



ALJJIPP 5215.2
DEC 30, 2010

ADMINISTRATIVE LAW JUDGE INTERNAL PRACTICES AND PROCEDURES 5215.2

Subj: ADMINISTRATIVE LAW JUDGE PROGRAM PUBLICATIONS, DIRECTIVES AND FORMS

1. PURPOSE. In accordance with 46 C.F.R. § 1.01-25(d), this directive establishes policies, procedures, and standards for the Administrative Law Judge (ALJ) Program, Office of the Commandant (CG-00J), consistent with the requirements of the Directive System for the United States Coast Guard (USCG).
2. ACTION. This Directives System is the official means of communicating policy, requirements, and procedures to employees and contractors. All ALJ Program employees and contractors are responsible for acting in accordance with the applicable policies and procedures as established in this Directives System and the USCG Directives System. Internet release authorized.
3. DIRECTIVES AFFECTED. None.
4. DISCUSSION. Coast Guard Administrative Law Judges preside over administrative hearings conducted by the agency. They are organized as a Coast Guard Headquarters Unit reporting to the Chief ALJ, a special staff office under the Commandant. From 1959 to present, internal directives related to the ALJ Program have been issued by an Administrative Law Judge Internal Practices or Procedures (ALJIPP) or by ALJ Circular. This ALJIPP establishes a new series of internal directives that are consistent with USCG and Department of Homeland Security policy. These directives are consistent with the Coast Guard Directives System COMDTINST M5215.6 (series).
5. ADMINISTRATION. ALJs are under the exclusive administrative control of Commandant (CG-00J). The function of Directive Coordinator for ALJ Program Publications and Directives is provided by CG-00J. In order to preserve the independence of the ALJ, these directives are not

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subject to normal concurrent clearance or legal review. Legal review is provided by the ALJ office. However, all documents issued by CG-00J will be reviewed by CG-0943 for compliance with agency “good guidance” practices.


6. TYPES OF ALJ DIRECTIVES AND PUBLICATIONS.

- a. Instruction. An instruction (INST) is a directive prescribing authority or containing information with continuing reference value or one that requires continuing action. An instruction remains in effect until replaced or cancelled by the originator or higher authority.
- b. Notice. A policy notice (NOTE) is a directive of a one-time or brief nature, such as announcing changes to an existing directive, and has the same force and effect as an instruction. All notices have self-cancelling provisions. Notices remain in effect until date of cancellation and are automatically cancelled after one year. Information expected to remain in effect for more than one year must be issued as an instruction.
- c. Manual. A manual (M) is a permanent instruction containing 25 or more pages. Manuals require a table of contents and must be organized by chapters and sections. When a manual imposes reporting requirements, they will appear in the prescribing transmittal instruction.
- d. Standard Operating Procedures (SOPs). Standard operating procedures (SOPs) are a set of instructions covering those features of current operations that establish definite or standardized procedures without loss of effectiveness. An office or command develops an SOP to ensure correct adherence to internal procedures. Unless otherwise instructed, employees should follow the SOP. The format is at the discretion of the originator. The following are the principal SOPs used by the ALJ Program:
 - (1) Process Guides. Process guides set out policy to ALJ Program employees for conducting various types of hearings. Process Guides of twenty-five (25) or more pages require a table of contents and must be organized by chapters and sections.
 - (2) Policy Letters. Policy letters provide information related to various legal issues of particular value/interest/importance to ALJ and staff, e.g., discovery questions or policy concerning sanctions. The major authorities for Policy letters are statutes, regulations, or administrative or judicial decisions. Policy letters allow for quick dissemination of information about these legal issues and their related legal sources.

7. NON-DIRECTIVE DOCUMENTS. On occasion, ALJs are given memorandums and advisory opinions on interpretations of law or best practices that are non-directive in nature. These non-directive documents are published on Homeport (<http://homeport.uscg.mil/mycg/portal/ep/home.do>) for information use only and are not considered record material.

8. PUBLICATION OF EFFECTIVE ALJ DIRECTIVES. Effective ALJIPPS and effective SOPs will be posted on CG Portal. Public copies will be available on Homeport (<http://homeport.uscg.mil/mycg/portal/ep/home.do>) in the Regulations/Administrative Adjudications channel – CG Administrative Law Judge sub-channel – ALJ General Information program.

9. REQUESTS FOR CHANGES. Units and individuals 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.
10. ENCLOSURES. None.
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 Manual and have been determined not to be applicable.
13. FORMS/REPORTS. None.
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