

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2012-072

**Discharge Issued**

**Character:** Honorable

**Narrative Reason:** Completion of Required Active Service

**SPD/RE Code:** JBK / RE4

**Authority of Discharge:** COMDTINST M1000.6A, 12.B.11

**Date of Separation:** 2010-03-04

**DRB Decision**

**Character:** No Change

**Narrative Reason:** Separation for Misc/General Reasons

**SPD/RE Code:** KND / RE3H

**New Authority:** 12.B.12

**Discharge Review Board Discussion and Decision:**

DISCUSSION:

The applicant was separated in lieu of orders (SILO).

This was the result of a voluntary SILO request made by the applicant, due to an overwhelming financial situation in which relocation would have adversely affected their family. Just 8 weeks prior to his request to SILO, the applicant was taken to Summary Court-Martial (SCM) for an inappropriate relationship onboard a USGC cutter. As a Chief Petty Officer (CPO)), and married at the time, the applicant fraternized with a third-class petty officer in a romantic relationship. These events occurred onboard the vessel. Physical evidence (in the form of pictures) was passed to the command showing the applicant and the P03 embracing each other intimately in a CPO stateroom onboard the vessel.

At the SCM proceedings, the applicant willingly admitted to the charges of an Inappropriate Relationship and Adultery, Articles 92 and 134. The applicant was reduced from E7 to E6, received 45 days restriction, and lost \$2010 (2/3 of one month's pay). With regard to the Discharge, the applicant received an SPD code of JBK, which reads as an 'involuntary' separation upon completion of required service (no board entitlement). The DD-214 was issued with an Honorable Discharge and an RE-4 reenlistment code. At the time of the 'voluntary' SILO request, the applicant had 3 years and 2 months remaining on the current enlistment.

The applicant submitted a request to SILO, to PSC-EPM, two weeks following receipt of PCS orders. The primary reason for separating was to maintain financial stability for the children. Relocating from one coast to the other coast would cause extreme financial distress on the family. The applicant stated that to be told that approval of the SLO request was contingent upon accepting an RE-4 reenlistment code, which would bar the applicant from future military service. The board recommends that applicant's SPD code be changed to KND with the narrative reason as: 'Separation for Miscellaneous/General Reasons'. This change is consistent with the SPD code normally issued by PSC-EPM for approved SILO requests. Pursuant to ALCOAST 125/10, the use of SPD code KND allows a reentry code of RE-1, RE-3 or RE-4. Given the hardship indicated by the applicant, and the SCM punishment, the board recommends an RE-3 reenlistment code with a disqualifying factor for 'hardship' (RE-3H).

Final Adjudication by Assistant Commandant For Human Resources: Partial relief granted on the following items:

SPD code: KM) Narrative Reason: Separation for Miscellaneous/General Reasons

RE code: RE-3H separation Authority : COMDTNST M1000.6A, Article 12.B.12

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.