

FEDERAL MARITIME COMMISSION

SPECIAL DOCKET NO. 1565

APPLICATION OF LYKES BROS. STEAMSHIP CO., INC.
FOR THE BENEFIT OF THE GOVERNMENT OF ARAB
REPUBLIC OF EGYPT

ORDER OF REMAND

The Commission has determined to review the Initial Decision ("I.D.") of Administrative Law Judge Charles E. Morgan ("Presiding Officer") in the above-captioned proceeding. The Presiding Officer granted applicant Lykes Bros. Steamship Co., Inc. ("Lykes") permission to waive collection of a total of \$551,300.75 of the applicable freight charges on a shipment to Alexandria, Egypt of tractor trailers intended for military use as tank transporters.

Lykes' affiant, Traffic Coordinator La Jean Connick, declared that George F. Roberg, of Lykes' Baltimore office, made the booking at an agreed rate which "had been previously filed for a prior movement" but had already expired; and that due to an oversight by Ms. Connick, the request to the U.S. Atlantic and Gulf Ports/Eastern Mediterranean and North African Freight Conference ("Conference")¹ to reinstate the agreed-upon rate "was not

¹ In joining the application, the Conference has submitted an affidavit identifying itself as the U.S. Atlantic and Gulf Ports/Eastern Mediterranean and North American (sic) Freight Conference.

done in time to cover" the December 30, 1986 shipment. (Connick affidavit, at 2.) The corrected rate was eventually filed effective March 1, 1987.

The Presiding Officer concluded that "there was an error of administrative or clerical nature made by Lykes in failing to provide for timely publishing of the agreed rate." I.D., at 3.

Despite the fact that Lykes' application is submitted under sworn statement, the Commission is not entirely satisfied that the nature and cause of the alleged administrative error have been adequately addressed. An attempt should be made to obtain further evidence of the error, to enable the Commission to make an informed decision as to the merit of the application. See Special Docket No. 534, Cutler-Hammer Denver v. Lykes Bros. Steamship Co., Inc., Order on Remand, 20 F.M.C. 494, n. at 495 (1978).

THEREFORE, IT IS ORDERED, That this proceeding is remanded to the Presiding Officer for the purpose of allowing the parties an additional opportunity to furnish evidence of the nature described herein, and for issuance of a supplemental initial decision within 45 days of the date of this Order.

By the Commission.


Joseph C. Polking
Secretary