

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2020-047

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: HKK / RE4

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

Date of Separation: 2014-08-11

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 after serving a total of 12 years, 10 months, and 25 days on active duty.

The Board thoroughly reviewed all documentation available in the member's service record. 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 HKK.

The former member was discharged after admitting to purchasing and using anabolic steroids when questioned by CGIS. In addition, the member tested positive for anabolic steroids in a urinalysis drug test. The applicant stated they chose to take steroids to recover quicker from injuries that caused back and joint pain. The former member also attested that they took the steroids to stay in operational status and off light duty. Upon being questioned by CGIS, the applicant was immediately forthcoming in admitting their misconduct. The Applicant received an NJP on with the coded offenses of larceny, wrongful use of a controlled substance, and other offenses charged under Article 134 not covered.

The Applicant had good evaluations and received the CG Commendation Medal, two CG Achievement Medals, and a Letter of Commendation. The former member received three separate positive CG 3307's for being Sailor of the Quarter and one negative CG 3307's for using prohibited external accounts on a CG workstation. The applicant stated that their discharge has affected their eligibility for work that they are highly qualified to do and be successful in his career.

The Board reviewed the former member's application and request for an upgrade to their discharge characterization. The Coast Guard maintains a zero tolerance for illicit drug use. As a service with a law enforcement mission, it is imperative that we hold ourselves to the highest standards. Per Military Drug and Alcohol Policy, COMDTINST M1000.10, if, after an investigation, the commanding officer determines that a drug incident did occur, commands will process the member for separation by reason of misconduct. Members who have been identified as drug dependent will be offered treatment prior to discharge. If accepted, immediately on completing this treatment, the member will be discharged from the Service for misconduct. The applicant admitted to, and tested positive for anabolic steroids following an unrelated CGIS investigation and was subsequently found to be in violation of the UCMJ Article 112(a).

Military Separation Manual COMDTINST M1000.4 Article 1.B.2.f.2.(a) 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. As the Applicant was found to have violated the Coast Guard's drug policy, the General, Under Honorable Conditions characterization was properly awarded. Further, the Coast Guard does not have a policy that permits the upgrade in character of service due to post-service conduct. The Board does not upgrade a discharge solely on the passage of time, good conduct subsequent to separation, good conduct prior to the misconduct, or to improve civilian or government employment opportunities. The Board finds no error of fact, law, policy, 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 reentry 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.

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.