



WRITTEN WARNING V. CIVIL PENALTY

Written by: Hearing Office Staff

Activity Summary Reports that reflect that a “Written Warning” was issued should generally not be sent to the Hearing Office for civil penalty action. Boarding Officers have the authority per 33 CFR 1.08 to issue written warnings for certain violations. The reverse side of the Boarding Report, CG-4100, expressly states that if a written warning was issued then no civil penalty will be instituted. There is an exception to this general rule. 33 CFR 1.08-5 describes the exception. If the Activity Summary Report reflects a written warning” was issued and the processing official determines that civil penalty action is warranted, then the narrative should be annotated to reflect that the written warning has been rescinded, a prior written warning or violation issued within the described time period and, civil penalty action is being instituted as a result. Failure to do so may result in dismissal of the violations for which a written warning has been issued.