

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2016-015

Discharge Issued

Character: General

Narrative Reason: Misconduct

SPD/RE Code: JKL / RE4

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

Date of Separation: 2000-10-28

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 a General discharge due to Misconduct specifically due to an inappropriate relationship with another shipmate assigned to the same Coast Guard vessel.

The Board reviewed the case base on the information available. The SPD code of JKL is not fully supported as the administrative remarks of the prohibited relationship mentions no perverse or indecent acts. The Board recommends that the applicant's discharge is more closely aligned with a Narrative Reason of Separation for Miscellaneous/General Reasons.

No information in the service record or current petition suggests an upgrade to the reenlistment code or character of service. An administrative change to Under Honorable conditions should be made based on ALCOAST 562/08 as General is not a valid option for that block of the DD-214.

The Board has reviewed the applicant's claim of the sexual assault encounter; However, the Board has no new documentation, or the authority to reevaluate the alleged assault and investigation that occurred while the applicant was in service. The applicant can seek further redress with the Board of Correction for Military Records to request review and possible relief on those issues. Please see the following page for the full Board recommendation.

Based on the information available to the Discharge Review Board, the following relief is recommended at the present time:

Propriety: Discharge should be amended for greater legal sufficiency.

Equity: Discharge should be amended administratively based on the information available.

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.