



How does  
a criminal  
record  
impact a  
mariner  
application?



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***All mariner applications  
must be submitted  
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The National Maritime Center

Mariner  
Applications  
and  
Criminal  
Records

# What do I need to know about criminal records and obtaining mariner credentials?

After a mariner application is taken by a Regional Exam Center (REC), the next step is a review of the application by the Safety and Suitability Evaluations Branch (SSEB) at the National Maritime Center (NMC). After verifying citizenship, among other things, the NMC will want to know about an applicant's history of criminal convictions to determine if an applicant's character and habits of life make the applicant a safe and suitable person to be employed aboard a ship.

The Application for Merchant Mariner Credential (Form CG 719B, Section III) asks questions about an applicant's criminal convictions and drug use since the last application. An applicant need only disclose convictions that have not been disclosed on a previous application. Only new convictions since the last application are required to be reported on the current application. It is important to answer these questions completely, openly, and honestly and explain any "yes" answers in a separate statement with the name of offense, date, place the incident occurred, disposition of the offense, and any other pertinent details. (Remember, a copy of one's own FBI criminal record can be obtained by following directions at <http://www.fbi.gov/about-us/cjis/background-checks>)

Pay particular attention to the small print in the heading of Section III; regardless of promises of expungement or dismissal of a charge after completing some sort of treatment or probation, if a court has required any action such as probation, treatment or rehabilitation, payment of fines, etc., the Coast Guard considers that court decision to be a conviction. The only situation that makes reporting unnecessary is an expungement when the original court conviction was erroneous.

After checking to see that the applicant does not have a criminal history, the application will be



forwarded to the next department for consideration.

If applicants have criminal convictions, NMC will investigate them, verify the accuracy of the disclosures on Section III of the Merchant Mariner Application, and determine if a waiting period before issuance, called an "assessment period," is necessary for the particular conviction. An assessment period allows an applicant time to demonstrate a willingness to follow society's rules. The length of the assessment period varies with the offense, typically from a maximum assessment for voluntary homicide of 20 years to a minimum of 1 year for simple assault or other less egregious convictions.

The assessment periods for the more common crimes committed in the United States are listed in the 46 Code of Federal Regulations (CFR) Table 10.211(g). However, this is not a comprehensive list. Many resourceful and imaginative criminals commit offenses that do not appear on the list. Rest assured that if a conviction is not listed (such as boating while intoxicated) but it is shown that an applicant cannot be entrusted with the duties and responsibilities of the MMC or endorsement for which they have applied, NMC has the authority to pronounce an assessment period appropriate to the conviction.

Convictions for dangerous drug use, abuse, dependence, or possession of dangerous drugs or paraphernalia, frequently carry an obligation in addition to an assessment period, to prove rehabilitation from the use of dangerous drugs. 46 CFR 10.211(l) lists 5 elements that an applicant can show to prove rehabilitation or "cure." NMC may consider other actions that an applicant takes individually to demonstrate cure from dangerous drug use, abuse, or dependence. In addition, an applicant may be required to supply a substance abuse professional evaluation to qualify for a medical waiver for addiction.

An applicant is rarely prevented from holding a Coast Guard issued credential; the speed with which an applicant with criminal convictions is issued an MMC depends primarily upon the effort the applicant expends to adopt character and habits of life suitable to show no threat to the safety of life or property, no detriment to good discipline, and no adversity to the interests of the United States.

## USCG Guidelines for Determining Criminal Rehabilitation

46 CFR 10.211 (l): If an applicant has one or more alcohol or dangerous drug related criminal or NDR-listed convictions, if the applicant has ever been the user of, or addicted to the use of, a dangerous drug, or if the applicant applies before the minimum assessment period has elapsed for his or her conviction, the Coast Guard may consider the following factors, as applicable, in assessing the applicant's suitability to hold an MMC. This list is intended as a guide for the Coast Guard. The Coast Guard may consider other factors appropriate to a particular applicant, such as:

(1) Proof of completion of an accredited alcohol or drug abuse rehabilitation program

(2) Active membership in a rehabilitation or counseling group, such as Alcoholics Anonymous or Narcotics Anonymous

(3) Character references from persons who can attest to the applicant's sobriety, reliability, and suitability for employment in the merchant marine including parole or probation officers

(4) Steady employment

(5) Successful completion of all conditions of parole or probation.