

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2014-050

**Discharge Issued**

**Character:** Honorable

**Narrative Reason:** Miscellaneous / General Reasons

**SPD/RE Code:** JND / RE3

**Authority of Discharge:** COMDTINST M1000.4, Art 1-B-12

**Date of Separation:** 2014-03-10

**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 Separation For Miscellaneous/General Reasons due to unavailability for worldwide assignment. COMDTINST M1000.4, Art 1-B-12.a(7) states: A member's inability to perform prescribed duties, repeated absenteeism, or non-availability for worldwide assignment. The Discharge stemmed from a disenrollment from "A" school for hostile actions and threats toward classmates, and then additional episodes via CGIS reports from University police where the applicant attended school. The command took action to remove the applicant's violent and intimidating nature from their workplace. The applicant was not permitted on Base, or to carry a weapon after the actions caused great concern for others well-being and safety. With these limitations in place, the applicant was unable to perform their prescribed duties. Therefore, the command processed the applicant for Discharge for Convenience of the Government due an inability to perform prescribed duties.

The Board finds no issues with propriety or equity in this case. The applicant was notified of the intent to discharge. The applicant was also advised of the right to an attorney and did choose to make a statement while objecting to the discharge.

The Board has read over the current and past rebuttals submitted by the applicant; The Board does note the applicant received the most favorable Discharge based on the frequent and timely Misconduct. The actions while at "A" school did merit non-judicial punishment. The applicant was subsequently screened by a medical doctor, successfully went through Anger Management, and was put on probation by their command for the hostile behavior. Within weeks thereafter, as gathered in CGIS reports, the applicant again (repeatedly) started performing the same offensive actions and comments toward students and staff members. The University police and faculty provided a laundry list (to CGIS) of the negative comments and threatening behavior causing a toxic and unsafe environment.

The applicant could not consistently function in a positive manner in communal settings that required conformance to proper military bearing, traditions, and standards of behavior. Those actions vacated the applicant's ability to perform the prescribed duties at the command, or for any assignment for worldwide duty.

The Board does note the applicant's RE3 reentry code is not an affirmative recommendation for reenlistment, rather it represents that the applicant is not recommended for reenlistment due to a disqualifying factor. The RE3 code may be waived based upon the policies and needs of the gaining Service.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Final Adjudication By Assistant Commandant for Human Resources: Concur with Board. 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.