

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2014-025

Discharge Issued

Character: General

Narrative Reason: Misconduct

SPD/RE Code: JKQ / RE4

Authority of Discharge: COMDTINST M1900.4D ART1B17

Date of Separation: 2013-08-12

DRB Decision

Character: Under Honorable Conditions (General)

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 due to commission of a serious offense.

The applicant's complete Personnel Data Record and Separation Package were available for the Board to review. The applicant was counseled on having an inappropriate relationship with a subordinate who was also married. The applicant was also recently married to another Petty officer at the same command and they had a young child together. The applicant allegedly forced themselves into the residence of the subordinate and pointed a gun at the subordinate's legally separated spouse who was holding what was discovered as a child resulting from the prohibited and inappropriate relationship. The police were contacted during these events and the applicant was subsequently arrested at a separate location after departing the subordinate's residence.

Thereafter, the command moved on to start separation proceedings after the applicant received NJP two months prior. The applicant was notified of the intent to discharge, and the applicant was advised of the rights to an attorney. The applicant made a statement and objected to discharge.

No new evidence was provided to refute the offenses that led to the discharge. The Board does note that a General Discharge was issued in Block 24 of the applicant's DD-214. Per previous policy issued in ALCOAST 562/08, a General discharge is no longer considered an official character of service. Therefore, the board recommends a partial upgrade to an Under Honorable Conditions character of service.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Final Adjudication by Assistant Commandant For Human Resources: Partial relief is granted to the applicant's Character of Service to Under Honorable Conditions based on ALCOAST 562/08. All other items stand as issued.

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.