

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2016-024

**Discharge Issued**

**Character:** Under Honorable Conditions (General)

**Narrative Reason:** Misconduct

**SPD/RE Code:** GKQ / RE4

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

**Date of Separation:** 2015-08-20

**DRB Decision**

**Character:** Honorable

**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.

The Applicant and their attorney appeared in person. The Board examined the Military Separations manual with respect to the criteria for characterization of service for the Under Honorable Conditions and for Honorable discharge. Given the totality of the member's service record against the criteria, the Board believed the discharge characterization of a General discharge drew significant equitability concerns in accordance with Part 51 Title 33 of the CFR, which discusses the equity standards of review.

The Board reviewed the Applicant's military service record and letters of recommendation and determined the material to be relevant. The Board discussed if there was sufficient evidence that established the quality of the Applicant's service and if the type of discharge received was justifiable.

Despite the incident, the Board does recommend an upgrade. The majority opinion (3-2) among the panel is that the Character of Service is best characterized as Honorable. The Applicant's attorney specifically pointed out Finding of Fact #9 of the ADSEP board report, where it states that the county Attorney's Office determined there was insufficient evidence to proceed with a DUI charge but instead, the Applicant was charged reckless driving with property damage. For this reason, the Applicant's attorney stated that CG-PSC's Action of the Final Reviewing Authority incorrectly states that the Applicant committed a serious offense when they were arrested for driving under the influence of alcohol, to include fleeing the scene of an accident and refused to provide a breath sample.

Propriety: Discharge was proper.

Equity: Discharge was not equitable on the Character of Service Discharge.

Final Adjudication by Assistant Commandant for Human Resources: Concur with the Board to provide the following relief:

DD-214 Item

Discharge Board Decision:

Honorable

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.

