

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2014-069

**Discharge Issued**

**Character:** Honorable

**Narrative Reason:** Pattern of Misconduct

**SPD/RE Code:** JKA / RE4

**Authority of Discharge:** COMDTINST M1000.6 12-B-18

**Date of Separation:** 2010-01-05

**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 Pattern Of Misconduct due to two Non-Judicial punishments occurring within a 24-month window.

The applicant knowingly filed an incorrect travel claim against a DITY move, falsifying weight tickets to show inaccurate weights, providing forged documents and claiming they were correct in an attempt to defraud government and escape punishment. The previous year, the applicant was found in violation in Article 92 of the UCMJ by being derelict in the performance of those duties. The applicant negligently failed to stay awake at the assigned watch station. This malingering action was observed by several others standing the same watch.

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. The Board does note that Applicant was issued an Honorable Discharge. The advisory opinion of the Board recommends no relief. Final Adjudication by Assistant Commandant for Human Resources: Upon the basis of the applicant's first non-judicial punishment, the Preliminary Investigative Officer documented that the applicant was experiencing a burdensome domestic life with their spouse while also caring for their infant child. This foundational element plagued the applicant of a maintaining a proper work-life balance in the same assignment.

A review of the performance evaluation history does not indicate any specific trend of substandard performance or Misconduct that made the applicant unsuitable for continued military service. The applicant needed better support from the immediate chain of command to overcome the hardship that was evident over the entirety of the applicant's career. Discharges for 'Pattern of Misconduct' normally stem from willful disobedience to perform duties, undermining and disrespecting the chain of command, or discrediting the armed forces in the civilian sector. The applicant's Discharge does NOT meet the equity standard for the Discharge issued.

A review of supporting documents (post-service) provided by the applicant indicates that their ex-spouse has since been jailed for the same threatening and abusive behavior. The applicant was able to speak out to the local authorities for the safety of themselves and the young child. The Narrative Reason for Discharge is not a mechanism with which to squeeze various infractions into a short window as a means to terminate employment on a struggling member going through a tough period. To better categorize the Narrative Reason for Separation for the applicant's time-in-service, the JDG separation code and its explanation is granted: 'Involuntary discharge directed by an established directive (no board entitlement) when as a result of parenthood or custody of minor children are subject to the inability to perform prescribed duties, repetitive absenteeism, or non-availability for worldwide assignment'.

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.