

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2017-042

Discharge Issued

Character: Other Than Honorable Conditions

Narrative Reason: Misconduct

SPD/RE Code: HKQ / RE4

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

Date of Separation: 2016-01-15

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 due to Misconduct.

A local county's district attorney filed an arrest warrant against the applicant, for the following: Rape and Lewd Act with a Child -4/15 yrs. After reviewing the police investigation, the applicant's Commanding Officer determined that the applicant's consumption of alcohol was a significant/causative factor in the in the alleged assault. This became the applicant's second documented alcohol incident. By the preponderance of the evidence contained in the police report, the Commanding Officer determined that the applicant violated the unit's alcohol policy, provided alcohol to a minor and had sexual contact with a minor. The applicant was notified of the intent to involuntary discharge and their rights to an Administrative Separation Board, right to consult with a lawyer and their right to submit a statement. However, the applicant waived their right to an Administrative Separation Board when they refused to sign their Exercise of Rights memorandum.

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

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.

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.