

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2016-022

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: JKK / RE4

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

Date of Separation: 2015-12-21

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 Involvement with Drugs.

The Applicant had a positive urinalysis for Cocaine while in the process of being discharged for Unsuitability due to alcohol incidents. The applicant waived the right to an Administrative Separation Board.

Majority Board (4-1): The Majority 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. The Board notes the totality of the Applicant's service record, but finds no error in the Discharge issued.

Coast Guard policy prescribes no higher than a General, Under Honorable Conditions character of service for individuals separated as a result of violating the Coast Guard's drug policy. The Coast Guard has zero tolerance for drug abuse. The General, Under Honorable Conditions discharge is equitable.

Minority Board (1-4): The Minority Board notes that the command's initial recommendation for discharge was based on a demonstrated Unsuitability where the applicant's personal decisions on a few occasions violated conditional terms of employment. The Minority Board points to the entirety of the 12 years and 8 months service (by the Applicant) showing the value and contributions made to our organization. This is supported by many in the petition submitted. The command recommended an Honorable discharge.

Just 5 days later, the applicant was inexplicably subjected to a drug test by the command while awaiting final processing of the discharge. This test resulted in an illegal drug test reading in which the command rescinded the previous discharge recommendation. The command resubmitted the discharge recommendation with the drug incident, this also amended the character of service to be downgraded to a General discharge and Under Honorable Conditions character of service. The Minority Board finds the additional drug test to be excessive in nature and lacks a legitimate basis or need while the applicant's employment was being terminated.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Board Conclusion: The Majority Board voted 4-1 to recommend 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.