

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2013-039

Discharge Issued

Character: Other Than Honorable Conditions

Narrative Reason: Triable By Court Martial

SPD/RE Code: KFS / RE4

Authority of Discharge: COMDTINST M1000.6A, ART 12-B-1

Date of Separation: 2005-03-10

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 due to a voluntary request as part of a pretrial agreement for separation in lieu of Special Court Martial proceedings.

The applicant malingered and faked illnesses and other unsuitable factors to avoid future sea duty upon graduation from "C" school. These actions stemmed from financial issues on maintaining a security clearance to remain sea duty eligible.

The Board finds no issues with propriety or equity in this case. The applicant had four senior leaders attempting to steer the career in the right direction, instead the applicant chose to deceive them and a Medical Officer by fabricating newfound medical conditions not seen prior to the possibility and probability of going to sea.

After the sequence of events, the applicant had a physical examination just one month prior to separation. On DD Forms 2808 and 2807-01, the applicant indicated none of the previous ailments.

The applicant voluntarily and formally requested a separation for the 'Good of the service'.

The Board does note that the DD-214 incorrectly cites the Separation Authority as COMDTNST M1000.6A, Art 12.B.1. The correct (legacy) Personnel Manual citation should be Art 12.B.21 for the SPD code of KFS, Triable By Court Martial.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Final Adjudication by Assistant Commandant For Human Resources: No relief. An administrative change will be made to the Separation Authority to read as COMDTNST M 1000.6A, Art 12.B.21 for Legal sufficiency.

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.