

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2015-041

Discharge Issued

Character: Honorable

Narrative Reason: Misconduct

SPD/RE Code: JKM / RE4

Authority of Discharge: COMDTINST M1000.6A ART 12.B.18

Date of Separation: 2007-06-15

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 Misconduct due to inappropriate relationships.

The Board finds no issues with propriety or equity in this case. The applicant received an Honorable discharge and did NOT object to the terms of the discharge. The applicant was notified of the intent to discharge, and the applicant was advised of the right to an attorney.

Please see the following for offenses leading to the discharge: The Board does note that an Honorable discharge is not normally issued with any JK family SPD code that all receive the Narrative Reason (NR) of Misconduct. Therefore, it is recommended to amend to the JND SPD code with the NR of Separation for Miscellaneous/General Reasons for greater legal sufficiency. The command noted that the applicant's performance was satisfactory aside from the inappropriate romantic relations. The applicant did not receive formal Non-Judicial punishment to meet the elements normally associated with a JKM, JKA or JKQ SPD code. The applicant was deemed no longer suitable for continued service due to the inability to meet a condition of employment by refraining from fraternizing romantically with shipmates.

Also of note, the Board does note the current claim by the applicant of a sexual assault allegation and pending medical issues that were never resolved. The Board's recommendation is based on the applicant's acknowledgment to be discharged under the terms issued. The Board did consider other NR options of Condition, Not a Disability or Adjustment Disorder based on the written feedback from _____ Health Clinic _____ and the _____ Treatment Center of _____ prior to the discharge. The final diagnosis states that the applicant was a candidate for continued TMJ treatment to their jaw and recommended for a surgical consultation, but there is no mention about terminating employment based on the aforesaid reasons, or for a medical board to be commenced.

The Board does not have the authority to make advisory opinions for medical NR for separations based on the current documentation provided by the applicant, or the mention of a previously unreported sexual assault encounter. The applicant can seek further redress with the Board of Correction for Military Records to request relief on these issues.

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

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.