

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2012-043

Discharge Issued

Character: Honorable

Narrative Reason: Misconduct

SPD/RE Code: JKD / RE4

Authority of Discharge: COMDTINST M1000.4 Art 1.B.17

Date of Separation: 2007-08-10

DRB Decision

Character: No Change

Narrative Reason: Hardship

SPD/RE Code: MDB / RE3H

New Authority: 12.D.3

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged from the Coast Guard Reserve for Misconduct due to a pattern of shirking.

Pursuant to Article 4.B.1 of the Reserve Policy Manual, M1000 1.28A, commands are required to "monitor member participation" and "Correct performance deficiencies by timely counseling of members who are not participating satisfactorily. Commands shall document all counseling in accordance with Preparation and Submission of Administrative Remarks (CG-3307)." There is no record of the command complying with these requirements prior to recommending the applicant for discharge. Additionally, the absence of a discharge package and supporting documentation regarding notification of the intent to discharge and appropriate due process being followed is problematic.

The applicant states that the cause of the non-participation stems from the distance of home of record to the drilling unit. Additionally, the applicant suffered a neck-injury, and their car was inoperable. Unfortunately, the applicant was living in an area where there were no other drilling units within the Reasonable Commuting Distance of 100 miles or 3 hours per the Reserve Policy Manual. A duty reassignment was not an option; this is why the member requested a transfer to the IRR until they were able to financially support the travel and physically able to drill satisfactorily. The applicant had served 4 of the 6 years on the enlistment honorably up until that time.

The Board recommends that the applicant's record be upgraded to reflect a Discharge with an Honorable character of service and a Narrative Reason of "Hardship" with SPD code MDB, RE code of RE-3H. Final Adjudication by Assistant Commandant For Human Resources: Concur with Board. Aforesaid relief is granted.

In reviewing discharges, the Board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence (to include evidence submitted by the Applicant) to rebut the presumption.