

Coast Guard, DHS

§ 5.19

5.309 Proof of service

Subpart G—Witness Fees

5.401 Payment of witness fees and allowances.

Subpart H—Hearings

- 5.501 General.
- 5.521 Verification of license, certificate or document.
- 5.567 Order.
- 5.569 Selection of an appropriate order.

Subpart I [Reserved]

Subpart J—Appeals

- 5.701 Appeals in general.
- 5.707 Stay of effect of decision and order of Administrative Law Judge on appeal to the Commandant; temporary license, certificate, or document.
- 5.713 Appeals to the National Transportation Safety Board.
- 5.715 Stay of effect of Decision of the Commandant on Appeal: Temporary document and/or license pending appeal to National Transportation Safety Board.

Subpart K—Review of Administrative Law Judge's Decisions in Cases Where Charges Have Been Found Proved

- 5.801 Commandant's review.
- 5.803 Record for decision on review.
- 5.805 Action on review.
- 5.807 Commandant's Decision on Review.

Subpart L—Issuance of New Licenses, Certificates or Documents After Revocation or Surrender

- 5.901 Time limitations.
- 5.903 Application procedures.
- 5.905 Commandant's decision on application.

AUTHORITY: 46 U.S.C. 2103, 7101, 7301, 7701; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGD 82-002, 50 FR 32184, Aug. 9, 1985, unless otherwise noted.

Subpart A—Purpose

§ 5.3 Purpose of regulations.

The regulations in this part establish policies for administrative actions against mariners' licenses, certificates

or documents issued by the Coast Guard.

[CGD 82-002, 50 FR 32184, Aug. 9, 1985, as amended by USCG-1998-3472, 64 FR 28075, May 24, 1999]

§ 5.5 Purpose of administrative actions.

The administrative actions against a license, certification or document are remedial and not penal in nature. These actions are intended to help maintain standards for competence and conduct essential to the promotion of safety at sea.

Subpart B—Definitions

§ 5.11 Officer in Charge, Marine Inspection.

Officer in Charge, Marine Inspection (OCMI) for the purposes of part 5 means the officer or individual so designated at one of the Regional Examination Centers, or any person so designated by the Commandant.

[USCG-2006-25535, 71 FR 48482, Aug. 21, 2006]

§ 5.15 Investigating Officer.

An *investigating officer* is a Coast Guard official designated by the Commandant, a District Commander, or the Officer in Charge, Marine Inspection, for the purpose of conducting investigations of marine casualties or matters pertaining to the conduct of persons applying for or holding merchant mariner's documents, licenses, certificates or credentials issued by the Coast Guard. An Officer in Charge, Marine Inspection is an investigating officer without further designation.

[USCG-2006-25535, 71 FR 48482, Aug. 21, 2006]

§ 5.19 Administrative Law Judge.

(a) An *Administrative Law Judge* shall mean any person designated by the Commandant pursuant to the Administrative Procedure Act (5 U.S.C. 556(b)) for the purpose of conducting hearings arising under 46 U.S.C. 7703 or 7704.

(b) The Commandant has delegated to Administrative Law Judges the authority to admonish, suspend, with or without probation, or revoke a license,