



**DRB DIGEST/EXECUTIVE SUMMARY  
DRB DOCKET 2013-032**

<b>NAME</b>	E5
<b>CURRENT DD-214</b>	Under Honorable Conditions, COMDTINST M1000.4, ART 1.B.7, JKQ, Misconduct, RE4
<b>RELIEF REQUESTED</b>	Honorable
<b>RELIEF GRANTED BY DRB</b>	None
<b>ADMIN CORRECTIONS</b>	None

<b>TIS</b>	4 yrs, 9 months, 9 days
<b>Policy Implications</b>	None

**EXECUTIVE SUMMARY:**

The applicant was discharged for Misconduct due to Commission of a serious civilian offense. The applicant's complete Personnel Data Record and Separation Package were available for the Board to review.

The applicant was arrested and charged with one count of Felony Battery in late 2011. He struck another civilian causing the victim to lose a tooth, and to crack another tooth along with several stitches to the face. The applicant later went to court in the Spring of 2012 in which a plea nolo contendere was entered, i.e., I will not contest the charges. To wit: A plea in a criminal case by which the defendant answers the charges made in the indictment by declining to dispute, or admit the fact of their guilt. The applicant was subsequently Discharged in the Fall of 2012.

Prior to the aforementioned serious offense, the applicant states having a previous alcohol incident that was not handled correctly. The applicant received a Disciplinary evaluation, but the PDR does not have the full details. It was determined that the incident in late 2011 also had alcohol as a causative factor. In early 2012, the applicant's command initiated Discharge proceedings based on the two alcohol incidents. Thereafter in the Spring of 2012, the command received the State court documents and final CGIS reports, allowing them to provide a comprehensive recommendation to PSC-epm for separation.

The applicant is claiming that the command was abusive and vengeful in their processing of the case. Furthermore, the applicant mentions no details or mitigating factors about the Felony Battery with no contest plea. Rather, the applicant expresses that the alcohol abuse should be the basis for the Discharge which would have rendered a Honorable Discharge.

The Board finds no issues with propriety or equity in this case. The command followed the proper sequence in the discharge proceedings as they received all of the related information needed. Apart from the civilian court proceedings, the board also notes that the applicant never received UCMJ punishment. The applicant was notified of the intent to discharge. The applicant made a statement and objected to discharge. Prior to epm's final approval, the Admiral serving as the local Discharge authority fully endorsed the Discharge due to commission of a serious offense with a General, Under Honorable Conditions character of service.

**Final Adjudication by Assistant Commandant For Human Resources: No relief.**