

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2013-060

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: GKK / RE4

Authority of Discharge: COMDTINST M1000.4, ART. 1.C.1

Date of Separation: 2013-08-26

DRB Decision

Character: No Change

Narrative Reason: No Change

SPD/RE Code: No Change / No Change

New Authority: COMDTINST M1000.4 Art 1.B.17

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for Misconduct due to Involvement with Drugs.

The applicant had a positive urinalysis result during a random testing. The marijuana (THC) result was 15 times the required cutoff amount to render a positive sample. The applicant claimed that have not used any illegal drugs prior to the testing date, rather the applicant expressed that the positive result must have occurred in some form of an accidental ingestion. Pursuant to policy, the applicant was recommended for Discharge due to a drug incident. The applicant's had 10 years of service which afforded the right to an Administrative Separation Board (ASB) that occurred. The ASB ruled in favor of a 'No Drug Incident' finding and recommended retention in the service. However, the applicant's command did not concur with the board's determination and forwarded the endorsement to Discharge the applicant for a Drug Incident. PSC-EPM approved the separation thereafter, and the applicant was officially discharged from the service.

The Board finds no issues with propriety or equity in this case. The applicant provided no evidence to support an 'accidental ingestion', nor did was any error demonstrated in the chain of custody or procedure executed by the urinalysis coordinator or observers. The Tripler Drug testing lab also provided feedback that they had not experienced any false positives, or that this case could be from second-hand smoke based on the high concentration in the positive sample.

Coast Guard policy prescribes no higher than a General, Under Honorable Conditions character of service for individuals separated as a result of violating the Coast Guard's drug policy. The Coast Guard has zero tolerance for drug abuse. The General, Under Honorable Conditions discharge is equitable.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Final Adjudication by Assistant Commandant For Human Resources: An administrative change will be made to the Separation Authority to reflect the correct Article in the Military Separations Manual at the time of separation. The DD-214 issued incorrectly reads the lapsed Article (for the Separation Authority) from the legacy Personnel Manual. All other items stand as issued. No relief

Separation Authority: Amend to COMDTNST M1000.4, ART 1.B.17 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.

