

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2015-042

**Discharge Issued**

**Character:** Under Honorable Conditions (General)

**Narrative Reason:** Misconduct

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

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

**Date of Separation:** 2014-01-21

**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 the commission of a serious offense. The applicant admitted to 15-20 sexual encounters with a shipmate's spouse over a 9-month period. The inappropriate relationship persisted even after being ordered to cease all contact just 4 months prior to the discharge.

The Board finds no issues with propriety or equity in this case. The applicant was notified of the intent to discharge and advised of the rights to an attorney. The applicant made a statement to ask for an Honorable discharge but did NOT object to discharge. However, the Board recommends a lateral administrative change to the Narrative Reason for Separation to: Pattern of Misconduct (with JKA SPD code) to better align with the actions leading to the discharge.

**RECOMMENDATION:** The Board members thoroughly reviewed the applicant's record of service and all available documentation. The Board deemed that the character of service, separation authority, and reenlistment code are appropriate and should not be changed. Please note the administrative changes recommended below. The applicant has not substantiated any error or inequity to grant the relief requested.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Board Conclusion: The Board voted 5-0 to recommend no relief.

**Board Addendum:**

After further discussion with the CG Office of General Law, the Board notes that the applicant did not meet all 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. The applicant received NJP for violations of Article 92(2)-Failure to obey order or regulation and Article 134-Adultery. Therefore, the applicant's discharge should stand as issued.

Under COMDTINST M1000.4 Art. 1.B.17.b., a service member can be discharged for Pattern of Misconduct if they have two or more non-judicial punishments, courts-martial, or civilian conviction within a two-year period. While the service member was punished for two different offenses, it was one NJP and technically does not satisfy the requirements for Pattern of Misconduct as defined by the Military Separations Manual. Final Board recommendation:

Discharge should remain 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.