

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2015-034

Discharge Issued

Character: General

Narrative Reason: Misconduct

SPD/RE Code: JKQ / RE4

Authority of Discharge: COMDTINST M1000.4, ART 1.B.2.C

Date of Separation: 2015-05-05

DRB Decision

Character: Under Honorable Conditions (General)

Narrative Reason: No Change

SPD/RE Code: No Change / No Change

New Authority: COMDTINST M1000.4 Art 1.B.17

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for misconduct.

The applicant was taken to NJP for larceny of a government employee's equipment. Prior to that, the applicant was counseled on willful disobedience, unauthorized parking on base, a negative attitude, and openly violating direct orders while in the command center area. 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 notes that an administrative correction should be made to the character of service listed in Block 24 of the applicant's DD-214. Per previous policy issued in ALCOAST 562/08, a General discharge is no longer considered an official character of service. Therefore, the board recommends amending Block 24 to an Under Honorable Conditions character of service.

The current day cause for the error was due to the Direct Access upgrade to the 9.1 version, in which the programmers listed General vice Under Honorable Conditions as an option for Block 24. The list of entries for Block 24 has since been corrected and reprogrammed by COMDT (CG-631) for all future discharges.

Lastly, the advisory Board opinion is for a lateral change to SPD code JKA and the Narrative Reason of Pattern of Misconduct. The service record better supports this change over the applicant's 6 plus years of service.

RECOMMENDATION: The Board members thoroughly reviewed the applicant's record of service and all available documentation.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Board Conclusion: The Board voted 5-0 to recommend the following changes:

Under Honorable Conditions

COMDTINST M1000.4, Art 1.B.17

JKA

RE4

Pattern of Misconduct

Board Addendum:

After further discussion with the CG Office of General Law, the Board notes that the applicant did not meet all of the elements for the Pattern of Misconduct Narrative Reason. Said Narrative requires 2 NJP's in a 2-year period.

The applicant was discharged with Misconduct, Commission of a Serious Offense. Based on the findings at the NJP, the applicant was found to have violated Article 121 of the UCMJ for Larceny and wrongful appropriation. Article 121 Larceny of other than military property carries a max punishment of a punitive discharge and therefore, the Narrative reason and Separation code for the applicant's discharge should stand as issued. The Final Board recommendation is as follows:

Under Honorable Conditions

COMDTINST M1000.4, Art 1.B.17

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.