

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2018-013

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: GKQ / RE4

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

Date of Separation: 2015-09-05

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 Under Honorable Conditions and their Narrative Reason for Separation is Misconduct.

The applicant received an Article 15 of the Uniform Code of Military Justice (UCMJ) for violating Articles 92 (Failure to obey an order), 107 (False Statements) and 93 (Cruelty and maltreatment). The applicant's punishment resulted in reduction to paygrade E-4, 60 days restriction aboard their assigned cutter (suspended for 6 months) and a letter of reprimand. The applicant's Command notified them that they were taking action to involuntarily separate the applicant from the Coast Guard. The basis of their action was due to Misconduct -Commission of a Serious Offense. The applicant did acknowledge the notification and did exercise their right to appear before an administrative separation board. In their report, the Administrative Separation Board recommended the applicant be separated from the Coast Guard. The Administrative Separation Board concluded that the former member's actions constituted a willful dereliction of duty, which could have resulted in a bad conduct discharge. Coast Guard Personnel Service Center (Final Reviewing Authority) reviewed and approved the Administrative Separation Board's recommendation.

The Board discussed the propriety and equity of the discharge. There was question of whether the Applicant's actions warranted the severity of the discharge. The Board reviewed the policy in the Military Separations COMDTINST M1000.4, Article 1.B.17. Including the offenses levied against the applicant, an Under Honorable Conditions was issued based on the totality of the 9 plus years of service; therefore, the Board cites the type of discharge received was merited.

The Board reviewed the Applicant's claim of sexual assault, sexual harassment and racial harassment: however, the Board has no new documentation, or the authority to reevaluate the alleged offenses and investigation that occurred while the applicant was in the service. the applicant can seek further redress with the Board of Correction for Military Records to request review and possible relief on those issues.

The Board has no issues with the propriety or equity in this case. The Board noted several attempts were made to call the applicant with the phone number they provided. The individual who answered the phone stated it was the wrong phone number.

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.