

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2012-066

Discharge Issued

Character: Bad Conduct Discharge

Narrative Reason: Court Martial

SPD/RE Code: JJD / RE4

Authority of Discharge: COMDTINST M1000.6, ART 12.B.9

Date of Separation: 2012-04-13

DRB Decision

Character: No Change

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 with a Bad Conduct discharge.

The applicant was discharged as a result of the decision of a Special Court Martial. The applicant pled guilty to all charges. The applicant is not disputing the punishment or discharge from the USCG, rather the request stems from the totality of service over 14 years (with just the CM conviction) should not merit a Bad Conduct discharge.

Further, the applicant bases the request on the service prior to the Court Martial conviction and that the Coast Guard should presumptively upgrade the discharge based upon the conduct prior to being convicted at the Court Martial. The applicant's prior service record (before USCG service) and character of service over a 4 year, 9 month period remains unchanged, however the subsequent service with the Coast Guard and assigned Bad Conduct Discharge accurately reflect the applicant's character and conditions surrounding the punitive discharge and are fully supported by the applicant's record.

In addition to a \$31K debt accrued on the applicant's government travel card, the applicant was counseled repeatedly on the inability to stay within weight standards. The applicant was placed in a weight probationary period on three occasions. Additionally, the applicant had one alcohol incident. In the 6 years that the applicant was a rated and trained CG professional, the applicant created a myriad of problems that prompted the UCMJ actions. The Board unanimously recommends no change to the applicant's discharge and character of service.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

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

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.