

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2021-018

**Discharge Issued**

**Character:** Uncharacterized

**Narrative Reason:** Fraudulent Entry

**SPD/RE Code:** JDA / RE4

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

**Date of Separation:** 2020-04-21

**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 Misconduct, Pattern of Misconduct and Fraudulent Entry into Military Service.

A CG-3307 documents that the applicant was observed sleeping on duty six separate times, failing to report to a scheduled meeting with the Executive Officer, and reporting 54 minutes late for watch due to oversleeping. The applicant was subject to two Nonjudicial Punishments within a 24-month period:

a) The applicant was subject of Non-Judicial Punishment (NJP) for violation of UCMJ Art. 90: Dereliction of Duty, neglect/culpable inefficiency for multiple instances of late to watch/sleeping on watch. Applicant waived Mast Representative and counsel and was awarded restriction for 28 days and extra duties for 28 days.

b) The applicant was found in violation of the following UCMJ Articles:

- Art. 90 (Assaulting or willfully disobeying superior commissioned officer) in that the applicant violated the terms of their restriction given by written memorandum from the Executive Officer.
- Art. 104a (Fraudulent Entry into Military Service) in that the applicant did not disclose previous law enforcement involvement, including arrests at the time of their enlistment into the Coast Guard.
- Art. 107 (False Official Statements; False Swearing) in that they did not disclose previous law enforcement involvement, including arrests on their security clearance (SF-86)
- Awarded 60-day restriction, forfeiture of half-months pay for 2 months, reduction to pay grade E-1, and extra duties for 45 days. The payment portion of the punishment was suspended for 2 months.

The applicant was ineligible for the Commandant's Second Chance Program per COMDTINST M1000.4, Art. 1.B.39 due to fraudulent enlistment. The applicant acknowledged the Notification of Intent to Discharge with their signature. At that time the applicant waived their right to submit a statement on their behalf and did not object to the discharge.

An Uncharacterized Character of Service is not derogatory in nature. The applicant's Character of Service was properly issued in accordance with COMDTINST M1000.4 CH-3 Art. 1.B.19.b.(2) stating that PSCEPM-1 has the authority, when compelling circumstances exist, to award an uncharacterized discharge to any member with any amount of total active service.

The applicant's Narrative Reason of Fraudulent Entry Into Military Service is subject to trial by court-martial and is well defined by 10 U.S. Code § 904a -Art. 104a (Uniform Code of Military Justice). Which states that any person

who procures their own enlistment or appointment in the armed forces by knowingly false representation or deliberate concealment as to their qualifications for that enlistment or appointment and receives pay or allowances thereunder.

The applicant's Separation Program Designator (SPD) is in alignment with COMDTINST M1000.4 CH-3 Art. 1.B.2.g and DoDI 1336.01, Encl. 2 which authorizes JDA (Fraudulent Entry) to be used with uncharacterized discharges.

The applicant's Reentry (RE) Code conforms to COMDTINST M1000.4 CH-3 Art. 1.B.19.e. and DoDI 1336.01, Encl. 2. An RE4 reentry code signifies that the applicant is not recommended or is ineligible for reenlistment.

This discharge was consistent with the procedural and substantive requirements of regulation and was within the discretion of the separation authority. The Board finds the separation was both proper and equitable.

**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 and reason for separation, and reenlistment code are 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.