

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2012-051

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: JKD / RE4

Authority of Discharge: 12.B.18

Date of Separation: 2007-05-22

DRB Decision

Character: Honorable

Narrative Reason: Separation for Misc/General Reasons

SPD/RE Code: JND / RE1

New Authority: 12.B.12

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, COMDTNST M1001.28A, 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 Board notes that the applicant's record indicates being involved in an alcohol incident as well as an inappropriate relationship counseling, however there is no follow up information available and this was not the purported grounds for discharge. In addition to the lack of supporting documentation, during the applicant's 2 years as a drilling reservist, the applicant had satisfactory participation as noted on the annual point summary.

Therefore, the Board recommends that the applicant's record be corrected to reflect an Honorable discharge due to "convenience of the government" with SPD code JND, RE code of RE-1, and narrative reason of "Separation for Miscellaneous/General Reasons." The Board also recommends amending the separation authority to COMDTNST M1000.6, 12.B.12. 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.