

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2018-014

**Discharge Issued**

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

**Narrative Reason:** Misconduct

**SPD/RE Code:** JKD / RE4

**Authority of Discharge:** COMDTINST M1000.6A Art 12-B-18

**Date of Separation:** 2010-07-01

**DRB Decision**

**Character:** Honorable

**Narrative Reason:** Failure to Complete Course of Instruction

**SPD/RE Code:** JHF / RE1

**New Authority:** COMDTINST M1000.6 Art 12.B.18

**Discharge Review Board Discussion and Decision:**

DISCUSSION:

The applicant was discharged in for Misconduct due to disenrollment from A-School.

The applicant's Character of Service is Under Honorable Conditions (General) and the separation authority listed on the Separation Authorization is COMDTINST M1000.6A, Article 12.B.18. With the Separation Type listed as Established Pattern of Shirking. The SPD handbook prescribes an RE Code of RE4 for an SPD Code of JKD.

The applicant's case revolves around their discharge, characterized as Misconduct resulting from their disenrollment from A-School. The Discharge Notification Memorandum cited "convenience of the government" as the narrative reason, asserting that the former member failed to complete A-School, thereby not meeting a requirement specified in their enlistment contract. The Separation Authorization, dated from JUN2010, cited the narrative reason as Misconduct with an SPD Code of JKD, implying AWOL, despite a lack of supporting evidence or documentation. The Separation Type indicated an Established Pattern of Shirking, similarly unsupported by evidence or documentation. Furthermore, the applicant's file included an Honorable Discharge Certificate, emphasizing the existence of concerns regarding propriety within this case.

The applicant's request pertains to their discharge for Misconduct. According to the member's application, they were notified of their disenrollment from A school in writing. Following their disenrollment, they were issued a Form 256 CG, which indicated an Honorable Discharge from the Coast Guard Reserves, bearing the endorsement of the applicant's Commanding Officer at that time. Subsequently, when the former applicant sought to enlist in the Army, they were informed that they were ineligible due to a Re-enlistment Code 4 and a SPD code JKD, which signifies AWOL or desertion. The applicant disputes the accuracy of these codes and the AWOL characterization, prompting their request for reconsideration.

The Board extensively considered the applicant's plea for upgrading the Character of Service, Separation Code, and Narrative Reason stemming from their discharge for Misconduct related to disenrollment from A-School. Despite the Separation Authorization citing an Established Pattern of Shirking with an SPD Code of JKD, indicative of AWOL, the Board uncovered a significant lack of supporting evidence and documentation. The applicant's file notably included an Honorable Discharge Certificate issued shortly after the discharge, prompting concerns about the propriety of the case. The applicant disputes the accuracy of Re-enlistment Code RE-4 and SPD Code JKD, asserting that they were not informed of the specifics of their discharge by the Coast Guard until attempting to reenlist in the Army, only to discover that their SPD code signified AWOL or desertion.

The Board emphasized that M1000.6A, Art 12-B-18 mandates the Coast Guard to inform the member in writing the details and intention to discharge, afford them an opportunity to make a written statement, and provide a chance to consult with an attorney, none of which occurred in this case, constituting an error of procedure. This procedural lapse is further highlighted by the conflicting narrative of a Pattern of Shirking with the AWOL SPD code, intensifying concerns about the accuracy of the discharge. After a thorough review, the Board concluded that the applicant's discharge is inappropriate and recommends a change, citing substantiated errors in the discharge process. The applicant's submission of the DD Form 265 CG, certifying an Honorable Discharge from the Coast Guard Reserves further contributes to the board finding an error in procedure regarding the member's discharge.

RECOMMENDATION: The Board members thoroughly reviewed the applicant's record of service and all available documentation. The Board deemed that the applicant's discharge characterization, separation authority, separation code, re-entry code, and reason for separation should be changed. The applicant has sustained an error in procedure and their records should be corrected accordingly.

Propriety: Discharge was not proper.

Equity: Discharge was equitable.

Board Conclusion: The Board voted 3-0 for 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.