

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD  
Docket #: 2019-015

**Discharge Issued**

**Character:** General

**Narrative Reason:** Unacceptable Conduct

**SPD/RE Code:** BNC / N/A

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

**Date of Separation:** 2011-08-01

**DRB Decision**

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

**Narrative Reason:** No Change

**SPD/RE Code:** No Change / No Change

**New Authority:** COMDTINST M1000.6 Article 12.A.15

**Discharge Review Board Discussion and Decision:**

**ISSUES:** The applicant seeks an upgrade to their discharge characterization, separation code, separation narrative, and re-entry code due to claims their discharge was inequitable and allegations against the applicant escalated to a level of punitive referral beyond comprehension. The applicant's counsel also notes impropriety, claiming the applicant's command erred when they disregarded the applicant's addiction as a mitigating factor of the misconduct.

**DISCUSSION:** The applicant was discharged for Unacceptable Conduct after serving a total of 3 Years, 1 Month, and 17 Days on Active Duty. The Board thoroughly reviewed all documentation including the applicant's statement. The applicant's Character of Service is General and the separation authority listed on the DD-214 is COMDTINST M1000.6 Article 12.A.6. The SPD Code is listed as BNC. There is no RE code provided on the applicant's DD214.

The former member was discharged for Unacceptable Conduct after an Article 32 investigation uncovered the applicant had stolen in excess of \$20,000 from the unit's morale fund in order to fund their gambling habit. The investigation revealed that the applicant had, on over a dozen occasions, utilized the unit's morale debit card to make large cash withdrawals in order to gamble. Following the conclusion of the investigation, the Investigating Officer (IO) recommended that the applicant be retained and be subjected to a Flag Mast. The IO stated that due to the applicant returning the money and seeking help for their gambling addiction prior to the misconduct being discovered, the punishment at a Flag Mast should be sufficient. The IO also noted that the applicant was a high performing officer whose command wished to retain them in the service.

Following the IO's recommendation, the convening authority changed, and it was determined the applicant would be subjected to trial by Court Martial. The applicant then requested and agreed to an administrative discharge in lieu of trial by Court Martial. The applicant voluntarily resigned their

commission and requested a discharge Under Other than Honorable Conditions. The applicant was granted their request of resignation; however, their discharge was automatically upgraded by the Office of Personnel Management (OPM) to Under Honorable Conditions.

The former member is requesting relief to their discharge characterization, separation code, separation narrative, and re-entry code due to claims their discharge was inequitable and allegations against the applicant escalated to a level of punitive referral beyond comprehension. The former member states that their gambling never impacted their work performance and that they never actually committed larceny because the money was repaid. The former member feels as though they were made an example of after the conveying authority changed. The applicant's counsel also makes claims that their discharge was improper due to the Command not taking the applicant's gambling addiction into consideration when deciding appropriate punitive actions.

The former member consistently received very positive Officer Evaluation Records (OER's) from their supervisors and was lauded as a high performer by their Command. The applicant submitted multiple letters of recommendation in support, echoing the Command's sentiment that the applicant was a high performer and well-respected leader. The applicant also included their promotions and bonus memo's they received from their civilian employer. The former member's personal award includes one Commandant's Letter of Commendation.

The Board discussed the former member's application and their service record. The Board discussed the applicant's claim the Coast Guard erred in discharging them due to the fact that their gambling addiction was not taken into account. The Board finds this claim to be dispelled as the applicant was given the opportunity to resign rather than face punishment at a Court Martial. The applicant knowingly and voluntarily accepted this offer and requested to resign in lieu of facing a Court Martial. Additionally, the applicant originally requested and agreed to be separated Under Other Than Honorable Conditions. The applicant's discharge characterization received an upgrade while being processed by OPM. The Board agreed that the upgrade the applicant received from OPM is sufficient. Taking into account the applicant's military record in addition to the regulations under which the applicant was discharged, further upgrade is not merited. The Board finds the leniency afforded to the applicant indicates that the applicant's gambling addiction and service record were both taken into account during the discharge proceedings.

The Board finds no error of fact, law, discretion or policy in this discharge. The applicant was separated for unacceptable conduct in accordance with COMDTINST M1000.6 Article 12.A.15. Voluntary resignation is an alternative to facing trial before a general court-martial and to preclude the possibility such a trial might result in conviction, with ensuing sentence perhaps extending to dismissal from the Service and imprisonment. A discharge characterization of Under Honorable Conditions (General) is appropriate. A separation code of BNC is authorized and appropriate when a resignation is allowed in lieu of further separation proceedings after a member performs unacceptable acts. The separation code assigned is appropriate for this type of discharge. An SPD code of BNC lists an authority of COMDTINST M1000.6 Art 12.A.15. In addition, the Board finds the narrative reason of Unacceptable Conduct is an appropriate narrative reason and is in accordance with COMDTINST M1000.6 Article 12.A.15. There is no RE code assigned for this separation code as military officers are not issued re-entry codes.

**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, authority, separation code, reentry code, and narrative 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: The Board voted 3-0 for NO RELIEF

**ADMINISTRATIVE CORRECTION:** The Board does recommend an administrative correction to Block 24 of the DD-214 for character of service to be administratively corrected from General to Under Honorable Conditions (General). IAW ALCOAST 562/08 the DD Form 214 is issued in accordance with the guidance and instructions contained in this instruction and DoDI 1336.01 and General is not a valid character of service.

Additionally, the Board recommends an administrative correction to Block 25 of the DD214. The current Authority is listed as COMDTINST M1000.6 Article 12.A.6 which prescribes the format regarding forms for an officer's resignation. The correct authority should be COMDTINST M1000.6 Article 12.A.15 which prescribes standards for processing individuals for Unacceptable Conduct.

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<sup>2</sup> 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.