

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2018-049

**Discharge Issued**

**Character:** Honorable

**Narrative Reason:** Pattern of Misconduct

**SPD/RE Code:** JKA / RE4

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

**Date of Separation:** 2008-09-19

**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 for a Pattern of Misconduct after serving a total of 2 years, 11 months, and 28 days on active duty with the Coast Guard.

The Board thoroughly reviewed all documentation including the applicant's statement. The applicant's Character of Service is honorable and the separation authority listed on the DD-214 is COMDTINST M1000.6 Article 12.B.18. The corresponding SPD code is JKA which prescribes an RE Code of RE4.

The former member was discharged for a patten of misconduct after receiving two non-judicial punishment's (NJP) within a two-year period. The first NJP was conducted after the applicant was found drunk on duty. The applicant arrived an hour and a half late to duty with a BAC of .054. The applicant was found in violation of Article 92 & 134. The applicant received a 30-day restriction, 45 days of extra duty, and forfeiture of 1/2 month's pay. In addition, the applicant was reduced in rank to E3. The applicant received a second NJP for violating Article 134 of the UCMJ. The applicant was found to have entered the woman's head and urinated on the floor of the bathroom. The applicant was again reduced in grade to E3, restricted to confines, assigned 20 days of extra duty, and revocation of security clearance. The applicant was notified of the command's intent to discharge and was informed of the consequences of a general discharge. The member was afforded the right to speak with legal counsel and make a statement on their behalf but declined.

In addition to the NJPs, the applicant also received multiple negative CG-3307s documenting their failure to repay financial loans, both to co-workers and to financial institutions. Following an investigation, it was further discovered that the applicant had made unauthorized charges on their government credit card and were delinquent on the payments.

The applicant was also given a negative CG-3307 after a co-worker found the member had consumed alcohol and multiple prescribed sleeping pills. EMS was called to the scene to evaluate the applicant but did not transport the former member. The CG-3307 noted that the applicant had not disclosed the prescription for sleeping pills to the command. Following this incident, the applicant was evaluated for mental health concerns. The doctor stated that the applicant did not manifest any signs or symptoms of mental illness or severe personality disorder. The doctor's prognosis was that the former member's personal system of values, motivations, drives, goals, and ambitions are inconsistent with the unit's expectation, and that this inconsistency should be managed administratively rather than medically.

The applicant is requesting relief to their reenlistment code, upgrading from an RE4 to an RE3 so that they may reenlist in the Army. The applicant states since their discharge, they have completed their associate degree, stayed employed, and stayed out of trouble. The applicant also states that they have completed the Corrections Academy and have worked for the Department of Corrections for three years, being promoted the rank of Sergeant. The applicant previously served in the U.S. Army for four years and intends to rejoin the Army so that they may be better able to support their family and continue to serve their country. The applicant's personal accolades include: 02 positive CG-3307s, 01 Good Conduct Medal (USCG), 01 Army Commendation Medal, and 03 Army Achievement Medals. The applicant makes no claims of inequity or impropriety.

The Board reviewed and discussed the applicant's submitted documents in addition to their service record. The applicant makes no claims of impropriety or inequity in their application. The applicant was properly separated for a pattern of misconduct in accordance with PERSMAN M1000.6 Article 12.B.18.

The applicant was the subject of two NJP's within a two-year period in which they were found in violation of Article 92 & 134 and Article 134. The applicant received an SPD code of JKA which is the appropriate code for a member discharged for a pattern of misconduct as per the Separation Program Designator (SPD) Handbook. The SPD Handbook prescribes an RE4 for members with the SPD code if JKA. An RE4 reentry code signifies that the applicant is not recommended or is ineligible to reenlist.

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. 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.