

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2016-049

**Discharge Issued**

**Character:** General

**Narrative Reason:** Misconduct

**SPD/RE Code:** JKQ / RE4

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

**Date of Separation:** 2015-08-10

**DRB Decision**

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

**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.

The applicant was recommended to be separated from the Coast Guard for Misconduct due to Commission of a Serious Offense. The Applicant was arrested by the local Sheriff's Department and charged with driving under the influence, resisting arrest, disorderly conduct, destroying city property, and operating a vehicle with no driver's license and insurance. All the charges were dismissed from the county court. However, based on the preponderance of the evidence, the Applicant did commit a serious offense. The Board also discussed how the Applicant's service record displays that they were a solid, above-average performer. Despite this unfortunate incident, the Board does not recommend an upgrade to their Character of Service to reflect Honorable.

The majority opinion (3-2) among the panel is that the discharge to stand as issued.

Minority Board voted 2-3 that the totality of service is best characterized as "Honorable". The circumstances surrounding the arrest were brought into question and with subsequent dismissal of the charges, there exists doubt that the overall severity of the incident exists. The "preponderance of the evidence threshold" for the commission of a serious offense, combined with their strong record of performance no longer supports an "Under Honorable Conditions" characterization.

The Board finds no issues with propriety or equity in this case. The Applicant was notified of the intent to discharge, and they were advised of their rights to an attorney and made a statement on their behalf.

Additionally, the Board noticed that the applicant was issued a General Discharge in Block 24 of the DD-214 for the character of service. Per ALCOAST 562/08, General is not a valid character of service. The Board recommends that this is administratively corrected to Under Honorable Conditions. The General discharge is correct but is not a valid character of service entry for Block 24.

RECOMMENDATION: The Board members thoroughly reviewed the applicant's record of service and all available documentation. The Board deemed that the applicant's reason for separation and reenlistment code are appropriate and should not be changed. The applicant has not substantiated any error or inequity.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Board Conclusion: The Board voted 3-2 to recommend no relief. The Board does recommend an administrative correction to: Under Honorable Conditions per ALCOAST 562/08.

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.