

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2017-031

Discharge Issued

Character: Honorable

Narrative Reason: Misconduct

SPD/RE Code: JKQ / RE4

Authority of Discharge: COMDTINST M1000.4 Art 1-B-2

Date of Separation: 2016-08-29

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 a Character of Service as Honorable and the Narrative Reason for Separation is Misconduct.

The reason for their separation was due to Misconduct involving a DUI arrest he received from a local police department. The Board discussed the case and the equality based on a person discharged for a DUI. The Board noted the applicant gave a breath sample of .19 which was over the .08 legal limit of impairment. The Board did not note any case of impropriety in regard to this discharge.

A check of COMDTINST M1000.4, Art. 1-B-2 is the defining article of discharge noting Misconduct as a reason for discharge. An administrative change to have the Separation Code read COMDTINST M1000.4, Art. 1-B- 17 is more appropriate and in alignment with the Separation Authority presented and EPM-1 endorsement.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Board Conclusion: The Board voted 5-0 to recommend no relief. An administrative correction to the Separation Authority was noted.

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.