

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2020-031

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: JKQ / RE4

Authority of Discharge: COMDTINST M1000.4 Art 1.B.17

Date of Separation: 2020-02-18

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 due to the commission of a serious offense after serving a total of 4 years 1 month and 7 days on Active Duty.

The Board thoroughly reviewed all documentation including the applicant's statement. The applicant's character of service is Under Honorable Conditions and the separation authority listed on the DD-214 is COMDTINST M1000.4 Article 1.B.17. The SPD handbook prescribes an RE Code of RE4 for an SPD Code of JKQ. The former member was discharged following a pattern of misconduct and after receiving 02 Non-Judicial Punishment's (NJP) within a 60-day period, both for Article 91 and 92. The applicant received numerous negative CG-3307s documenting unacceptable behavior, including multiple negative encounters with law enforcement in which the applicant's behavior was described as deplorable and unprofessional.

The first incident resulting in an NJP included submitting a leave chit, knowing the same to be false, in addition to making disloyal statements to a senior petty officer. The second NJP was the result of an alcohol incident in which the former member disobeyed a direct order and consumed alcohol while in Bravo-6 status. The former member also provided alcohol to minors and authorized a subordinate to drive home after that individual had consumed a substantial amount of alcohol 30 minutes prior. The former member is requesting relief to their discharge characterization, asking for an upgrade to an Honorable discharge. The applicant acknowledged the poor choices that were made in the Coast Guard and stated that they have turned their life around since being discharged. The applicant believes that having an Honorable discharge will allow them to build their confidence and show employers and educational institutions that they served honorably. The applicant would also like to utilize their GI Bill. The applicant made no claims of inequity or impropriety.

The Board discussed the pattern and severity of the misconduct that was documented in the NJP's and the CG-3307's. The Board also addressed the statement made by the former member recognizing their poor judgement and their unsuitability for the military lifestyle. The Board noted that they do not have the authority to upgrade a discharge for the purpose of relieving a burden of being characterized as a general discharge or for the purpose of gaining access to the GI Bill.

COMDTINST M1000.4 Art 1.B.2.f (2)(b) permits an Under Honorable Conditions (General) discharge based on the overall military record of the individual and the severity of the incidents which result in the discharge. The Board finds the severity of the misconduct as well as the repeated nature, does not justify an upgrade to an honorable discharge. The negative interactions with the public and with law enforcement brought discredit to the Coast Guard

and is not representative of honorable service. The applicant was separated for the commission of a serious offense in accordance with COMDTINST M1000.4 Art 1.B.17. An investigation revealed, under a preponderance of the evidence, the applicant committed numerous serious offenses for which punitive discharge is a penalty.

The Board finds no error of fact, law, procedure 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 character of service 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.