

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2014-044

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: JKK / RE4

Authority of Discharge: COMDTINST M1900.4D, 1.B.17

Date of Separation: 2013-04-18

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 due to Involvement with Drugs. The applicant was a part of a small group of shipmates that used marijuana together. The two other individuals admitted to the illegal drug use and cited the applicant as being involved, but the applicant denied smoking with the others. The command began an investigation into the matter and determined that a preponderance of the evidence within the group actions met all the elements of a drug incident for all parties.

Pursuant to policy, the applicant was recommended for separation due to a drug incident. Post separation, the Board does note that the applicant admits to the mistake in written testimony (via DD Form 293) to request this Board. Thereafter, the applicant filed a Congressional inquiry in which starts denying illegal drug use again. The Board finds no issues with propriety or equity in this case.

The applicant was notified of the intent to discharge, and the applicant was advised of the right to an attorney. A statement was made while objecting to the discharge.

The Board notes that the DD-214 issued has the Character of Service as 'Under Other than Honorable' and the wrong Separation Authority referencing a different directive. These are administrative errors. Coast Guard Personnel Service Center (epm) authorized a General discharge with 'Under Honorable Conditions' as the Character of Service.

Coast Guard policy prescribes no higher than a General, Under Honorable Conditions character of service for individuals separated as a result of violating the Coast Guard's drug policy. The Coast Guard has zero tolerance for drug abuse. The General, Under Honorable Conditions discharge is equitable.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Final Adjudication by Assistant Commandant for Human Resources: No relief other than the partial upgrade to 'Under Honorable Conditions' and the correct Separation Authority (COMDTNST M1000.4, Art 1.B.17) due to the administrative errors.

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.

