

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2014-001

Discharge Issued

Character: General

Narrative Reason: Misconduct

SPD/RE Code: JKK / RE4

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

Date of Separation: 2001-04-19

DRB Decision

Character: Under Honorable Conditions (General)

Narrative Reason: No Change

SPD/RE Code: JKM / No Change

New Authority: No Change

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for Misconduct due to tampering with a urinalysis sample during a unit drug test.

While aboard a USCG cutter, the applicant tampered with a urinalysis sample. As noted in legacy PERSMAN 12.B.18.b.4.b, it states that members who are found to have a drug incident as a result of obstructing drug urinalysis testing (by tampering with urine samples) will be issued no higher than a general discharge. The administrative remarks entry in the applicant's record documents and acknowledges this act of Misconduct.

The Board finds no issues with propriety or equity in this case. 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.

The Board does note that there is no positive urinalysis result, possession of illegal drugs, or any admission of illegal drug use by the applicant to trigger the SPD code of JKK. Therefore, the Board recommends the use of SPD code JKM to accurately categorize this as an act of misconduct not otherwise listed by the JKK SPD code. This amendment would NOT change the nature of the Misconduct discharge, this would simply remove the Coast Guard's basis to substantiate drug use or possession of by the applicant.

Additionally, the Board notes that the DD-214 issued 'General' for the Character of Service. In accordance with ALCOAST 562/08, a General discharge is no longer a valid option for the character of service upon separation. Therefore, based on the post-separation policy, the Board recommends that the character of service be amended to Under Honorable Conditions.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Final Adjudication by Assistant Commandant For Human Resources: Partial relief is granted based on the aforementioned post-policy as follows (all other items stand as issued):

Character of Service: Under Honorable Conditions

SPD code: JKM

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.

