



STANDARDS AND PROCESSES

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The Coast Guard Hearing Office is a unit that handles a lot of paper neatly packaged in hundreds of violation case files. It is also a unit that must accord fairness to both Coast Guard field personnel that work to enforce maritime laws and regulations, and to the members of the maritime public subject to civil penalty action. One critical and very important pillar to providing this fairness is timeliness. Often, that means establishing time standards for processing steps so that any given violation case file continues to move through the process efficiently and without unnecessary stagnation.

To this end, the Coast Guard Hearing Office requires that files returned to the program manager for correction be returned to the Coast Guard Hearing Office within 20 days. Requests made to a unit for rebuttal comments to a party's response or appeal comments to a party's appeal letter require a response to the Coast Guard Hearing Office within 30 days. "Within" means physically received by the Coast Guard Hearing Office no later than the number of days specified.

Additionally, units have 4 days to respond to a request to transfer control of an enforcement activity in MISLE to the Coast Guard Hearing Office. Units have 15 days to respond to a request for a new mailing address for a party because the address in MISLE resulted in a failed delivery.

The time standards above may be shortened or lengthened by the Coast Guard Hearing Office for reasons not obvious to the reader but necessary for the appropriate handling of the violation case file. Extensions to any of the above time standards may be requested.

A word about rebuttal and appeal comments. The Hearing Officer will cause a request for rebuttal or appeal comments to be sent directly to the Executive Officer of the unit that initiated the violation for civil penalty action. The unit's response is required to be in Coast Guard memorandum format (vice email) and forwarded to the Coast Guard Hearing Office. In all but dismissed cases, a copy of the response is provided to the party so it is important that the response answer any points raised by the party or the Hearing Officer, and that it be professional in tone and content.

Units and processing officials are reminded that the Coast Guard Hearing Office may determine that a violation case file was not processed timely by a unit or processing official and the lack of timeliness has affected the ability to fairly adjudicate the case. While there are acceptable reasons for delaying the timely referral of a violation for civil penalty action, those reasons are few once the boarding, inspection or investigation is complete. Units and processing officials are encouraged to monitor enforcement actions and if wanting to refer violations for civil penalty action, that the violation case files are prepared and forwarded without delay.