

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2019-044

Discharge Issued

Character: General

Narrative Reason: Misconduct

SPD/RE Code: JKK / RE4

Authority of Discharge: COMDTINST M1000.6A ART 12.B.18

Date of Separation: 2008-01-16

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 Misconduct, Involvement with Drugs.

Applicant was discharged for misconduct due to positive results for cocaine and Alprazolam (Xanax) metabolites on urinalysis screening. The applicant was enrolled in a drug treatment program but failed to comply with the aftercare plan and was ineligible for the 2nd chance program. The applicant alleges sexual assault which lead to the drug use.

While the Coast Guard acknowledges that the applicant did make a claim of sexual assault, the matter was investigated per policy, contrary to the members claim of inaction. The applicant does not provide any evidence to overcome the presumption of regularity that procedures were followed regarding this issue.

The applicant contends the VA has granted service-connected disability but has provided no documentation. The applicant's personnel record includes many negative CG-3307's and average EERs. The separation package shows the applicant was read Miranda rights, was properly notified of intent to discharge, waived the right to object to the discharge, waived the right to make a statement, and waived the right to an attorney.

The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration, it did not mitigate the list of offenses. MILSEP instruction prescribes no higher than a General, Under Honorable Conditions character of service for individuals separated as a result of violating the Coast Guard's drug policy. The assigned narrative reason of Misconduct is appropriate. The applicant did not supply sufficient independent corroborating evidence to support contentions. The discharge was consistent with the procedural and substantive requirements of regulation and was within the discretion of the separation authority.

RECOMMENDATION: The Board members thoroughly reviewed the applicants record of service and all available documentation. 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.

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.