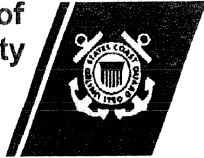


U.S. Department of
Homeland Security

United States
Coast Guard



Commandant (CG-00J)
United States Coast Guard

2100 2nd Street S.W.
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ALJIPP 16722.22
DEC 30, 2010

ADMINISTRATIVE LAW JUDGE INTERNAL PRACTICES AND PROCEDURES 16722.22

Subj: ALJ PROGRAM RECORDS MANAGEMENT

1. PURPOSE. In accordance with 46 C.F.R. § 1.01-25(d), this directive provides policy concerning records management, records requests, and Freedom of Information Act (FOIA) requests related to program records for the ALJ program.
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 standard operating procedures or process guides issued pursuant to this directive. Internet release authorized.
3. DIRECTIVES AFFECTED. None.
4. DISCUSSION. The USCG ALJ Program follows the standard DHS and Coast Guard policy concerning records management and FOIA. That guidance is found in management directives and Commandant Instructions. This directive is intended to assign responsibility for aspects of the records management program including the maintenance and disposition of records, as well as address the unique issues concerning ALJ decisions and case files.
5. SOURCES OF RECORD MANAGEMENT POLICY. The following DHS and Coast Guard directives and regulations are the primary source of policy for records management for the CG ALJ program:
 - a. DHS Records Management Directive
 - b. DHS FOIA Directive
 - c. Coast Guard Records Management

DISTRIBUTION – SDL No.

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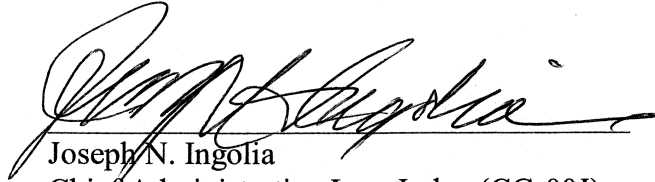
NON-STANDARD DISTRIBUTION:

- d. Coast Guard FOIA Instruction
 - e. Coast Guard HQ Records Disposition Instruction
 - f. NARA rules
 - g. 5 U.S.C. § 552a
 - h. DHS rules.
6. ALJ DOCKETING CENTER. The Docketing Center provides the primary record management center for the ALJ Program. The Docketing Center is responsible for the following activities:
- a. Docket Coordination. The Docketing Center receives filings in administrative proceedings and keeps the docket updated. The Docketing Center maintains a duplicate copy of case files for continuity of operations.
 - b. Record Management. Once cases are complete, the Docketing Center maintains case files until disposition or transfer as directed by National Archives Record Administration (NARA).
 - c. ALJ Decisions. Final ALJ decisions are permanent records that under the APA are maintained and are available for inspection and copying. The Docketing Center maintains copies of all ALJ decisions issued and a database for retrieval.
 - (1) All decisions in contested cases after 1999 are available on Coast Guard's internet site <http://homeport.uscg.mil/mycg/portal/ep/home.do> under the Regulations/Administrative Adjudications channel – CG Administrative Law Judge sub-channel.
 - (2) Final decisions or orders in uncontested cases are available on request from the Docketing Center.
 - (3) Case files in matters that are not appealed are maintained by the Docketing Center until the case retention period required by NARA has passed. Case files are then disposed of in accordance with agency and NARA retention policies.
 - d. Appeal Decisions and Case Files. Decisions on Appeal are available on Coast Guard's internet site <http://homeport.uscg.mil/mycg/portal/ep/home.do> under the Regulations/Administrative Adjudications channel – CG Administrative Law Judge sub-channel. The case files are maintained by the Docketing Center for twenty-five years after final action. Files older than twenty-five years are sent to the National Records Center. The Docketing Center retains responsibility for retrieval if needed. In cases appealed to the National Transportation Safety Board, the original file is transferred to the NTSB. The Docketing Center maintains a duplicate of the record as transmitted to the NTSB. The Docketing Center file may not include all documents added during the NTSB appeal process.
 - e. Availability of older ALJ Decisions. The Docketing Center maintains copies of older ALJ decisions and is responsible for the public availability of those decisions. Those decisions will

be provided by the Docketing Center upon request and after redaction of personally identifiable information.

7. ALJ OFFICES. The ALJ field offices are responsible for maintaining the original case file while the judge presides over the administrative proceedings and until any appeal period expires. Each ALJ field office maintains administrative records in accordance with agency policy. Each ALJ field office is responsible for the following activities:
 - a. Administrative Proceedings.
 - (1) If there is an appeal, the paralegal will certify the record and transcript on appeal. The certified record is forwarded to the Docketing Center for processing.
 - (2) If there is no appeal, the paralegal will certify the record and forward it to the Docketing Center.
 - (3) In reimbursable cases for other agencies, the ALJ field office will forward the record in accordance with the process guide for that type of proceeding.
 - b. Office Records.
 - (1) Procurement Records
 - (2) Space Record
 - (3) Local personnel records
8. FOIA REQUESTS. CG-00J is the FOIA coordinator for the ALJ Program. If an ALJ field office receives a FOIA request, forward the request to CG-00J. FOIA requests will be processed using Commandant (CG-611) procedures and will be assigned a FOIA Control Number by CG-611. CG-00J is responsible for annual FOIA reports.
9. RECORDS MANAGERS. CG-00J ensures appropriate personnel are trained in records management. These individuals assist in developing ALJ Program records management procedures and serve as liaisons with CG-611 and NARA concerning records disposition standards, policies and procedures.
10. 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 2nd Street SW, STOP 7000; Washington, DC 20593-7000.
11. NO RIGHT OF ACTION. Nothing in this Instruction creates a private right of action or legal duty.
12. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this Instruction and have been determined to be not applicable.

13. FORMS/REPORTS. The ALJ Program maintains records of FOIA and record requests, along with all responses and corresponding documentation at the Docketing Center. Additionally, CG-00J is responsible for annual FOIA reports and maintains copies of NARA record transmittals and receipts.
14. 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