

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

UNITED STATES COAST GUARD,)	
Complainant,)	
)	Docket Number: 2023-0401
vs.)	
)	Enforcement Activity Number: 7786234
COLIN BRIAN SMITH,)	
Respondent.)	

ORDER WITHDRAWING THE COAST GUARD’S COMPLAINT

Issued: January 26, 2024

By Order of Chief Administrative Law Judge: Walter J. Brudzinski

Appearances:

For the Coast Guard

Abigail Wellman
USCG Sector Delaware Bay

For the Respondent

Colin Brian Smith, *Pro se*

ORDER WITHDRAWING THE COAST GUARD'S COMPLAINT

The United States Coast Guard Sector Delaware Bay (Coast Guard) initiated this administrative proceeding by issuing a Complaint on November 30, 2023, seeking to revoke Colin Brian Smith's (Respondent) Merchant Mariner Credential (MMC) for use of, or addiction to the use of dangerous drugs in violation of 46 U.S.C. § 7704(b) and 46 C.F.R. § 5.35. Specifically, the Coast Guard alleges Respondent took a required pre-employment drug test pursuant to 46 C.F.R. Part 16 on July 24, 2023, in which his urine specimen tested positive for marijuana metabolites (THCA).¹

Also on November 30, 2023, the parties signed a Settlement Agreement.² Subsequently in an email to the Coast Guard on January 2, 2024, Respondent advised that he was voluntarily surrendering his license, and on January 4, 2024 he completed a Voluntary Surrender Agreement in accordance with 46 C.F.R. § 5.203.

On January 24, 2024, the Coast Guard filed a Notice of Withdrawal, withdrawing its Complaint in this administrative proceeding in accordance with 33 C.F.R. § 20.311(a)(2). The Coast Guard reserves the right to file a new Complaint in this matter. See 33 C.F.R. § 20.311(b).

On January 25, 2024, this case was assigned to me. I note the Coast Guard's Notice of Withdrawal pursuant to 33 C.F.R. § 20.311(a)(2) may not require approval by an administrative law judge, as Respondent has not served a responsive pleading. Nonetheless, upon consideration of the record, I approve the withdrawal of the Coast Guard's Complaint against Respondent.

¹ The Complaint was served upon Respondent on November 30, 2023, but it was not filed with the ALJ Docketing Center until January 24, 2024.

² Although the parties signed a Settlement Agreement on November 30, 2023, the document was never submitted for approval. Because the Coast Guard is withdrawing this administrative proceeding, the Settlement Agreement is now moot.

WHEREFORE, the Coast Guard's Complaint is **DISMISSED** without prejudice, that is, the Coast Guard may file a new Complaint in this matter. Further, this matter is **WITHDRAWN** from the ALJ Docket.

SO ORDERED.

Done and dated January 26, 2024
New York, NY



HON. WALTER J. BRUDZINSKI
CHIEF ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD