



THE PUBLIC IN OUR PROCESS

Written By YN3 Victor A. Anderson and YN3 Christopher J. Brown

Every violation case adjudicated by the Coast Guard Hearing Office Detachment has a “party.” This “party” is a member of the public. It is either a recreational boater, commercial mariner, commercial entity or governmental entity. Regardless, there is always a “party” who receives our preliminary assessment letter. What can that “party” do when it receives our letter? What are the options afforded to this party?

If you are the party receiving a preliminary assessment letter from the Coast Guard Hearing Office Detachment, don’t panic! There are options available to you and you are encouraged to exercise those options.

Included with the preliminary assessment letter is a copy of the violation case file that the Coast Guard Hearing Office Detachment received from the Coast Guard processing official responsible for a particular unit’s violation cases. This case file contains the evidence that the unit personnel gathered to support that a violation occurred and that the party charged is responsible.

The first thing that a party should do after reading over the letter and case file is to READ “Your Alternatives in the Coast Guard Civil Penalty Process” pamphlet, which is included with the preliminary assessment letter. This pamphlet guides the party in the options that are available. One of the options is to pay the preliminary civil penalty amount. Upon the Coast Guard receiving payment, the case is closed and the party doesn’t hear from the Hearing Officer again regarding the violations identified in that particular case. The second option is to set up a payment plan to pay the preliminary civil penalty amount by contacting the Coast Guard’s collection office.

However, the party may have corrected the violation before or after receiving the preliminary assessment letter. In such cases, the Coast Guard Hearing Office Detachment gives the party an opportunity to submit evidence of compliance. By doing this, the party can show that one or more violations in the case file have been corrected.

The party may write the Hearing Officer and submit photographs, copies of receipts, diagrams or any other evidence relating to compliance efforts. This evidence would be considered during the Hearing Officer's final determination in the case.

The party may dispute the violations or the preliminary assessed amount. Here again, the party may write to the Hearing Officer and submit evidence to show that the violation did not occur, explain why the violation occurred and / or why the penalty amount should be less than the amount preliminarily assessed.

In other words, a party may submit its "case" in writing to the Hearing Officer in lieu of requesting a hearing. However, a party may request a hearing to present its "case." Any request for a hearing must be done in writing. The request must detail the issues that the party wishes to dispute at the hearing.

Whether the party desires to submit evidence in writing in lieu of a hearing or request a hearing, the party may request an extension for more time to gather evidence or witnesses.

Responses to the preliminary assessment letter must be made within 30 days of receiving the preliminary assessment letter. Parties are reminded to make sure the case file's "Activity Number" is on any letter sent to the Hearing Officer and to not forget to sign the letter.

If the party receives a "Warning" as a preliminary assessment for any particular violation, the party may do nothing. A "Warning" may be simply accepted by the party or it may be disputed by the party. In such a case, a monetary assessment is not assessed.

In any case in which a preliminary *monetary* civil penalty was assessed, if the party chooses to do nothing, the preliminary civil penalty amount assessed becomes the final penalty assessed after 30

days and the case is forwarded to the collections office for further action.

Parties in the civil penalty process are ENCOURAGED always to read the “Your Alternatives in the Coast Guard Civil Penalty Process” pamphlet sent with every preliminary assessment letter. It is in the best interests of every charged party to know and exercise the options afforded to them in this process.

See our website shown on page one under *Greetings* to view the pamphlet online.