

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2013-055

**Discharge Issued**

**Character:** Honorable

**Narrative Reason:** Unacceptable Conduct

**SPD/RE Code:** HNC / RE4

**Authority of Discharge:** COMDTINST M1000.4

**Date of Separation:** 2013-07-29

**DRB Decision**

**Character:** No Change

**Narrative Reason:** Separation for Misc/General Reasons

**SPD/RE Code:** JND / RE3

**New Authority:** COMDTINST M1000.4 Art 1.B.15

**Discharge Review Board Discussion and Decision:**

DISCUSSION:

The applicant was discharged for Unacceptable Conduct.

The applicant's complete Personnel Data Record and Separation Package were available for the Board to review.

The applicant served for over 8 years in the service at 4 separate units. The applicant's subpar performance was documented which listed events over the previous 11 months to include insubordination, sloppy and un-kept uniforms, and inspiring non-work related activities to disrupt the workplace. The behavior and lack of enthusiasm did not improve after being placed on performance probation and receiving 2 non-recommendations for advancement. The command made the notification to Discharge for Unsuitability due to Inaptitude. Thereafter, the Discharge was final.

The Board noticed a number of inconsistencies between the command endorsements for separation, the EPM separation approval, and the DD-214 issued. The following provides an outline of the approval process and the notable findings:

Applicant's command: Made separation notification after just 3 months on performance probation. The command endorsed a Discharge for Unsuitability due to Inaptitude which aligns with Military Separations Manual, Article 1.B.15 on the Board request, the applicant mentioned a request for a Temporary Separation that was denied. Upon the command notification for discharge, no objection was made. Also, the applicant waived all rights to an Administrative Separation Board, an attorney, or to make a statement.

The current application requests to remove the Narrative Reason (NR) as 'Unacceptable Conduct', and to amend it to a Voluntary Separation that is in alignment with SPD code KND with an NR of Separation for Miscellaneous/General Reasons.

EPM separation approval (summary): The Discharge was approved under Article 1B.15, but the SPD code issued was I-INC with an authorized NR of Unacceptable Conduct that is more suited for Misconduct discharges (1.B. 17). \*\*\*The JNC, HNC, GNC family of SPD codes was more routinely used with legacy PERSMAN 12.B.16.

The Board recommendation focuses on the lack of 'performance' specified by the command. However, the applicant did not receive Non-Judicial punishment (NJP) proceedings anytime after \_\_\_\_, or have documented 'Misconduct' incidents that would merit awarding a Narrative Reason of Unacceptable Conduct or anything located in 1B.17 of

Military Separation Manual. The Board recommends the following based on the relevant policy in 1.B.15 at the time of separation:

24. Discharge

Honorable

25. Authority

COMDTNST M1000.4, Art 1.B. 15

26. Separation Code

JND- (Separation was Involuntary)

27. Re-entry Code

RE3

28. Narrative Reason

Separation for Miscellaneous/General Reasons

Propriety: Discharge was NOT proper.

Equity: Discharge was NOT equitable.

Final Adjudication by Assistant Commandant For Human Resources: Concur with Board recommendation.

Aforementioned relief to the applicant is granted.

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.