

DEPARTMENT OF HOMELAND SECURITY
U.S. COAST GUARD

COMPLIANT TEMPLATE FOR DRUG CASES

Address of Coast Guard Marine Safety Office (MSO):	For Docketing Center Use <u>ONLY</u>
Investigating Officer: Telephone Number:	
Complainant:	Docket Number:
Respondent:	Coast Guard Case Number:

COMPLAINT

The Coast Guard has initiated an administrative proceeding against your license, certificate, and/or merchant mariners document (MMD).

Statutory Authority:	<input type="checkbox"/> 46 USC 7704(b) Conviction for a Dangerous Drug Law Violation
	<input type="checkbox"/> 46 USC 7704(c) Use of or Addiction to the Use of Dangerous Drugs
Regulatory Authority:	46 CFR 5.25.

JURISDICTIONAL ALLEGATIONS

The Coast Guard Alleges That:

1. Respondent's Address is as follows:

Street:		
City:	State:	Zip Code:
Telephone Number:	Fax Number:	

2. Respondent holds the following Coast Guard-issued credential(s):

<input type="checkbox"/> License Number	<input type="checkbox"/> MMD Number	<input type="checkbox"/> Other
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1 PAGE(S) OF FACTUAL ALLEGATIONS FOLLOW

ORIGINAL - Respondent
COPY - ALJ Docketing Center
COPY - Marine Safety Office



Short Title of Case:	Docket Number:
U.S. Coast Guard v.	Coast Guard Case Number:

FACTUAL ALLEGATIONS

Use of or Addiction to the Use of Dangerous Drugs

The Coast Guard Alleges That:

1. On _____ Respondent took a random drug test.
(Date)
2. A urine specimen was collected by _____ of _____ .
(Collector) *(Company)*
3. The Respondent signed a Federal Drug Testing Custody and Control Form.
4. The urine specimen was collected and analyzed by _____ using procedures approved
by the Department of Homeland Security *(Lab)*
5. That specimen subsequently tested positive for Amphetamines.

FACTUAL ALLEGATIONS

Conviction for a Dangerous Drug Law Violation

The Coast Guard Alleges That:

1. Within the last 10 years, the Respondent was convicted of violating a dangerous drug law of the

PROPOSED ORDER

The Coast Guard proposes revocation in accordance with 46 USC 7704.

PROPOSED HEARING LOCATION AND DATES

Location: _____

Dates: _____
(1st Choice) *(2nd Choice)* *(3rd Choice)* *(4th Choice)*

Received: _____
(Respondent)

For the U.S. Coast Guard: _____
(Investigating Officer)

Refused: _____ IO's Initials: _____

Date: _____

ORIGINAL - Respondent
COPY - ALJ Docketing Center
COPY - Marine Safety Office



Short Title of Case:	Docket Number:
U.S. Coast Guard v.	Coast Guard Case Number:

RESPONDENT'S INSTRUCTIONS
YOU MUST RESPOND TO THIS COMPLAINT WITHIN 20 DAYS

1. You must answer these allegations within 20 days of receipt. The rules for Answers are at 33 CFR 20.308 and read as follows:
§ 20.308 Answers.
 - (a) The respondent shall file a written answer to the complaint 20 days or less after service of the complaint. The answer must conform to the requirements of this subpart for filing and service.
 - (b) The person filing the answer shall, in the answer, either agree to the place of hearing proposed in the complaint or propose an alternative.
 - (c) Each answer must state whether the respondent intends to contest any of the allegations set forth in the complaint. It must include any affirmative defenses that the respondent intends to assert at the hearing. The answer must admit or deny each numbered paragraph of the complaint. If it states that the respondent lacks sufficient knowledge or information to admit or deny a particular paragraph, it denies that paragraph. If it does not specifically deny a particular numbered paragraph, it admits that paragraph.
 - (d) A respondent's failure without good cause to file an answer admits each allegation made in the complaint.
2. If you admit the allegations, an Administrative Law Judge (ALJ) will issue an order entering the proposed sanction.
3. If you deny any allegations, an ALJ will schedule a hearing on the matter.
4. You may request an extension of time to file your answer within 20 days. Each request must explain why more time is needed and will be ruled on by an ALJ.
5. If you do not file an answer, request for extension, or attend any scheduled hearing, you may be found in default. Default constitutes an admission of all facts alleged in the Complaint and a waiver of your right to a hearing. If the ALJ finds you in default, a decision could be issued against you without any hearing.
6. You may request a settlement agreement with the Coast Guard. If you wish to discuss a settlement, call the Coast Guard Investigating Officer shown on the first page of this Complaint.
7. If you and the Coast Guard reach agreement, a proposed settlement agreement will be submitted to the ALJ for review and approval. If the ALJ approves the settlement, an order implementing the agreement will be issued.

<p style="text-align: center;">YOU HAVE THE RIGHT TO:</p> <ol style="list-style-type: none"> 1. Have representation by counsel at the hearing, and that counsel may be, but need not be, a lawyer (NOTE: free legal aid may be available through the state bar or legal aid services); 2. Have witnesses, records, or other evidence subpoenaed; 3. Examine witnesses; 4. Cross-examine witnesses; 5. Introduce relevant evidence into the record; and 6. Testify to facts or relevant information on your behalf. 	<p style="text-align: center;">FILE YOUR ANSWER TO THIS COMPLAINT AT THE FOLLOWING ADDRESS:</p> <p style="text-align: center;">ALJ Docketing Center U.S. Customs House 40 South Gay Street, Room 412 Baltimore, MD 21202-4022</p> <p style="text-align: center;">Phone: (410) 962-5100 Fax: (410) 962-1742 or (410) 962-1746</p>
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**FILE A COPY OF YOUR ANSWERS TO THIS COMPLAINT WITH THE MARINE SAFETY OFFICE (MSO)
AT THE ADDRESS SHOWN ON PAGE ONE OF THIS COMPLAINT.**

**YOU MUST NOTIFY THE ALJ DOCKETING CENTER AND THE MSO ON PAGE ONE OF THIS COMPLAINT
ANYTIME THERE ARE CHANGES TO YOUR MAILING ADDRESS AND/OR PHONE NUMBER.**

Done at _____ on this _____ day of _____ .
(Location) (Day) (Month/Year)

Signed by: _____
(Signature of Investigating Officer for the U.S. Coast Guard) (Name of Investigating Officer for the U.S. Coast Guard)

CERTIFICATE OF SERVICE

- I hereby certify that I have personally served the foregoing document(s) upon the Respondent.
- I hereby certify that I have served the foregoing document(s) upon the following parties (*or their designated representatives*) to this proceeding to this proceeding at the addresses indicated by: _____
1. Name of Party: _____ 2. Name of Party: _____
Address: _____ Address: _____
- I hereby certify that I have filed the foregoing document(s) with the ALJ Docketing Center by: _____

Signed by: _____ Date: _____
(Signature of Investigating Officer for the U.S. Coast Guard)

ORIGINAL - Respondent
COPY - ALJ Docketing Center
COPY - Marine Safety Office

DEPARTMENT OF HOMELAND SECURITY
U.S. COAST GUARD

COMPLIANT TEMPLATE FOR NON-DRUG CASES

Address of Coast Guard Marine Safety Office (MSO):	For Docketing Center Use <u>ONLY</u>
Investigating Officer: Telephone Number:	
Complainant:	Docket Number:
Respondent:	Coast Guard Case Number:

COMPLAINT

The Coast Guard has initiated an administrative proceeding against your license, certificate, and/or merchant mariners document (MMD).

Statutory Authority:	
Regulatory Authority:	

JURISDICTIONAL ALLEGATIONS

The Coast Guard Alleges That:

1. Respondent's Address is as follows:

Street:		
City:	State:	Zip Code:
Telephone Number:	Fax Number:	

2. Respondent holds the following Coast Guard-issued credential(s):

<input type="checkbox"/> License Number	<input type="checkbox"/> MMD Number	<input type="checkbox"/> Other
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3. Respondent acted under the authority of that license, certificate, or document, on _____, by:

<input type="checkbox"/> Serving as _____ aboard the vessel _____ as required by law or regulation.
<input type="checkbox"/> Engaging in official matters regarding that license, certificate, or document by applying for renewal.

1 PAGE(S) OF FACTUAL ALLEGATIONS FOLLOW

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FACTUAL ALLEGATIONS

Negligence

The Coast Guard Alleges That:

1. On _____ at _____ the Respondent:
- (Date) (Location)
- Was negligent. By committing an act or failing to perform an act that contributed to a collision between the vessel _____ and _____.
- (Vessel) (Object that was Collided into)
- Negligently operated the vessel _____ by failing to post a lookout.
- (Vessel)
- Negligently _____.
- (Specify Other Negligence)

FACTUAL ALLEGATIONS

Misconduct

The Coast Guard Alleges That:

1. On _____ at _____ the Respondent wrongfully:
- (Date) (Location)
- _____.
- (Wrongful Misconduct of Respondent)

FACTUAL ALLEGATIONS

Violation of Law or Regulation

The Coast Guard Alleges That:

1. On _____ at _____ the Respondent violated Title _____ of the _____ by _____.
- (Date) (Location) (Title)
- (Action Taken by Respondent That Violated Code)
2. This law was intended to promote marine safety or protect navigable waters.

FACTUAL ALLEGATIONS

Incompetence

The Coast Guard Alleges That:

1. On _____ at _____ the Respondent is _____ incompetent
- (Date) (Location)
- _____.

PROPOSED ORDER

The Coast Guard proposes: _____

(# of Months)

PROPOSED HEARING LOCATION AND DATES

Location: _____

Dates: _____

(1st Choice) (2nd Choice) (3rd Choice) (4th Choice)

Received: _____	For the U.S. Coast Guard:
_____	_____
<small>(Respondent)</small>	<small>(Investigating Officer)</small>
Refused: _____	IO's Initials: _____
	Date: _____

ORIGINAL - Respondent
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Done at _____ on this _____ day of _____.
(Location) (Day) (Month/Year)

Signed by: _____
(Signature of Investigating Officer for the U.S. Coast Guard) (Name of Investigating Officer for the U.S. Coast Guard)

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1. Name of Party: _____ 2. Name of Party: _____
Address: _____ Address: _____
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Signed by: _____ Date: _____
(Signature of Investigating Officer for the U.S. Coast Guard)

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