

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2016-055

**Discharge Issued**

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

**Narrative Reason:** Unacceptable Conduct

**SPD/RE Code:** JNC / RE4

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

**Date of Separation:** 2016-02-08

**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 for Unacceptable Conduct.

The basis for the Applicant's discharge was failure to successfully complete their 6-month probationary period. The applicant's Commanding Officer placed the applicant on performance probation for unsuitability for a period of 6 months. Shortly thereafter, the applicant submitted a memo notifying their Command that they are unable to conform to military standards and are requesting discharge from the Coast Guard.

The Board finds no issues with propriety in this case. The Board has carefully reviewed the current petition and finds no error of fact on the basis to separate the applicant from the service.

However, the Board did find issues with equity in this case. 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 standard of review.

The Board reviewed the Applicant's military service record, application (personal statement) and letters of recommendation and determined the material to be relevant. The Board discussed if there was sufficient evidence that established the quality of her service and if the type of discharged received was justifiable.

Despite the undesired behavior, the Board does recommend a partial upgrade to reflect that the Applicant's troubles were performance-laden in a very short period of time. The majority opinion (3-2) among the panel is that the Character of Service is best characterized as 'Honorable'.

Minority Board voted 2-3 for the discharge to stand as issued.

The Applicant was notified of the intent to discharge, and the Applicant was advised of the right to an attorney. The Applicant did make a statement on their behalf and did not object to being discharged.

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.

Propriety: Discharge was proper.

Equity: Discharge was NOT equitable.

Board Conclusion: The Majority Board voted 3-2 to recommend partial 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.