

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2015-047

Discharge Issued

Character: Honorable

Narrative Reason: Sufficient Service for Retirement

SPD/RE Code: RBD / RE2

Authority of Discharge: COMDTINST M1000.6A,ART 12-C-10

Date of Separation: 2011-08-31

DRB Decision

Character: No Change

Narrative Reason: Failure of Selection for Promotion

SPD/RE Code: No Change / No Change

New Authority: No Change

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for Sufficient Service For Retirement.

Majority Board vote (4-1):

The applicant was a two-time non selection for promotion to Lieutenant Commander which prompted the involuntary retirement.

Upon further research and deliberation on this case, the Majority Board concludes that the Personnel Service Center (PSC), Officer Personnel Management issued the wrong code, as if this were a voluntary retirement with no promotion Board ties. The applicant did not retire from the service on their own volition; rather it was an involuntary retirement. A cross-check of the standard separation code issued for voluntary officer retirements is RBD, the separation code issued to the applicant.

The Majority Board notes that there is no tangible benefit to having different retirement - related SPD codes listed on the DD-214 to assist with future employment. The Narrative reason will not list voluntary, involuntary or mandatory, rather all read as sufficient service for retirement.

Also of note, the applicant's discharge was before PSC-PSD-FS began their formal counseling in writing for personnel voluntarily requesting retirement yet still owing obligated service to transfer benefits to their dependents. The applicant was not counseled in this fashion.

The Majority recommends a change to the separation code of LBD, in line with Title 14 United States Code section 283, "Regular lieutenants; separation for failure of selection for promotion; continuation." Section 283 subparagraph (a)(1) requires a Lieutenant, who fails to promote, to be discharged by 30 June of the promotion year in which his second failure of selection occurs. Section 283 subparagraph (a)(2) prescribes that a Lieutenant, upon request, be discharged at an earlier date, without the loss of benefits that would accrue if the officer was discharged on 30 June of the promotion year in which the second failure of selection occurs. Section 283 subparagraph (a)(3) allows a member who has completed 20 years of active service or who is retirement eligible, under any law, to be retired.

Minority Board vote (1-4):

Concur with assessment from PSC-PSD-FS staff. The applicant was aware of their actions to voluntarily retire at an earlier date. While the DD-214 does not indicate the terms or intent of the retirement in Blocks 24-28 (voluntary, involuntary or mandatory), the applicant could provide future employers with the OPM separation summary that

reads as 'voluntary' supported by 14 U.S.C. 291 in order to curry favor for employment. This is even more likely and plausible given that the applicant is now a government (GS employee). The applicant knew that the new government employer would have access to review this data and having left the service voluntarily to retire could remove any stigma and be the difference in obtaining employment.

Now in the current day, the applicant claims it was an involuntary retirement which could lead to the eligibility greater benefits with the Veterans Administration. No changes or relief recommended. Stand as issued.

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

Propriety: Retirement code was NOT proper.

Equity: Retirement 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.