

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

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, 2001

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

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
Administrative Law Judge