

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2012-086

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: JKD / RE4

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

Date of Separation: 2010-02-17

DRB Decision

Character: Honorable

Narrative Reason: Separation for Misc/General Reasons

SPD/RE Code: JND / No Change

New Authority: No Change

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for Misconduct due to an established pattern of shirking.

The applicant served as CG Reserve member. Over their 7 year period of service, only 2 years met the attendance standard of 50 points per anniversary year.

In the final 3 years, only 39 points were performed out of the required 150. Therefore, the SPD code of JKD for members who are absent without leave was used in this case. The applicant is asking for an upgrade based on a financial hardship. The applicant has provided no documentation to support this claim, or how this affected the ability to meet drilling standards. However, pursuant to Article 4B. I 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 (CG3307)." 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 recommends that the applicant's record be corrected to reflect an honorable discharge. The Board also recommends the following changes to applicant's separation:

SPD code: JND.

Narrative Reason: Separation for Miscellaneous/General Reasons

Separation Authority: legacy COMDTNST M1000.6, 12B.12

Propriety: Recommend that discharge is amended to 'Honorable' with an SPD code of JND. The Narrative Reason would be Separation for Miscellaneous/General Reasons using the legacy COMDTNST M1000.6, 12.B.12 separation authority.

Equity: Discharge (RE4 code was equitable).

Final Adjudication by Assistant Commandant For Human Resources: Concurs with the aforementioned relief with an Honorable Discharge. NO relief is granted on the applicant's reentry code.

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.