NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
NATIONAL APPEALS OFFICE

In re Application of	)	Appeal No. 11-0036
[redacted]	)	ORDER REMANDING APPEAL
Appellant	)	

On November 16, 2011, the National Appeals Office (NAO), a division within the National Marine Fisheries Service (NMFS), closed the evidentiary record and issued a Decision in this appeal. On November 21, 2011, [redacted] (collectively referred to herein as Appellant) submitted a timely motion for reconsideration of the Decision. In response, on November 22, 2011, I stayed the Decision pending further action by NAO.

On December 13, 2011 and December 14, 2011, RAM advised NAO that it had reviewed its records, and believed one of Appellant's trips, not previously credited as a bottomfish trip, should be accepted as a bottomfish trip.[1] In light of this newly-discovered evidence, I am remanding this appeal to RAM. On remand, RAM should re-evaluate the Initial Administrative Determination issued to Appellant on December 15, 2011. RAM shall either issue a revised IAD or provide written documentation explaining why the IAD dated December 15, 2011 remains valid. RAM shall provide Appellant and NAO with the documentation resolving the issue on remand.

In the meantime, the Decision shall remain stayed. Appellant's motion for reconsideration will be held in abeyance. Following receipt of RAM's documentation, NAO will determine whether to proceed with additional action and so notify Appellant and RAM.

[redacted]

Eileen G. Jones
Chief Administrative Judge

Date Issued: January 6, 2012

[1] Electronic messages between RAM and NAO dated December 13, 2011 and December 14, 2011, as redacted, have been added to the file under the Evidence Tab. Copies of the two messages are also included under the cover letter for this Order addressed to Appellant.