

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2015-056

Discharge Issued

Character: Other Than Honorable

Narrative Reason: Triable By Court Martial

SPD/RE Code: KFS / RE4

Authority of Discharge: COMDTINST M1000.6A Art 12.B.21

Date of Separation: 2008-08-26

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 in lieu of trial by Court Martial due to misuse of government credit card, damage to government property and distributing illegal drugs.

The official discharge did not occur until later due to the lengthy military justice proceedings. The applicant requested an Other Than Honorable Discharge at the CG Criminal Court of Appeals (CGCCA).

To wit:

U.S. Coast Guard Court of Criminal Appeals: In light of the foregoing, the findings of guilty and the sentence are set aside. The record is returned to the Judge Advocate General, who may refer the matter to an appropriate convening authority. The Convening authority may order a rehearing. If the Convening Authority determines a rehearing is impracticable, the convening authority may dismiss the charges and the specifications. The applicant has since been removed from the USCG rolls.

The Board finds no issues with propriety or equity in this case. The applicant received the most favorable outcome based on the Court-Martial offenses within the service record.

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. The applicant has not substantiated any error or inequity.

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.