

U.S. Department of  
Homeland Security

United States  
Coast Guard



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United States Coast Guard

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ALJIPP 16722.20  
DEC 30, 2010

ADMINISTRATIVE LAW JUDGE INTERNAL PRACTICES AND PROCEDURES 16722.20

Subj: ALJ PROGRAM CASE MANAGEMENT

1. PURPOSE. In accordance with 46 C.F.R. § 1.01-25(d), this directive provides policy concerning management of administrative proceedings for the Administrative Law Judge (ALJ) Program, Office of the Commandant (CG-00J).
2. ACTION. All ALJ Program employees and contractors are responsible for acting in accordance with the applicable policies and procedures as established in this directive and in standard operating procedures or process guides issued pursuant to this directive. Internet release authorized.
3. DIRECTIVES AFFECTED. None.
4. DISCUSSION. The rules of practice, procedure, and evidence for administrative proceedings before the United States Coast Guard (33 C.F.R. Part 20) are the basis for hearings before Coast Guard Administrative Law Judges. The rules state that they are to be construed and applied in order to achieve a just, speedy, and inexpensive determination of a case. This directive is intended to assign responsibility for aspects of the case management program and to set basic policy for case disposition.
5. ALJ DOCKETING CENTER. The ALJ Docketing Center (Docketing Center) provides case management coordination for the ALJ Program. The Docketing Center is responsible for the following activities:
  - a. ALJ Assignment. The Docketing Center, by delegation from the Chief ALJ, is responsible for assignment of cases to ALJs in rotation as practical. In assigning cases, the Docketing Center endeavors to balance workload among the ALJs in a practical extent. Assignment of contested cases is also based on area of responsibility and availability. Assignment of uncontested Coast Guard cases is in rotation as far as practical while balancing workload. The following are the general principles for assignment.

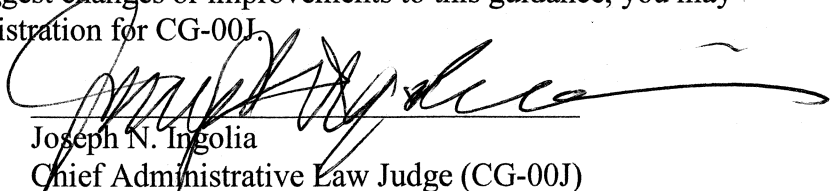
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NON-STANDARD DISTRIBUTION:

- (1) If a case is contested and is within an ALJ area of responsibility, then generally the case will be assigned to that ALJ, if available.
  - (2) If a case is contested and is not within an ALJ area of responsibility or the ALJ is not available, then the ALJ Docketing Center will consider availability, caseload and cost in assigning an ALJ.
  - (3) If a case is not contested (admission, default or settlement), then the Docketing Center assigns the case in rotation to the next available ALJ.
- b. Assignment of law clerks. When a case is assigned to a judge without a dedicated law clerk, the Supervisory Attorney assigns law clerks to cases based on case complexity, experience, and availability.
  - c. Case Management. The Docketing Center maintains the administrative record of a case and manages the workflow of all cases received.
    - (1) The Docketing Center receives all incoming filings from parties by electronic filing, fax or mail, issuing notices and orders, maintaining archived files and answering public inquires on case status.
    - (2) Filings, notices and orders are processed in accordance with the ALJ Process Guide and Docket Management User Guide for MISLE.
    - (3) The Docketing Center maintains a database of all cases assigned to ALJs.
    - (4) The Docketing Center tracks the various milestones of cases based on type and complexity, as well as monitors their progress though the administrative process cycle.
6. ALJ FIELD OFFICES. The ALJ Field Offices are responsible for processing cases in accordance with case disposition guidelines. Field Offices must justify any failures in adhering to the established guidelines. Field Offices maintain administrative records in accordance with agency policy and are responsible for the following activities:
    - a. Issuance of a decision and order in all contested cases.
    - b. Submission of a monthly case status workload report.
  7. CASE DISPOSITION POLICY. The general policy is that hearings be heard and decisions and orders issued as rapidly as possible consistent with due process.
    - a. ALJs should schedule the hearing in contested cases 45-60 days from assignment or 30-45 days from completion of pre-hearing discovery (consistent with convenience of the parties and availability of witnesses and hearing facilities).
    - b. ALJs should issue orders in uncontested cases in which there are no errors within ten working days of assignment.

- (1) In Coast Guard Default cases, an extra thirty days is authorized to establish service.
  - (2) In Coast Guard Admission cases where respondent has requested settlement discussions, an extra ten working days is authorized.
  - c. ALJs should issue orders denying or granting motions within ten days of a joint motion and within ten days of any response to a party motion.
  - d. ALJs should issue decisions within sixty days from the date that the administrative record is complete and available to for the ALJ.
  - e. In granting continuances, ALJs should reschedule the case for the earliest possible date. Long term and multiple continuances should be discouraged and granted only for good cause. While the APA requires that hearings be held at the convenience of the parties, this policy should not be construed to authorize arbitrary scheduling.
8. TRANSCRIPTS. Transcripts are prepared in accordance with particular agency rules. In U.S. Coast Guard cases, authorized ALJ employees (typically support staff with procurement authority) are to procure electronic versions of transcripts with rights to duplicate and are authorized to provide transcripts to parties at no cost. Copies of any transcript will be uploaded into MISLE or the current Docket Management System. Requests for transcripts by witnesses or third parties are processed at the Docketing Center in accordance with applicable agency regulations, particular Department Rules and the Freedom of Information Act.
  9. REQUESTS FOR CHANGES. ALJ Program employees and Coast Guard personnel may recommend changes by writing via the chain of command to: Commandant (CG-00J); U. S. Coast Guard; 2100 2<sup>nd</sup> Street, SW, STOP 7000; Washington, DC 20593-7000.
  10. NO RIGHT OF ACTION. Nothing in this Instruction creates a private right of action or legal duty.
  11. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this Instruction and have been determined to be not applicable.
  12. FORMS/REPORTS. None.
  13. GUIDANCE DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to nor does it impose legally-binding requirements on any party. It represents CG-00J's view on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. If you would like to suggest changes or improvements to this guidance, you may contact the Director of Judicial Administration for CG-00J.



Joseph N. Ingolia  
Chief Administrative Law Judge (CG-00J)  
U.S. Coast Guard