



U. S. Coast Guard Sector



Auxiliary Assistant Suspension and Revocation Investigator

Performance Qualification Standard

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Sector Training Guide

Auxiliary Assistant Suspension and Revocation Investigator Performance Qualification Standard

Qualification Code: AUX-FN

This booklet is one section of your personal ‘on the job training’ (OJT) manual. It is your OJT guide to qualification as an Auxiliary Assistant Suspension and Revocation Investigator. It is your responsibility to document completed unit training items.

The Marine Investigation Specialty, which includes the Suspension and Revocation Investigator competency, is considered an advanced level specialty of the Marine Safety Program. Active duty members assigned to investigations billets are required to be familiar with marine safety laws and regulations through prior training and qualification as a marine inspector. As such, this same progression is expected of Auxiliarists that wish to serve in the Investigations shop.

Since Suspension and Revocation (S&R) proceedings require knowledge of legal proceedings and administrative procedure, Auxiliarists with experience as a lawyer or paralegal may be well-suited to assist with S&R proceedings. Those Auxiliarists that fall into this category and that do not possess the pre-requisite qualifications may apply for a waiver to obtain the Auxiliary Assistant S&R Investigator qualification. Waiver requests should be directed to the Office of Shore Forces (CG-741) at Coast Guard Headquarters.

Verifying Officers shall be experienced and qualified personnel who have demonstrated the ability to evaluate, instruct, and observe other personnel in the performance task criteria. Verifying Officers must be certified in the competencies for which they are to verify and must be Sector command designated. Verifying Officers must enter their title, name, and initials in the Record of Verifying Officers section before making entries in your workbook.

A Verifying Officer shall observe your successful performance of each task and document such with date and initials in the appropriate space provided in this booklet. It may be necessary to perform a task several times. The Verifying Officer will not give credit for any task that is not performed satisfactorily.

Auxiliarists do not have law enforcement authority. They cannot independently exercise COTP, OCMI, FMSC or FOSC authority and may become personally liable for actions they take outside of prescribed directives. Do not allow an Auxiliarist to be placed in a position that will compromise the limitations on the member’s authority.

Auxiliarists involved in activities related to S&R proceedings must be under the direct "shoulder to shoulder" supervision of a designated Investigating Officer. Auxiliary Assistant S&R Investigators shall not initiate any action or have direct contact with a Respondent, Respondent’s Counsel, Witness, or Administrative Law Judge without a designated Investigating Officer present.

When you have completed all of the items required for this qualification, your COTP will issue a Letter of Designation. You must forward a copy of your Letter of Designation to

your DIRAUX for entry into AUXDATA. Should any item be waived the qualification is considered local and will not be entered into AUXDATA and may not be used toward qualification for the M-Pro Pin.

This Performance Qualification Standard (PQS) was developed by the Auxiliary Prevention Directorate, thru the Office of Auxiliary and Boating Safety, Commandant (CG-BSX) and approved by Office of Investigation and Casualty Analysis (CG-INV).

Questions or Comments shall be submitted to the Office of Auxiliary and Boating Safety, Commandant (CG-BSX-12), via the Prevention Directorate, thru the requesting members COLM.

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Auxiliary Assistant Suspension and Revocation Investigator

RECORD OF VERIFYING OFFICERS		
Title	Verifying Officer's Name	Initials

RECORD OF MAJOR TASKS COMPLETED		
Task Number	Major Tasks	Date Completed
1.0	Demonstrate Knowledge of Suspension & Revocation (S&R) Preliminary Process	
2.0	Demonstrate Knowledge of Complaint Process	
3.0	Demonstrate Knowledge of Answer Process	
4.0	Demonstrate Knowledge of Temporary Suspension Process	
5.0	Demonstrate Knowledge of Summary Decision Process	
6.0	Demonstrate Knowledge of Default Process	
7.0	Demonstrate Knowledge of Settlement Agreement Process	
8.0	Closing S&R Activities	

Auxiliary Assistant Suspension and Revocation Investigator

RECORD OF COMPLETION		
Training Prerequisites	Date	Training Coordinator's Signature
A. Qualification as Auxiliary Assistant Marine Casualty Investigator <i>(note: Aux Asst Marine Casualty Investigator requires Auxiliary Assistant Inspection qualifications.)</i>		
B. Completion of resident training courses: <i>(recommended, not required)</i>		
1. Investigating Officer Course <i>and</i>		
2. Suspension and Revocation Course		
C. Completion of correspondence courses:		
1. Introduction to Marine Safety and Environmental Protection (IMSEP)		
2. ICS 100		
3. ICS 200		
4. ICS 210		
5. IS 700		
6. IS 800		
D. Favorable DO PSI if required by COTP/OCMI		
E. Completion of PQS Workbook.		
F. Successful completion of unit level oral board.		
G. Designation Letter submitted for approval.		

All qualification requirements have been satisfactory completed by _____.

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References

The following references will aid you in completing the tasks in this PQS.

- National Transportation Safety Board (NTSB) Decisions on Appeal
- Title 33 Code of Federal Regulations (various), Navigation and Navigable Waters
- Title 33 United States Code Annotated (various), Navigation and Navigable Waters
- Title 46 Code of Federal Regulations (various), Shipping
- Title 46 United States Code Annotated. (various), Shipping
- Title 49 Code of Federal Regulations (various), Transportation
- U. S. Coast Guard Commandant's Decisions on Appeal (CDOA's)
- U. S. Coast Guard Commandant's Decisions on Review (CDOR's)
- U. S. Coast Guard Freedom of Information (FOIA) and Privacy Acts Manual, COMDTINST M5260.3 (series)
- U. S. Coast Guard Headquarters Program Managers' Policy Letters (various)
- U. S. Coast Guard Marine Information for Safety and Law Enforcement (MISLE) Process and User's Guides
- U. S. Coast Guard Marine Safety Manual, Volume I, Administration and Management, COMDTINST M16000.6 (series)
- U. S. Coast Guard Marine Safety Manual, Volume III, Marine Industry Personnel, COMDTINST M16000.8 (series)
- U. S. Coast Guard Marine Safety Manual, Volume V, Investigations, COMDTINST M16000.10 (series)
- U. S. Coast Guard Public Affairs Manual, COMDTINST M5728.2 (series)
- The Suspension and Revocation Job Aid
- Coast Guard Portal – MISLE S&R Process Place
- Coast Guard Portal – Investigations Place

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Auxiliary Assistant Suspension and Revocation Investigator

<u>Task Number</u>	<u>AUX-FN Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
1.0	Demonstrate Knowledge of Suspension & Revocation (S&R) Preliminary Process		
1.1	Determine alleged offense(s) from review of detection activity.	_____	_____
1.2	Determine the elements of alleged offense(s).	_____	_____
1.3	Evaluate and verify the evidence obtained in a personnel action investigation to identify evidence that proves each element of alleged offense(s).	_____	_____
1.4	Discuss an IO's authority to issue a subpoena to secure attendance of witnesses or the production of books, papers or other evidence.	_____	_____
1.5	Explain the limits on the enforcement of a subpoena, including applicability to foreign nationals, geographical limits and remedial action if a party fails to comply with a properly served subpoena.	_____	_____
1.6	Discuss the Health Insurance Portability and Accountability Act (HIPAA) as it pertains to obtaining evidence in personnel action investigations.	_____	_____
1.7	Demonstrate knowledge of the Coast Guard's Suspension and Revocation authority over Merchant Mariner Credentials (MMC's) for the following: <ul style="list-style-type: none"> • Acting under the authority of MMC offenses • Holder of MMC offenses 	_____	_____
1.8	Discuss the jurisdictional differences between a State Licensed and a Federally Licensed Pilot.	_____	_____

Auxiliary Assistant Suspension and Revocation Investigator

<u>Task Number</u>	<u>AUX-FN Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
1.9	Determine the Statute of Limitations for the following offenses: <ul style="list-style-type: none"> • Misconduct • Use of Dangerous Drugs • Conviction of Dangerous Drug Law • Offenses listed in 46 CFR 5.59 and 5.61 • National Driver Register Act (NDRA) Convictions • Other offenses 	_____	_____
1.10	Create an enforcement referral for an S&R offense in MISLE Training (use an open, existing IIA to do this)	_____	_____
1.11	Describe the roles & responsibilities of the ALJ Docketing Center.	_____	_____
1.12	Draft a S&R Letter of Warning in MISLE Training	_____	_____
1.13	Draft a Voluntary Surrender in MISLE Training	_____	_____
1.14	Describe the roles and responsibilities of the Suspension & Revocation National Center of Expertise.	_____	_____
2.0	Demonstrate Knowledge of Complaint Process		
2.1	Discuss the information contained in the caption of the Complaint.	_____	_____
2.2	Determine the Statutory and Regulatory Authority for the following offenses: <ul style="list-style-type: none"> • Use of Dangerous Drugs • Conviction of Dangerous Drug Law • Misconduct • Incompetence • Conviction that would preclude the issuance of MMC • NDR Act Conviction • Security Risk • Violation of Law or Regulation • Negligence 	_____	_____

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<u>Task Number</u>	<u>AUX-FN Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
2.3	Discuss the format of the Jurisdictional allegations section of the Complaint in regards to the following: <ul style="list-style-type: none"> • Holder of MMC offenses • Acting under the authority of MMC offenses 	_____	_____
2.4	Discuss the format for the Factual allegations section of the Complaint.	_____	_____
2.5	Determine the essential elements to be included in the Factual allegations for the following: <ul style="list-style-type: none"> • Misconduct • Negligence • Negligence – Allision • Negligence – Grounding • Violation of Marine Safety Law or Regulation • Use of Dangerous Drugs • Conviction of Dangerous Drug Law • Conviction that would preclude the issuance of MMC • NDRA Convictions • Incompetence • Security Risk 	_____	_____
2.6	Discuss the guidance available to assist in determining the appropriate proposed sanction.	_____	_____
2.7	Discuss the methods for obtaining information about a mariner's prior disciplinary and commendatory record.	_____	_____
2.8	Conduct MISLE review of mariner's violation history.	_____	_____
2.9	Discuss the proposed hearing dates and location section of the Complaint.	_____	_____
2.10	Discuss what request for a change of venue means and what is the proper method for requesting.	_____	_____
2.11	Discuss what information has to be given to the Respondent and the rights of the Respondent.	_____	_____

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<u>Task Number</u>	<u>AUX-FN Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
2.12	<p>Explain the data entry requirements of a MISLE S&R enforcement activity required for generation of the Complaint to include:</p> <ul style="list-style-type: none"> • Entry location of mariner's MMC(s) • Selection of regulatory cite of offense • Proposed date & location of Hearing 	_____	_____
2.13	Complete the data entry requirements of a MISLE S&R enforcement activity required for generation of the Complaint.	_____	_____
2.14	Generate a Complaint Package (Compliant, Answer, Cover Letter, Voluntary Surrender Form) in MISLE Training.	_____	_____
2.15	Discuss the process for filing a Complaint.	_____	_____
2.16	Discuss the methods for service of a Complaint.	_____	_____
2.17	Generate a Certificate of Service and Return of Service document for a Complaint in MISLE Training	_____	_____
2.18	Explain the purpose of a Certificate of Service.	_____	_____
2.19	Describe the significance of obtaining proof of service of a Complaint.	_____	_____
2.20	Describe how to File a Complaint with a Certificate of Service.	_____	_____
2.21	<p>Explain the Freedom of Information Act (FOIA):</p> <ul style="list-style-type: none"> • The procedure a public citizen must follow to obtain information under the FOIA. • What information cannot be released under FOIA? • Who can deny the release of information under FOIA? • Who has the authority to release information on enforcement actions? 	_____	_____

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<u>Task Number</u>	<u>AUX-FN Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
2.22	Explain the Privacy Act: <ul style="list-style-type: none"> • The purpose of the Privacy Act. • What information is protected? • Who is subject to the Privacy Act? 	_____	_____
3.0	Demonstrate Knowledge of Answer Process		
3.1	Determine the deadline for the Respondent's Answer to the Complaint.	_____	_____
3.2	Discuss the next step in the S&R process if the Respondent admits to all the allegations of the Complaint.	_____	_____
3.3	Discuss the next step in the S&R process if the Respondent denies any of the allegations of the Complaint.	_____	_____
3.4	Discuss the next step in the S&R process if the Respondent admits to the allegations of the Complaint but does not agree with the proposed sanction.	_____	_____
3.5	Discuss the next step in the S&R process if the Respondent admits to the allegations of the Complaint and request settlement discussions.	_____	_____
3.6	Explain what matters are appropriate for discussion/agreement at a pre-hearing conference.	_____	_____
3.7	Explain what happens if the Respondent fails to file an answer and the CG fails to seek a Default Order.	_____	_____
4.0	Demonstrate Knowledge of Temporary Suspension Process		
4.1	Discuss the Coast Guard's Authority to temporarily suspend a mariner's MMC, to include the types of offenses that a Temporary Suspension is allowed.	_____	_____
4.2	Discuss the requirements for an expedited hearing for temporarily suspended MMC.	_____	_____
4.3	Discuss the differences between a Temporary	_____	_____

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Suspension Complaint and a normal Complaint.

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<u>Task Number</u>	<u>AUX-FN Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
4.4	Draft a Temporary Suspension Complaint in MISLE Training.	_____	_____
5.0	Demonstrate Knowledge of Summary Decision Process		
5.1	Discuss what a Summary Decision is and the regulations covering Summary Decisions.	_____	_____
5.2	Discuss the types of cases where it would be appropriate to request a Summary Decision.	_____	_____
5.3	Discuss the method for requesting a Summary Decision.	_____	_____
5.4	Discuss the Respondent's rights in responding to a request for a Summary Decision.	_____	_____
5.5	Draft a Motion for Summary Decision in MISLE Training.	_____	_____
6.0	Demonstrate Knowledge of Default Process		
6.1	Discuss under what circumstances the Coast Guard may file or make a Motion for Default.	_____	_____
6.2	Discuss the methods for service of a Motion for Default.	_____	_____
6.3	Explain the process for filing a Motion for Default to include the requirement to show proof of service of the Complaint.	_____	_____
6.4	Describe the significance of obtaining proof of service of a Motion for Default.	_____	_____
6.5	Draft a Motion for Default and electronically file the motion with the Docketing Center in MISLE Training.	_____	_____
6.6	Discuss how a Motion for Default is served on a	_____	_____

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<u>Task Number</u>	<u>AUX-FN Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
	Respondent.		
6.7	Describe the Respondent's options for responding to a Motion for Default.	_____	_____
6.8	Describe the possible actions of the ALJ on the Motion for Default.	_____	_____
6.9	Discuss when a Default Order may be set aside by the ALJ.	_____	_____
7.0	Demonstrate Knowledge of Settlement Agreement Process		
7.1	Discuss the types of cases where it would be appropriate and not appropriate to offer the Respondent a Settlement.	_____	_____
7.2	Draft a Settlement Agreement that contains a mitigated sanction. (Use MISLE Training)	_____	_____
7.3	Draft a remedial Settlement Agreement that contains a mitigated sanction and places conditions on the Respondent. (Use MISLE Training)	_____	_____
7.4	Draft a Complaint Package that contains a Settlement Agreement for a case that involves use of a dangerous drug that conforms to Commandant policy. (Use MISLE Training)	_____	_____
7.5	Describe the conditions that must be included in a drug use Settlement Agreement to ensure the Respondent demonstrates cure.	_____	_____
7.6	Discuss the process for filing a Settlement Agreement in MISLE.	_____	_____
7.7	Discuss the method for requesting an extension of the time to comply with a Settlement Agreement to include the use of a "Notice of Extension of Settlement Agreement".	_____	_____
7.8	Discuss the use of a "Notice of Completion of Settlement Agreement".	_____	_____

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<u>Task Number</u>	<u>AUX-FN Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
7.9	Discuss the use of a “Notice of Failure to Complete Settlement Agreement” to include the Respondent’s options for responding to the notice.	_____	_____
7.10	Discuss how to document in MISLE the Respondent’s completion of the conditions of the Settlement Agreement.	_____	_____
8.0	Closing S&R Enforcement Activities		
8.1	Describe the documentation and data entry required for a MISLE S&R Enforcement Activity before it is closed.	_____	_____

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U.S. Department of
Homeland Security

United States
Coast Guard



SAMPLE LETTER OF DESIGNATION

Command's Name

Street Address
City, State Zip Code
Staff Symbol:
Phone:
Email:

1601
DATE

MEMORANDUM

From: I. M. Frank, CAPT
Unit's Name

Reply to
Attn of:

To: M. O. Ore, USCG Auxiliary

Subj: DESIGNATION AS AUXILIARY ASSISTANT SUSPENSION AND REVOCATION
INVESTIGATOR

Ref: Auxiliary Assistant Suspension and Revocation Investigator Performance Qualification
Standard Workbook

1. Congratulations! You have completed all requirements necessary to perform the duties of an Auxiliary Suspension and Revocation Investigator. You are authorized to carry out the responsibilities of an Auxiliary Assistant Suspension and Revocation Investigator within the scope of your qualifications. This is a significant milestone in your professional development and I commend your accomplishments.

2. This Letter of Designation should be retained as part of your personal Training Record and you will be assigned the Auxiliary Assistant Suspension and Revocation Investigator's Qualification Code "AUX-FN".