

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD
Docket #: 2018-031

Discharge Issued

Character: Uncharacterized

Narrative Reason: Entry Level Performance and Conduct

SPD/RE Code: JGA / RE3

Authority of Discharge: COMDTINST M1000.4 Art 1.B.19

Date of Separation: 2018-05-04

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:

ISSUES: The Applicant seeks an upgrade to the characterization and Separation Program Designator (SPD) Code so that they can reenlist in the Air Force.

A discharge is deemed proper unless the applicant can show 1) an error of fact, law, procedure or discretion associated with the discharge that prejudiced their rights; or 2) there has been a change in policy made expressly retroactive to the type of discharge under consideration.

A discharge is presumed to be equitable unless the applicant can show 1) the policies and procedures under which the applicant was discharged differ in material respects from current policy; 2) the discharge was inconsistent with standards of discipline at the time of separation; or 3) the evidence presented does not fairly support the type of discharge. In reviewing the evidence, the DRB considered 1) the quality of the applicant's service, 2) the applicant's capability to serve, 3) any evidence of arbitrary, capricious, or discriminatory actions against the applicant, or 4) any other relevant information relating to the applicant's discharge.

DISCUSSION: The Applicant was discharged for unsuitability and for the reason of refusal to train after 13 days in basic training at Training Center Cape May, NJ. The Applicant's Character of Service is Uncharacterized and the separation authority listed is COMDTINST M1000.4 Article 1.B.19. In accordance with Personnel Service Center (PSC) guidance, it prescribes a Reenlistment (RE) Code of RE-3L for the SPD Code of JGA. The SPD Code of JGA provides that "involuntary discharge directed by established directive when member has inability, lack of effort, failure to adapt to military or minor disciplinary infractions during the first 180 days of active military service." RE-3L provides that "entry level separation, must have waiver to reenlist." The Applicant is prior-enlisted reserves, having served six years with the Air Force and to which he seeks to rejoin.

The Applicant attended the CG Direct Entry Petty Officer Training Course (DEPOT) which is an abbreviated 20 day "refresher" of basic training. The Applicant alleged that their separation code of JGA (entry level status performance and conduct) should instead reflect a medical release due to a hip injury incurred in the second week of a three-week instruction. The Applicant was offered a recruit evaluation board but declined.

The Board discussed and considered the multiple documents submitted by the applicant that reflect their desire to end training. Furthermore, the record contains documents showing that the Applicant acknowledged understanding of their options and consequences of that decision. The Board also noted that a RE3 reentry code is not an affirmative recommendation for reenlistment, rather it represents that the applicant is eligible for enlistment except for a disqualifying factor. Moreover, a RE-3L reentry code may be waived by the gaining Service based on the policies and needs of that Service. Military Separation Manual COMDTINST M1000.4 prescribes an Uncharacterized Discharge is warranted with recruit separations. The JGA (entry level status performance and conduct) SPD Code and RE-3L code correctly depict the Applicant's separation. The Board finds no error of fact, law, policy, or discretion in this discharge. There have been no relevant policy changes since the date of discharge that are unique to this case. The discharge of the Applicant was justified and consistent with the standards of discipline. The Board finds no issues concerning the propriety or equity of the discharge.

RECOMMENDATION: The Board Members thoroughly reviewed the Applicant's record of service and all available documentation. The Board deemed that the Applicant's reentry code is appropriate and should not be changed to RE-1 (eligible for reenlistment). The Applicant has not substantiated any error or inequity.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Board Conclusion: The Board voted 3-0 for no 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.