

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2014-033

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: JKQ / RE4

Authority of Discharge: CGPSC-EPM

Date of Separation: 2013-03-19

DRB Decision

Character: Honorable

Narrative Reason: Separation for Misc/General Reasons

SPD/RE Code: JND / 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 Commission of a Serious Offense. The applicant was accompanied by a few other Coast Guard personnel from a neighboring unit in the area. After becoming intoxicated, the applicant entered a closed restaurant with the others and took food and merchandise. The applicant's command processed the applicant for Discharge due to the pending charge of Burglary, a class 'C' felony offense. The command recommended the applicant for an Honorable Discharge. The Sector, District, and epm did not concur with the command as a General, Under Honorable Conditions Discharge was endorsed and approved.

The applicant was notified of the intent to discharge, and the applicant was advised of the rights to an attorney. The applicant provided a statement from an attorney. The applicant did object to the discharge. Majority Recommendation by the Board (by vote of 4-1): The applicant had no history of negative performance or behavior in the service record. The applicant does not deny the wrong-doing in partaking in the removal of items from the closed establishment, rather the applicant admits to the lapse in judgment in believing to be in the good company of other servicemen who were senior to the applicant in experience and age. The applicant's command did endorse an Honorable Discharge due to the his work efforts demonstrated by way of 557 underway hours and a certification as a Buoy Deck supervisor not normally achieved by a non-rate. The Board acknowledges that most or all of the offenses were dismissed after the applicant was already Discharged from the service. The offense was finalized and adjudicated down to a Class 'D' misdemeanor. This alone may have led to NJP proceedings, but would have not been grounds for Discharge if the court had ruled prior to the effective discharge date. The Board notes that the applicant has quickly moved on in the post-service time as a sophomore enrolled at a large University with a 3.0 grade point average.

The Board recommends a partial upgrade to an Honorable Discharge for Miscellaneous/General Reasons in that the one-time mistake that resulted in Commission of Serious Offense was not fully realized at the time of Discharge. A reentry code of RE-4 shall remain as issued.

Minority Recommendation by the Board (by vote of 1-4): The applicant and the supporting attorney's testimony paint the picture of a naïve individual that was negatively influenced by older and more experienced work accomplices that lured the applicant into an unknowing crime. The Board finds that the other individuals involved were Discharged for the same reasons and conditions as the applicant. The Minority Board finds no issues with propriety or equity in this case. Issuance of a different 'Character of Service' to the less experienced person of the theft group not only presents direct inequities to all involved, but suggests that individuals will receive greater reprieve for the same crimes. No relief. Stand as issued.

Propriety: Discharge was proper.
Equity: Discharge was NOT equitable.

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.