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

UNITED STATES COAST GUARD, Complainant, vs. RAFAEL SOTO, Respondent.	))) Docket Number: 2024-0157)) Enforcement Activity Number: 7879245)))

ORDER GRANTING COAST GUARD'S MOTION FOR WITHDRAWAL

Issued: September 25, 2024

By Order of Administrative Law Judge: Timothy G. Stueve

Appearances:

For the Coast Guard

Mathew T. Schirle
Daniel B. Schaefer, Esq.
USCG Suspension & Revocation NCOE

For the Respondent

Michelle S. Nesbett, Esq.
James Thorne, Esq.

ORDER GRANTING COAST GUARD'S MOTION FOR WITHDRAWAL

This matter comes before me on the United States Coast Guard's (Coast Guard) Motion for Withdrawal. In its Motion the Coast Guard requests I dismiss this matter without prejudice because Respondent voluntarily surrendered his Merchant Mariner Credential (MMC). See 33 C.F.R. § 20.311. For the reasons set forth below, I **GRANT in Part** the Coast Guard's Motion.

The Coast Guard initiated this administrative proceeding seeking to revoke Rafael Soto's (Respondent) MMC for committing sexual assault. See 46 U.S.C. § 7704a(b). On April 4, 2024, Respondent filed an answer to the Complaint admitting to all jurisdictional and factual allegations. Thereafter, Respondent completed a Voluntary Surrender Agreement on April 16, 2024, which the Coast Guard attached to its August 20, 2024 Motion for Withdraw.

Pursuant to 33 C.F.R. § 20.311(c), an Administrative Law Judge (ALJ) must approve the withdrawal of a case prior to its removal from the docket. Furthermore, the dismissal of a case "resides within the discretion of the ALJ." 33 C.F.R. § 20.311(e). Upon consideration of the record, I hereby **GRANT IN PART** the Coast Guard's Motion for Withdrawal and **DISMISS** this case **WITH PREJUDICE**.

WHEREFORE, this administrative proceeding is **WITHDRAWN** from the Administrative Law Judge docket.

SO ORDERED.

Done and dated September 25, 2024
Alameda, CA

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Hon. Timothy G. Stueve
Administrative Law Judge
United States Coast Guard