

Highlights of [GAO-09-489](#), a report to congressional requesters

COAST GUARD

Administrative Law Judge Program Contains Elements Designed to Foster Judges' Independence and Mariner Protections Assessed Are Being Followed

Why GAO Did This Study

The United States Coast Guard's Administrative Law Judge (ALJ) program is designed to, among other things, promote safety at sea while protecting mariners' rights and is composed of judges whose duties include presiding over cases involving mariners' credentials. If a mariner does not meet certain requirements related to safety and security at sea, Coast Guard investigative officers are to serve the mariner with a complaint that lists the allegation(s) and initiate proceedings that can result in the mariner's credential being suspended or revoked. GAO was asked to review elements of the ALJ program and this report addresses (1) the extent to which the ALJ program contains elements designed to foster the decisional independence of ALJs, (2) the extent to which the ALJ program includes protections for mariners and whether complaints and decisions include elements required by program regulations, and (3) the outcome of mariner suspension and revocation cases in recent years.

To conduct this study, GAO analyzed the laws, regulations, and policies governing the ALJ program. GAO also reviewed all suspension and revocation cases opened and closed from November 10, 2005, through September 30, 2008, to determine outcomes, and further reviewed a representative sample of these cases to determine whether complaints and decisions included the required elements. GAO supplemented these case reviews with interviews of Coast Guard ALJ program officials.

View [GAO-09-489](#) or [key components](#). For more information, contact Stephen L. Caldwell at (202) 512-8777 or caldwells@gao.gov.

What GAO Found

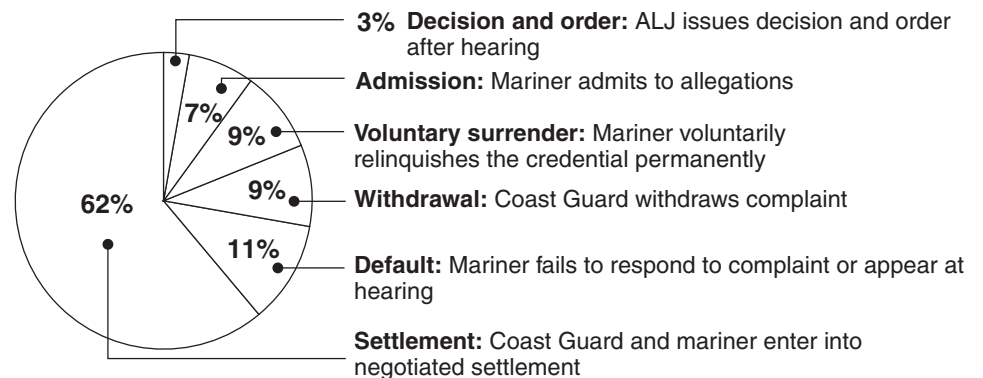
The Coast Guard's ALJ program contains elements designed to foster the decisional independence of its judges by following Office of Personnel Management regulations governing the ALJs' hiring and employment. These regulations are designed to ensure that the ALJs are not subject to undue influence from Coast Guard officials. For example, personnel actions against a judge, such as the removal of an ALJ, may only be taken through an independent agency, the Merit Systems Protection Board.

The Coast Guard's ALJ program contains protections for mariners—such as the right to a hearing and representation—and complaints filed by the Coast Guard and decisions issued by ALJs that we reviewed generally included the required elements. In particular, GAO reviewed cases opened and closed from November 10, 2005, through September 30, 2008, and determined that (1) regulations governing complaints, which are intended to notify mariners of the allegations against them; and (2) regulations requiring ALJs' decisions to contain certain elements, such as finding of fact, were being followed.

Based on GAO's review of the 1,675 suspension and revocation cases opened and closed from November 10, 2005, through September 30, 2008, the majority (62 percent) resulted in settlement agreements; for example, a mariner may give up his or her credential while completing safety training. In these cases, the outcomes were determined through negotiations between the mariners and the Coast Guard. In contrast, 3 percent of the cases resulted in a hearing before an ALJ that ended with a decision and order—a decision presents the ALJ's findings, while an order states the sanction, if any, imposed on the mariner. The remaining 36 percent of cases had a variety of outcomes. The disposition of all cases reviewed is shown below.

In commenting on a draft of this report, the Coast Guard generally concurred with the findings and believes that the report is both complete and accurate.

Disposition of the 1,675 Suspension and Revocation Cases Opened and Closed from November 10, 2005, through September 30, 2008



Source: GAO analysis of Coast Guard ALJ case outcomes.

Note: Percentages do not add to 100 percent due to rounding.