UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2014-006

Discharge Issued
Character: Honorable
Narrative Reason: Unacceptable Conduct
SPD/RE Code: GNC / RE4

Authority of Discharge: COMDTINST M1000.4 1.B.15

Date of Separation: 2013-05-23

DRB Decision
Character: No Change
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 Unacceptable Conduct due to Inaptitude.

The former member did receive an Administrative Separation Board having over 13 years Active Duty service at the time of receiving the command's notification to discharge. The applicant had been on performance probation. The last 4 evaluations resulted in 'not recommended for advancement'. The performance stemmed from failing to meet boat crew certifications in a timely manner, disobeying orders and having an apathetic/disrespectful attitude.

Based on the split votes made by the advisory recommendation of the Discharge Review Board for Blocks 2528 on the DD-214, there were three overall recommendations that resulted in a Majority vote of (3-1-1) for each Block.

Minority Recommendation (1): As a First-Class Petty Officer, the applicant failed to take advantage of the opportunities given by his command. To date, the applicant only states it shouldn't be categorized as "Unacceptable Conduct" on the DD-214. The applicant has provided no new evidence to refute the incidents that led to the discharge. After 12 years of service without any Not Recommended evaluations for advancement, the applicant clearly decided that the boat-oriented mission at the new assignment was not for suited for their ability. The issues stemmed from selective effort and an overall sense of entitlement that certain duties were beneath their level of proficiency. From disregarding the need to meet the basic boat crew requirements, or simply showing up for a unit physical training outing, the applicant shut down by way of their attitude and apathetic approach to the situation. The applicant possessed the ability; Hence, the catalyst of the separation was the behavior which led to a Misconduct discharge. The applicant was given an ample opportunity to meet the performance expectations over a 2-year period that included performance probation, and a subsequent review by an Administrative Review Board that upheld the Misconduct separation. Minority Board (1) finds no issues with propriety or equity in this case. Stand as issued.

Minority Recommendation (2): The applicant had a history of failing to meet performance expectations. The greater part of the 14 years of service was met with satisfactory evaluations. Aside from the alcohol incident that occurred nine years prior, and the charges of disobeying a direct order (that didn't materialize to NJP proceedings or punishment), the Narrative Reason of 'Unacceptable Conduct' is not supported. In short, the applicant was a talented Senior Petty Officer that walked into a skill set mismatch in the new billet, and was likely stuck in a command climate that lost patience with them. One assignment with less-than-favorable results over a 14 year career should not permanently bar the applicant him from future service.

Minority Recommendation (2) proposes the following changes to accurately describe the Active Duty service:
SPD code: GHJ.
Narrative Reason: Unsatisfactory Performance.
Separation Authority: COMDTNST M 1000.4 1.B.9.
Re-entry code: RE-3Y.
The Character of Service as Honorable should stand as issued.

Majority Recommendation: The Majority Board points to this separation as a 'Performance' issue, not one that derived from premeditated misconduct or any underlying conditions that would deem the applicant as unsuitable for service. The latter would have resulted in a separation long before advancing to the rank of a First-Class Petty Officer. The applicant did not want to lose their career because of performing out of their rating specialty at the last duty station. Without supporting documentation to show that the applicant was a malcontent among the crew, the Narrative Reason of Misconduct issued is largely unfounded. The applicant did NOT receive an Unsatisfactory Conduct evaluation while at the last assignment. The applicant's 'Performance' was unsatisfactory.

Lastly, given the history and opportunities made to the applicant, the Majority Board does not endorse a change to his Re-entry code of RE-4. See below for the Majority Board's full recommendation.

Minority Recommendation (1): No changes. Stand as issued.
Minority Recommendation (2): Advisor Opinion No Change
COMDTINST M1000.4, Art 1.B.9
GHJ
RE-3Y
Unsatisfactory Performance

Majority Recommendation: Advisor Opinion No Change
COMDTINST M1000.4, Art 1.B.9
GHJ
No Change
Unsatisfactory Performance

Propriety: Discharge was proper.
Equity: Discharge was equitable. Lateral changes to be made below.
Final Adjudication by Assistant Commandant for Human Resources: Concur with Majority Board.

D-214 Item Final Adjudication
24. Discharge No Change
25. Authority COMDTNST M1000.4,
Art 1.B.9
26. Separation Code GHJ
27. Re-entry Code No Change
28. Narrative Reason Unsatisfactory Performance

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.