

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2016-007

**Discharge Issued**

**Character:** Honorable

**Narrative Reason:** Misconduct

**SPD/RE Code:** HKQ / RE4

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

**Date of Separation:** 2014-02-04

**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, with an Honorable discharge due to Misconduct specifically due to Commission of a Serious Offense.

The applicant faced a felony level charge for misleading U.S. Marshals on the whereabouts of a fugitive. The deserter from another state was being harbored within the Applicant's home at the time of questioning. A preponderance of the evidence prompted the notification for discharge.

The Board finds no issues with propriety or equity in this case.

The applicant was notified of the intent to discharge, and the applicant was advised of the right to an attorney. The applicant made a statement on their behalf.

Despite the severe offense levied against the Applicant, an Honorable discharge was issued based on the totality of the 9 plus years of service. The Applicant has currently provided a handwritten notice from the state court to show or demonstrate that the criminal charge has been dismissed. The Board cites that a preponderance of the evidence and statements from the applicant before and after the discharge are not consistent in portraying a victim scenario. The Board also notes that the Applicant has since acquired the aforementioned fugitive's last name (post-discharge) in the signature provided on the Board application, and the name listed on the return address.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Final Adjudication By Assistant Commandant for Human Resources: Concur with Board. No relief.

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.