

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2013-051

Discharge Issued

Character: Honorable

Narrative Reason: Misconduct

SPD/RE Code: JKN / RE4

Authority of Discharge: COMDT M1000.6A, 12.B.18

Date of Separation: 2008-06-25

DRB Decision

Character: No Change

Narrative Reason: Separation for Misc/General Reasons

SPD/RE Code: JND / No Change

New Authority: COMDTINST M1000.6 Art 12.B.16

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for Misconduct due to an established pattern showing a failure to pay debts.

The applicant's complete Personnel Data Record and Separation Package were available for the Board to review. The Board utilized available information contained in electronic records and documents submitted by the applicant.

The applicant first received a letter of caution from the USCG Security Center (SECCEN) on the status of their security clearance. This notice was due to the excessive amount of debt owed to a laundry list of creditors. SECCEN followed up to indicate that no improvement had been made to eliminate the sizable debt that the applicant had created over a significant amount of time. SECCEN forwarded their intent to revoke the security clearance as 8 more creditors surfaced totaling over 13 thousand dollars. Over those past three years, the applicant was given an opportunity to improve their financial well-being and respond with any information showing an effort to consolidate and eliminate said debt. The security clearance was later officially revoked and the applicant did not appeal the decision.

As a result of losing the clearance, the applicant could no longer perform the duties as a Petty Officer in their rate. At this time, an Unsatisfactory conduct evaluation and formal financial counseling was received from the command. The applicant was not punished adversely at anytime from the initial SECCEN notice to the 4 years thereafter. The applicant was given an extended period of time to reduce the overall debt, however the debt increased in the 42 months after the first notification. The applicant's direct chain of command worked directly with applicant on a financial spending/accounting plan in which dishonest actions on numerous cash withdrawals were discovered. A four-part written update was provided to the command on the unwillingness to properly account for nearly \$900 dollars spent in cash. This was after agreements to show payment receipts for all of the basic month-to-month necessities were not met. Additionally, the command formally counseled applicant on the need to change their rating for retention in the service. The member refused that option at that time which is illustrated in emails between the command and epm-l.

The applicant was notified of the intent to discharge, and the applicant was advised of the rights to an attorney. A statement was made while objected to discharge. Despite the pattern of indebtedness, the Board finds that the applicant's Narrative Reason for Separation of

Misconduct is not equitable with separations stemming from financial irresponsibility. The legacy Personnel Manual COMDTINST M 1000.6A, Art 12.B.16.b(6) separated enlisted personnel for Unsuitability for a patterned failure to pay debts.

Propriety: Discharge was proper.

Equity: Discharge was NOT equitable.

Final Adjudication by Assistant Commandant For Human Resources: Partial relief is granted as follows:

Discharge: No change

Authority : COMDTINST M1000.6A, Art 12.B.16

Separation Code: JND

Re-entry Code: No change

Narrative Reason: Separation for Miscellaneous/General Reasons

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.