UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2012-065

Discharge Issued
Character: General
Narrative Reason: Misconduct
SPD/RE Code: JKK / RE4

Authority of Discharge: COMDTINST M1000.6, ART 12.B.18

Date of Separation: 2006-10-16

DRB Decision
Character: Under Honorable Conditions (General)
Narrative Reason: No Change
SPD/RE Code: No Change / No Change

New Authority: No Change

Discharge Review Board Discussion and Decision:
DISCUSSION:
The applicant was discharged for Misconduct due to involvement with drugs. The applicant tested positive for THC on a urinalysis conducted.

The Board finds no issues of equity in this case.

Coast Guard policy prescribes no higher than a General, Under Honorable Conditions character of service for individuals separated as a result of violating the Coast Guard's drug policy. The applicant has not provided any evidence to support an upgrade based upon the equity standard.The applicant contends that the Discharge should have been processed through the physical disability evaluation system (PDES) vice separated for misconduct. However, policy requires that the misconduct separation stop any proceedings under the PDES system. Furthermore, it is beyond the scope of this Board to address issues of medical disability.

Based off current policy, The General, Under Honorable Conditions discharge is equitable and the most favorable character of service authorized for personnel separated as a result of involvement with drugs. The character of service should read "Under Honorable Conditions" vice "General." Therefore, the applicant should be issued a new DD-214 reflecting this administrative change.

Propriety: Discharge was proper.
Equity: Discharge was equitable.
Final Adjudication by Assistant Commandant For Human Resources: No relief other than the administrative change to Under Honorable Conditions for the applicant's Character of Service.

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.