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## Settlement Agreements vs. Administrative Clemency

Administrative Clemency and Settlement Agreements are used when a mariner's credential is in the process of being/or has been revoked or suspended.

### **Settlement Agreement:**

- A settlement agreement occurs when the mariner has been served a Complaint by the United States Coast Guard (USCG) for a particular violation - and the mariner is willing to undertake some sort of remediation such as outright suspension, suspension remitted on probation, professional training, medical evaluations, or any combination of these, without going in front of a Judge at an administrative proceeding. The terms of the settlement agreement are proposed by the USCG Investigating Officer, agreed to by the mariner, and approved by an Administrative Law Judge.
- If the Settlement includes any outright suspension periods where the mariner has agreed to deposit some or all of the MMC endorsements with the USCG, and the mariner successfully completes all terms as specified in the agreement, the MMC will be returned to the mariner after the outright suspension. The Settlement should contain agreed-to consequences for failure to meet the terms of the Agreement (e.g., further suspension periods or revocation).
- If a Settlement Agreement is undertaken and a mariner's MMC comes up for renewal during a period of outright suspension or stayed revocation, the mariner may submit the necessary application paperwork and fees associated with renewing their MMC to the National Maritime Center (NMC). The NMC will delay issuance of the MMC until notified by the Investigating Officer that the mariner has successfully completed the terms of the settlement agreement (satisfied sanction) and the period of suspension is concluded or the stayed revocation is retracted.

### **Administrative Clemency:**

- Administrative Clemency is a process for mariners to obtain authorization to apply for issuance of a new MMC after their previous MMC has been revoked or voluntarily surrendered. There are specific time periods governing the Administrative Clemency process based on the offenses committed.
- Items obtained by the applicant that are submitted in an Administrative Clemency package include, but are not limited to, FBI criminal history, letters demonstrating good character in the community and/or items that demonstrate successful completion of rehab for drugs/alcohol.
- The mariner submits the Administrative Clemency package to USCG Headquarters via the Prevention Department Investigations Office at the local USCG Sector office (See [Homeport](#)). The local USCG office makes an initial recommendation for or against Administrative Clemency and forwards the package to Coast Guard Headquarters for final review.

- If the mariner receives the Administrative Clemency Review Board approval letter, he/she may apply for an MMC.
- If the mariner has received a denial letter, the mariner may not apply for an MMC. The letter contains the name and number of a point of contact to whom they can speak directly about their case.