

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2013-047

Discharge Issued

Character: Other Than Honorable Conditions

Narrative Reason: Misconduct

SPD/RE Code: JKN / RE4

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

Date of Separation: 2002-04-09

DRB Decision

Character: Under Honorable Conditions (General)

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 for Misconduct due to a Frequent Involvement of a Discreditable Nature.

An established pattern of infractions deemed the applicant untrustworthy, unreliable, and unable to maintain basic housekeeping and hygiene. Within the first 4 months of reporting aboard to a USCG Station assignment, the applicant was found in possession of another shipmates' foul weather gear. The applicant was counseled and taken to NJP for larceny. Following NJP, a handful of other negative administrative remarks that addressed poor hygiene and tardiness were issued on a number of occasions. The applicant was a nuisance to fellow shipmates in a number of ways within a short period of time. Later, performance probation was imposed to improve his actions. Due to the inability to meet the lowest level of fundamentals and integrity, the command began processing for Discharge. The applicant was given an ample opportunity to demonstrate actions of a worthy shipmate.

The Board finds no issues with propriety in this case. However, the character of service standard for separations with the SPD code. JKN normally results in an Under Honorable Conditions discharge. An Under Other Than Honorable discharge is normally awarded for those who were subject to a Court Martial.

The board notes that 7 out of the past 8 precedents (with the SPD code of JKN) before the USCG Discharge Review have received an Under Honorable Conditions character of service. Therefore, the board recommends relief based on the consistency of these separations, and noting that the JKN code was established to separate individuals for a pattern of misconduct stemming solely from minor disciplinary infractions.

Also of note, from an administrative standpoint, the board notes the inconsistency of the applicant's Entry Into Service Date on the DD-214 worksheet. The worksheet is incorrect. To the applicant's credit, the copy of the 214 has the correct entry date to properly reflect the applicant's correct Net Active Service time.

Propriety: Discharge was proper.

Equity: Discharge was NOT equitable.

Final Adjudication by Assistant Commandant For Human Resources: Relief is granted on the applicant's character of service to 'Under Honorable Conditions'. All other items stand as issued.

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.

