

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2015-016

Discharge Issued

Character: Honorable

Narrative Reason: Miscellaneous / General Reasons

SPD/RE Code: JND / RE3

Authority of Discharge: COMDINST M1000.4, Art 1.B.17

Date of Separation: 2013-04-17

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. After 20 months in service, the applicant had two underage alcohol incidents. Two calendar years forward, the applicant appeared in person before the Board to seek relief for reentry into military service.

The following is a timeline to recap the applicant's period of service:

- Entered US Coast Guard
- Completed Recruit Training. Reported to Station _____.
- Received satisfactory evaluation report.
- Applicant was sexually harassed by a supervisor. Sexual harassment is not reported to command until 7 months later.
- Counseled on inability to qualify as a crewman after 10 months. A modified training schedule is created and tailored to assist the remedial instruction process.
- Applicant receives an underage drinking incident. The clinic clears the applicant with a no dependency diagnosis. A Disciplinary evaluation is completed in the service record.
- Applicant receives formal correspondence to document a second alcohol incident. The applicant had two more underage drinking incidents one month earlier, one of which was during a duty recall status. Due to the close proximity of the incidents, the command issued on 1 negative administrative entry and evaluation; the applicant was again cleared by the clinic with a no dependency diagnosis. The command notifies the applicant of the intent to discharge.
- Applicant formally reports sexual harassment actions by supervisor 7 months earlier.
- Applicant makes written statement to the Discharge Authority at Personnel Service Center, Enlisted Personnel Management (EPM). District commander considers Second Chance Program but deems the applicant is unsuitable for continued military service.

- EPM approves Discharge recommendation with an Honorable 'character of service' and a RE-3 reentry code.
- Applicant files a formal complaint of discrimination for the period of service while at Station _____.
- Investigation performed with sworn statements recorded by several crew members, peers, and superiors.
- Report of Investigation completed by contractors under Department of Homeland Security (DHS).
- Under Agency case No: _____ the Chief of Civil Rights Operations for the US Coast Guard determined and concluded that the Complainant (and now Board applicant) has failed to prove by a preponderance of the evidence to be subjected to harassment or reprisal. A notice is given to show the right to appeal the decision with DHS, Office of Civil Rights and Civil Liberties.

DELIBERATION:

The Board notes and commends the applicant's testimony and post-service efforts as an Emergency Medical Technician. The Board has also carefully considered the Reentry code differences in each Discharge recommendation:

Station recommendation: RE-4
 Air Station: Concurs with RE-4
 District: recommends RE-1

Personnel Service Center, Enlisted Personnel Management: Approves RE-3 reentry code to indicate the Discharge is issued with a disqualifying factor. Hence, the applicant is not fully eligible to reenlist, but is also not barred from reentry into the service.

The Board finds that the Discharge issued meets the propriety and equity standards under Title 10 United States Code, Section 1553 and Title 33 Code of Federal Regulations, Part 51. The aforementioned Report of Investigation provided in the post-service time further supports that the discrimination claim did not show irregularity in the conduct of this case's governmental affairs. Based on the case evidence, the Board will not absolve the aforesaid disqualifying factor.

An 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.

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, reason for separation, and reenlistment code are appropriate and should not be changed.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Board Conclusion: The Board voted 5-0 for the Discharge to stand as issued.

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.