

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2020-039

**Discharge Issued**

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

**Narrative Reason:** Misconduct

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

**Authority of Discharge:** COMDTINST M1000.4

**Date of Separation:** 2014-02-02

**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 former member was discharged for involvement with drugs after testing positive on a urinalysis drug screening.

The urinalysis test indicated the applicant had tested positive for synthetic cannabinoid metabolites, otherwise known as “spice.” Following the positive test, a CGIS investigation was conducted and during the investigation, the applicant admitted to using/purchasing the drug. The applicant was issued a CG-3307 documenting the drug incident and was processed for discharge.

The applicant was processed for discharge for misconduct owing to a drug incident and 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. Commander, CG-PSC established under a preponderance of evidence that the applicant had illegally used a controlled substance and supported their finding with the results the urinalysis test and the CGIS investigation. The maximum 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 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 RE4 is authorized for member’s discharged with an SPD code JKK. 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 discharge characterization and reentry code 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 5-0 for NO RELIEF

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.