reports are better than the strongest memory. Especially when the memory of the Respondent is wishing or trying to exonerate himself from a failure to pass proper drug tests.

It is found that Respondent's second urine sample was provided no earlier than March 29, 2002, two (2) days later, and was probably provided on April 1, 2002, a full five (5) days later. Thus, its results are irrelevant and nonpersuasive. The results of the second urine sample do not contradict the results of the first urine sample tests results, as detailed above. Respondent stated he has a wife and young children at home. His prior residence was at Corpus Christi, Texas. He moved for his job or position to Deer Park, Texas and now has moved back to Corpus Christi, Texas.

V. ORDER

IT IS HEREBY ORDERED that the Respondent's U.S. Merchant Mariner's Document Number 258250607, all duplicates and all other valid unexpired Coast Guard documents, licenses, certificates and authorizations whatsoever, are hereby **REVOKED**. This revocation **WILL BE STAYED** upon a filing by the Respondent

within thirty (30) days after receipt of this Decision and Order that the Respondent has notified the Coast Guard Senior Investigating Officer at Marine Safety Office Houston-Galveston that he has enrolled to enter or entered into a Coast Guard approved drug rehabilitation program with the specific intent to complete the requirements of cure, in accordance with 46 U.S. Code Section 7704(c) and the Commandant's Appeal Decision SWEENEY, cited above.

The Respondent's U.S. Merchant Mariner's Document, all duplicates and all other Coast Guard licenses whatsoever will then be SUSPENDED and deposited with the Senior Investigating Officer for a period of twelve (12) months from the date of the hearing, December 11, 2002, when Respondent's MMD was deposited with the Investigating Officer in this case, T. Blaine Hoover, MST1, of the Marine Safety Office Houston-Galveston. It is to be deposited for a period of at least twelve (12) months to allow the Respondent time to complete the requirements of cure.

Following Respondent's successful completion of cure, the Respondent's U.S. Merchant Mariner's Document, all duplicates and all other Coast Guard documents, licenses, certificates and authorizations whatsoever shall be subject to a twelve (12) month probation period whereby no charge relating to drug possession or drug use under 46 U.S. Code § 7703 or § 7704 can be proved against the Respondent without violating this probation resulting in Revocation of all Coast Guard issued credentials issued to Respondent.

OTHERWISE, if Respondent does not so enroll within thirty (30) days after receipt of this Decision and Order, the Respondent's U.S. Merchant Mariner's Document and all duplicates and all other valid and unexpired Coast Guard

documents, licenses, certificates and authorizations whatsoever are **REVOKED**

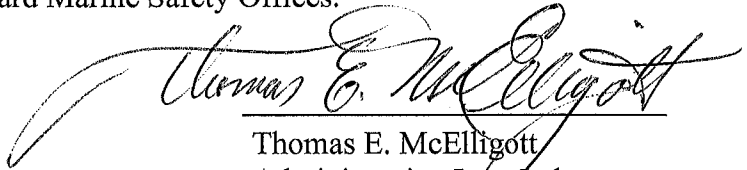
OUTRIGHT.

YOU ARE HEREBY NOTIFIED that any party may file a notice of appeal from this decision within thirty (30) days. If neither party files an appeal pursuant to 33 C.F.R. Subpart J, this Decision and Order will constitute the final Coast Guard action. An appeal notice, if any, shall be served on all parties and filed with: U.S. Coast Guard Administrative Law Judge Docketing Center, Attention: Hearing Docket Clerk, Room 412, 40 S. Gay Street, Baltimore, Maryland 21202-4022, phone number (410) 962-7434, fax number (410) 962-1742; AND with the undersigned Judge, at 8876 Gulf Freeway, Number 370, Houston, Texas, 77017-6542, fax number (713) 948-3372. See enclosure of 33 C.F.R. Subpart J.

The rules and procedures for appellate review are found in 33 C.F.R. Part 20, Subpart J, specifically, §§ 20.1001–1103. A copy of Subpart J has been provided to the Respondent as part of the service of this order.

Each party appealing this Decision and Order has sixty days (60) following the issuance of this decision or following receipt of the transcript to file an appellate brief. An appellate brief shall be served on all parties and filed with: U.S. Coast Guard Administrative Law Judge Docketing Center, Attention: Hearing Docket Clerk, Room 412, 40 S. Gay Street, Baltimore, Maryland 21202-4022, phone number (410) 962-7434, fax number (410) 962-1742; AND with the undersigned Judge, at 8876 Gulf Freeway, Number 370, Houston, Texas, 77017-6542, fax number (713) 948-3372.

Procedures are provided by which a person, or Respondent, whose U.S. Merchant Mariner's License and/or Document has been revoked, may apply to any Commanding Officer of any Marine Safety Office of the U.S. Coast Guard for administrative clemency. This is also known as applying to the Coast Guard "Administrative Clemency Review Board." These rules and conditions are found in 46 Code of Federal Regulations (C.F.R.) Subpart L (46 C.F.R. 5.901, 5.903, and 5.905) entitled "Issuance of New Licenses, Certificates or Documents After Revocation or Surrender," and also can be found in the U.S. Coast Guard Marine Safety Manual at most Coast Guard Marine Safety Offices.



Thomas E. McElligott
Administrative Law Judge
U.S. Coast Guard

Done and dated on this 14th of January 2003
Houston, Texas