

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2015-012

**Discharge Issued**

**Character:** Honorable

**Narrative Reason:** Misconduct

**SPD/RE Code:** JKQ / RE4

**Authority of Discharge:** COMDTINST M1000.4 Art 1.B.17

**Date of Separation:** 2015-02-09

**DRB Decision**

**Character:** No Change

**Narrative Reason:** Separation for Misc/General Reasons

**SPD/RE Code:** JND / No Change

**New Authority:** No Change

**Discharge Review Board Discussion and Decision:**

**DISCUSSION:**

The applicant was discharged for Misconduct due to commission of a serious military or civilian offense.

The applicant was discharged for 1 alcohol incident for refusing a breathalyzer test from the local police department on a traffic stop. Thereafter, the command documented the incident based on a preponderance of the evidence. Prior to the Discharge, the applicant had the charge dismissed in civilian court and was not issued Non-Judicial punishment.

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 concludes that the Narrative Reason and SPD code issued are not fully supported given the court findings and no NJP proceedings. The advisory Board opinion is for partial relief to a Separation for Miscellaneous/General Reasons with the SPD code of JND. All other items to include the reenlistment code RE-4 are recommended to stand as issued.

**RECOMMENDATION:** The Board members thoroughly reviewed the applicant's record of service and all available documentation. The Board deemed that the applicant's character of service and reenlistment code are appropriate and should not be changed.

Propriety: Discharge was proper.

Equity: Discharge was 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.