

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2021-014

Discharge Issued

Character: Honorable

Narrative Reason: Miscellaneous / General Reasons

SPD/RE Code: JND / RE4

Authority of Discharge: COMDTINST M1000.4 Article 1.B.15

Date of Separation: 2014-07-21

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 unsuitability after receiving a second alcohol incident.

The applicant's first alcohol incident occurred when it was determined that they and another member were consuming alcohol underage. The XPO of the unit observed an open twelve pack of beer in the applicant's vehicle. When asked about the alcohol, the applicant lied to the XPO, indicating it belonged to a friend. Later, the applicant admitted to their supervisor that the alcohol belonged to them, and they had been consuming it on a previous date.

The applicant received a CG-3307 documenting that they were involved in an alcohol related situation. It was determined the applicant enabled/condoned the use of alcohol by an underage member. The incident was documented but not considered an alcohol incident. The applicant was screened for alcohol abuse disorder but was found not to meet the criteria and no further treatment was recommended. In February of the following year, the applicant received their second alcohol incident when they were arrested for driving under the influence (DUI). The applicant was stopped by police after running a red light and speeding. The applicant was found to be intoxicated and provided a breath sample indicating a blood alcohol content (BAC) of .16. Following the incident, the applicant was processed for discharge.

The applicant was processed for discharge for unsuitability owing to a pattern of alcohol abuse in accordance with COMDTINST M1000.4 Article 1.B.15. They were advised of the intent to discharge and advised of their right to submit a written statement. Commander, CG-PSC concurred with the recommendation for separation due to a pattern of alcohol abuse and supported their findings with the two alcohol incidents and results of the police arrest report. The applicant ultimately received an Honorable discharge with a narrative reason of Unsuitability, an SPD code of JND, and a reentry code of RE4.

The Board examined the applicant's separation under COMDTINST M1000.4 Article 1.B.15 and found that a discharge for unsuitability is not in line with the separation authority. In accordance with COMDTINST M1000.4 Article 1.B.17(b)(3)(c), the basis for separation shall be misconduct owing to commission of a serious offense, not unsuitability, for all members receiving an alcohol incident involving serious misconduct (including but not limited to: drunken or impaired operation of a vehicle). In addition, commanding officers are prohibited from designating unsuitability for the basis of separation for cases involving a second alcohol incident or drunken impairment of a vehicle. The Board finds that while the discharge was proper, the narrative reason issued was not in line with the separation authority. As the Board cannot downgrade a discharge, the applicant's narrative shall remain unchanged.

As for the applicant's reentry code, the Board does not upgrade a discharge solely on the passage of time, good

conduct subsequent to separation, to improve civilian or government employment opportunities, or eligibility for VA benefits (e.g., GI Bill, home loans, medical treatment, or disability payments). The Separation Program Designator (SPD) code of JND allows for the issuance of an RE4 reentry code which was properly awarded in this case and in accordance with the SPD Handbook. 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 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 3-0 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.