

**UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD**

UNITED STATES COAST GUARD)	
Complainant)	
)	Docket Number: 2023-0288
vs.)	
)	
SARA NICOLE PARKER)	
Respondent.)	

ORDER GRANTING COAST GUARD’S MOTION FOR WITHDRAWAL

On August 2, 2023, the United States Coast Guard (Coast Guard) filed a Complaint seeking to suspend Sara Parker’s (Respondent) Merchant Mariner’s Credentials for 24-months, alleging a violation of 46 U.S.C. § 7703(1)(B). Respondent’s Answer denied all factual allegations and a hearing in this matter was set for August 27, 2024, in Mobile, Alabama.

On August 22, 2024, the Coast Guard filed a Motion for Withdrawal. The Coast Guard moves to withdraw its Complaint and requests an order be issued approving the Coast Guard’s request for withdrawal in accordance with 33 C.F.R. § 20.311(c). The Coast Guard requests withdrawal because their primary witness is no longer cooperating and, without her testimony, the Coast Guard does not believe it can prove its case by a preponderance of the evidence. The Motion also noted that the Coast Guard contacted Respondent’s counsel, and Respondent did not oppose this Motion.

Pursuant to 33 C.F.R. § 20.311(c), an administrative proceeding may not end in withdrawal “unless approved by an ALJ upon such terms as she or he deems proper.” Upon consideration of the record, I hereby GRANT the Coast Guard’s Motion for Withdrawal. Coast Guard regulations do not specify whether withdrawal under 33 C.F.R. § 20.311(c) shall be with

or without prejudice. Likewise, the Coast Guard's Motion also does not specify if they are seeking a withdrawal with or without prejudice. However, generally when a court withdraws "a complaint at the request of the plaintiff, the dismissal is presumed to be without prejudice." See Turner v. NTSB, 608 F.3d 12 (D.C.Cir.2010). Since there are not facts in the record showing a departure from this standard is warranted, this withdrawal shall be without prejudice.

ORDER

IT IS HEREBY ORDERED, this administrative proceeding is **WITHDRAWN** from the ALJ Docket without prejudice.

Done and dated this 22nd day of August, 2024,
at New Orleans, Louisiana

A handwritten signature in black ink, appearing to read "B. J. Curley", written over a horizontal line.

HON. BRIAN J. CURLEY
UNITED STATES COAST GUARD
ADMINISTRATIVE LAW JUDGE