

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2020-032

**Discharge Issued**

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

**Narrative Reason:** Misconduct

**SPD/RE Code:** JKK / RE4

**Authority of Discharge:** COMDTINST M1000.4 Article 1.B.11

**Date of Separation:** 2018-01-16

**DRB Decision**

**Character:** No Change

**Narrative Reason:** No Change

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

**New Authority:** COMDTINST M1000.4 Art 1.B.17

**Discharge Review Board Discussion and Decision:**

**DISCUSSION:**

The applicant was discharged for misconduct due to the illegal use of a controlled substance after testing positive for MDMA (ecstasy) on a urinalysis.

The applicant also received two negative CG-3307's for performance issues at "A" school and for failing to report to duty on time. The applicant was processed for discharge for misconduct owing to involvement with drugs in accordance with COMDTINST M1000.4 Article 1.B.17. They were advised of the intent to discharge in a memo and advised of their right to seek counsel due to being considered for an Under Honorable Conditions Discharge. The applicant did not object to being discharged. Commander, CG-PSC established under a preponderance of evidence that the applicant was involved in a drug incident and supported their finding with the results of the urinalysis test. The penalty for involvement with drugs includes a punitive discharge. The applicant ultimately received a Under Honorable Conditions discharge with a narrative reason of Misconduct, an SPD code of JKK, and a reentry code of RE4.

The Board examined the applicant's separation under COMDTINST M1000.4 Article 1.B.17 for the involvement with drugs and found no errors of fact, law, discretion, or procedure. Commander, PSC properly found under a preponderance of the evidence that the applicant illegally used a controlled substance which carries as a penalty, a punitive discharge. The applicant was properly awarded an Under Honorable Conditions characterization in accordance with COMDTINST M1000.4 Article 1.B.2(f). The Separation Program Designator (SPD) code, reentry code, and narrative were all properly awarded in accordance with the SPD Handbook. An SPD code of JKK is the appropriate separation code for members discharged for misconduct due to a drug incident. An SPD code of JKK prescribes a reentry code of RE4. There have been no relevant policy changes made expressly retroactive to this type of discharge and the applicant has not made any inequity claims.

**RECOMMENDATION:** The Board members thoroughly reviewed the applicant's record of service and all available documentation. The Board deemed that the applicant's separation code is 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 4-0 for NO RELIEF

**Administrative Correction:** The Board does recommend an administrative correction to Block 25 of the DD-214 for separation authority to be administratively corrected from COMDTINST M1000.4 Article 1.B.11 to COMDTINST

M1000.4 Article 1.B.17 which is the correct authority for a discharge by reason of misconduct.

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.