



**DRB DIGEST/EXECUTIVE SUMMARY
DRB DOCKET 2013-060**

NAME	E5
CURRENT DD-214	Under Honorable Conditions, COMDTINST M1000.4, ART. 1.C.1, GKK, Misconduct, RE4
RELIEF REQUESTED	Honorable
RELIEF GRANTED BY DRB	None
ADMIN CORRECTIONS	Amend Separation Authority to: COMDTINST M1000.4, ART 1.B.17

TIS	10 yrs, 9 months, 15 days
Policy Implications	None

EXECUTIVE SUMMARY:

The applicant was discharged for Misconduct due to Involvement with Drugs.

The applicant had a positive urinalysis result during a random testing in late 2012. The marijuana (THC) result was 15 times the required cutoff amount to render a positive sample. The applicant claimed that have not used any illegal drugs prior to the testing date, rather the applicant expressed that the positive result must have occurred in some form of an accidental ingestion. Pursuant to policy, the applicant was recommended for Discharge due to a drug incident. The applicant's had 10 years of service which afforded the right to an Administrative Separation Board (ASB) that occurred in the Spring of 2013. The ASB ruled in favor of a 'No Drug Incident' finding and recommended retention in the service. However, the applicant's command did not concur with the board's determination and forwarded the endorsement to Discharge the applicant for a Drug Incident. PSC-EPM approved the separation thereafter, and the applicant was officially discharged from the service in the summer of 2013.

The Board finds no issues with propriety or equity in this case. The applicant provided no evidence to support an 'accidental ingestion', nor did was any error demonstrated in the chain of custody or procedure executed by the urinalysis coordinator or observers. The Tripler Drug testing lab also provided feedback that they had not experienced any false positives, or that this case could be from second-hand smoke based on the high concentration in the positive sample.

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 Coast Guard has zero tolerance for drug abuse. The General, Under Honorable Conditions discharge is equitable.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Final Adjudication by Assistant Commandant For Human Resources: An administrative change will be made to the Separation Authority to reflect the correct Article in the Military Separations Manual at the time of separation. The DD-214 issued incorrectly reads the lapsed Article (for the Separation Authority) from the legacy Personnel Manual. All other items stand as issued. No relief

Separation Authority: Amend to COMDTINST M1000.4, ART 1.B.17 for Legal sufficiency.