



SENDING AN ENFORCEMENT ACTIVITY TO THE HEARING OFFICE?

Written by YN2 C. Brown, YN2 V. Anderson

Sending an enforcement activity to the Hearing Office requires more than putting it in the mail. It requires the processing official to transfer control of the enforcement activity in MISLE to the Hearing Office. Failure to do so, prevents the Hearing Office from accepting the activity for civil penalty action. And routinely our efforts to gain control of the activity are met with considerable delay.

We have instituted what we hope will be an expedited procedure to eliminate delay due to failure to transfer control to the Hearing Office. Upon discovery of the receipt of an enforcement activity for which control was not transferred to the Hearing Office, we will send an email requesting that control be transferred to us. Failure to transfer control within 4 business days from the date of the email will cause the enforcement activity to be returned to the sending unit without action.

Similarly but not quite as often, we find that ownership of an enforcement activity has been transferred to us. Ownership of an enforcement activity should *NEVER* be transferred to the Hearing Office. In this situation, the Hearing Office will transfer ownership of the enforcement activity in MISLE back to the originating unit.

And don't forget when sending an enforcement activity to the Hearing Office for civil penalty action that two (2) copies are required of *everything* that is in the file; one copy for the Hearing Officer and one copy for the party. Failure to do so will cause the enforcement activity to be returned without action. Beware of CDs and DVDs - the party may not be able to read them. More to come on this later!

Finally, we need to be able to find the activity when you call to make an inquiry concerning it. This is akin to finding a needle in a haystack due to the number of files moving at any given time in the Hearing Office. Help us help you! Each file folder should be labeled with the enforcement activity number, not the investigation number. And the numbers should read in a vertical row on the right hand edge of the folder.

