

**UNITED STATES OF AMERICA**  
**DEPARTMENT OF TRANSPORTATION**  
**UNITED STATES COAST GUARD**

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**UNITED STATES COAST GUARD**  
 Complainant

Vs

**DAVID BAARSVIK**  
 Respondent

Docket Number CG S&R 99-0026  
 CG Case No. PA 99000804

**ORDER OF DISMISSAL**

**Issued: August 26, 2002**

**Issued by: Edwin M. Bladen, Administrative Law Judge**

This matter is presently before me as the result of the Vice Commandant's Decision No. 2630 finding that my decision of March 27, 2000 is reversed regarding the original charge of Misconduct with one specification (July 9, 1999) and the original charge of Negligence with one specification (July 9, 1999), and which further remanded the case with respect to the Amended (new) Complaint of Negligence dated January 18, 2000.

On August 21, 2002, Respondent by his counsel has filed a motion to dismiss the Amended/New Complaint alleging Negligence. The Coast Guard has filed a response concurring in the motion to dismiss.

Respondent points out this matter is now two and one-half years old and it is likely witnesses memories have faded and the additional evidence needed to defend and

OPTIONAL FORM 99 (7-90)

*8-26-02*

**FAX TRANSMITTAL**

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To <i>MSO Providence</i>	From <i>AW Seattle</i>
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prosecute this matter may be difficult to secure. I concur in Respondent's counsel's assessment.

IT IS THEREFORE ORDERED, the Coast Guard Amended/New Complaint dated January 18, 2000 is hereby dismissed with prejudice.

Dated: August 26, 2002.



Edwin M Bladen  
Edwin M Bladen  
Administrative Law Judge

Certificate of Service

I hereby certify that I have this day served the foregoing document upon the following parties and limited participants (or designated representatives) in this proceeding, at the address indicated as follows:

Marine Safety Office, Providence, RI  
Attn: CWO W.T. Hart  
Telefax: 401-435-2382

William Hewig, III  
Counsel of Record  
Telefax: 617-654+1735

ALJ Docketing Center  
Telefax

Dated at Seattle, WA this 26<sup>th</sup> day of August, 2002.

  
MARY PURFEERST  
Legal Assistant to  
Administrative Law Judge