

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2018-026

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: MISCONDUCT

SPD/RE Code: JKQ / RE4

Authority of Discharge: COMDTINST M1000.4 Art 1.B.18

Date of Separation: 2018-05-21

DRB Decision

Character: No Change

Narrative Reason: No Change

SPD/RE Code: No Change / No Change

New Authority: COMDTINST M1000.4 Art 1.B.17

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for Misconduct (Commission of a serious military or civilian offense) after serving a total of 01 Year, 03 Months and 21 Days on Active Duty.

The Board thoroughly reviewed all of the documentation including the applicant's statement that was provided as well as any paperwork that was in the PDR. IAW COMDTINST M1000.4, 1.B.17.b (3) (cited on Separation Authorization I Incorrect on DD-214) Commission of a serious offense does not require adjudication by non-judicial or judicial proceedings. An acquittal or finding of not guilty at a judicial proceeding or not holding non-judicial punishment proceeding does not prohibit proceedings under this provision. However, the offense must be established by a preponderance of the evidence. The SPD handbook prescribes an RE Code of RE-4 for an SPD Code of JKQ. There is NJP paperwork and a Separation Authorization in Direct Access.

RECOMMENDATION: The Board deemed that the applicant's character of service, reason for separation and reenlistment code are appropriate and should not be changed. The applicant has not substantiated any error or inequity.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Board Conclusion: recommend no relief.

Administrative Correction: The Legal Review found an administration error with the DD-214 Authority. As per the "Separation Authorization" the proper authority should read 1.B.17

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.