

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2014-036

**Discharge Issued**

**Character:** Under Honorable Conditions (General)

**Narrative Reason:** MISCONDUCT

**SPD/RE Code:** JKD / RE4

**Authority of Discharge:** COMDTINST M1000.6A ART 1-B-17

**Date of Separation:** 2010-01-08

**DRB Decision**

**Character:** Honorable

**Narrative Reason:** Unsatisfactory Performance

**SPD/RE Code:** JHJ / RE3

**New Authority:** No Change

**Discharge Review Board Discussion and Decision:**

DISCUSSION: The applicant was discharged for Misconduct due to Unexcused Absences as a drilling reservist with a separation type of an Established Pattern of Shirking with a General Discharge. The Board utilized available information contained in electronic records and documents submitted by the applicant. Additional research was conducted in Direct Access and with RPM to search for any instance of documenting their poor performance standards. No proof of said documentation could be produced. The applicant had an EER in Direct access with no derogatory markings or comments that were approved well after missing several drill periods. The last record of any drilling period was over 2 years before the discharge was issued. Pursuant to policy, the applicant was processed for Discharge due to shirking.

The Board notes the comments made on the current application, but there is no evidence to show that the applicant received an approved break from drilling by transferring to ISL, ASL, or IRR component while in a hardship situation. These actions are incumbent on every drilling member of the Ready Reserve. The Board finds APPLICANT'S ISSUES on the basis of equity or propriety. The applicant has not provided any new information to refute the terms of the Discharge. The Board reviewed the qualifications for a Hardship Discharge of which the former member did not qualify.

RECOMMENDATION: The Board members voted to recommend relief on "JHJ" as the SPD Code, "Unsatisfactory Performance" as the Narrative Reason for Separation, "COMDTINST 1000.6A Art. 12-B-9" as the authority, and "RE3" as the Reentry Code. Pursuant to Article 4.B.1 of the Reserve Policy Manual, COMDTINST M1001.28A, commands are required to "monitor member participation" and "Correct performance deficiencies by timely counseling of members who are not participating satisfactorily. Commands shall document all counseling in accordance with Preparation and Submission of Administrative Remarks (CG-3307)." There is no record of the command complying with these requirements before recommending the applicant for discharge. An inequity was found with the discharge, and therefore relief is recommended based on the lack of documentation to uphold any counseling of the member for non-participation of scheduled drill periods. However, the information in Direct Access upholds the former member's poor attendance record and is therefore recommended to receive the changes listed below, which are in accordance with standard discharges of this type.

Propriety: Discharge was not 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.

