

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2013-004

Discharge Issued

Character: General

Narrative Reason: Misconduct

SPD/RE Code: JNC / RE4

Authority of Discharge: COMDTINST M1000.6, 12.B.16

Date of Separation: 2006-11-07

DRB Decision

Character: Honorable

Narrative Reason: Unacceptable Conduct

SPD/RE Code: No Change / No Change

New Authority: No Change

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant's record shows a Discharge for General Misconduct under Article 12.B.16. with an SPD code of JNC and an RE-4 reenlistment code.

The applicant was on active duty for less than 10 months. In the 8 months aboard a USCG cutter, an established a pattern of inaptitude was witnessed on basic watch standing duties. After receiving five negative 3307s, the applicant was officially placed on performance probation after six months as a crewmember. The primary reasons for the probation were sleeping on watch; sitting down while on lookout duty; making phone calls while on watch; playing video games on watch; lying to the chain of command; and not rendering honors to the Executive Officer. The applicant subsequently received NJP for Article 92, failure to obey rules and regulations. The applicant's qualifications were pulled and he received two unsatisfactory and two not recommended evaluations during this period.

The applicant does not dispute the discharge or any of the events in his service record. At the time of discharge, the applicant waived the right to submit a statement and did not object to the discharge proceedings. In the current day, the applicant has not substantiated any error or injustice with regards to the reason for discharge or the character of service. The applicant did not demonstrate a reputable work ethic, or produce the expected performance in the seven months at the first assignment. The SPD code JNC should remain intact; however, the narrative reason for separation on the DD-214 is incorrect. In accordance with the SPD Handbook, the narrative reason for SPD code JNC is "Unacceptable Conduct." The Board recommends an administrative change from "General Misconduct" to "Unacceptable Conduct." Additionally, the Board recommends that the character of service reflect "Honorable" based on the command's recommendation and the Separation Authorization issued by CG PSC-EPM. Although a General Discharge is in alignment with SPD code JNC, the DD-214 should remain consistent with the aforementioned recommendations and findings.

Propriety: Recommend that discharge be amended to "Honorable". The correct narrative reason for separation is "Unacceptable Conduct," under the separation authority of Personnel Manual, COMDTNST M1000.6A, Article 12.B.16.

Equity: Discharge was equitable; however, the DD-214 was issued incorrectly by the servicing Admin/SPO at the time of separation.

Final Adjudication by Assistant Commandant For Human Resources: Relief granted based administrative error to: Honorable Discharge. No relief on the applicant's reentry code. Narrative reason for separation will also be

administratively corrected to read "Unacceptable Conduct."

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.