

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2016-026

**Discharge Issued**

**Character:** Other Than Honorable Conditions

**Narrative Reason:** Misconduct

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

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

**Date of Separation:** 2015-03-23

**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 Other Than Honorable discharge due to Misconduct specifically due to a Commission of a Serious Offense.

The applicant states they were falsely accused of sexual assault by their shipmate. The applicant was previously punished under the UCMJ for this instance which did not include any sexual advances, only the guilty plea of unlawful entry.

Two years later, the same shipmate came forward as being a victim of sexual assault (from the applicant) within that same encounter.

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 applicant waived the right to an administrative separation board.

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

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Board Conclusion: The Board voted 5-0 to recommend no relief.

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.