

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2014-019

Discharge Issued

Character: Other Than Honorable Conditions

Narrative Reason: Misconduct

SPD/RE Code: HKL / RE4

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

Date of Separation: 2010-05-21

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 Misconduct.

The applicant was arrested the same year due to having possession of numerous files of child pornography. The applicant was still incarcerated by civilian authorities at the time of the Discharge two months later. The applicant's command followed proper procedure by providing the notification for Discharge due to commission of a serious offense. The applicant was advised of his rights to an attorney and the opportunity to make a statement. 10 days prior to the discharge, the applicant signed the administrative separation documents to waive any rights while making no objection to discharge.

The board notes that the applicant has only forwarded a receipt from the civilian court to state that the felony charges have now been expunged. This does not remove or dismiss the wrongdoing or conviction from the record, rather it removes the offenses from being viewed by the general public to assist the ability to obtain employment, housing, or credit. Additionally, the applicant does not dispute or provide evidence to refute the sexual perversion offenses at any time before the separation, or currently. Also of note, the application enclosed a memo to discharge that reads a 'General' discharge. This memo is referenced in the command's subsequent memo two months later that quickly addresses the consideration and recommendation for an Under Other Than Honorable discharge vice the initial General recommendation.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Final Adjudication by Assistant Commandant For Human Resources: No relief.

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.