

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2021-022

**Discharge Issued**

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

**Narrative Reason:** Completion of Required Active Service

**SPD/RE Code:** JBK / RE4

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

**Date of Separation:** 2020-05-31

**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 after permanent relief for cause.

Court Martial Notes: The applicant was charged and found guilty of dereliction of duty, failure to obey a lawful order, and inappropriate relationships. The applicant was reduced in paygrade. The applicant met up at a beach with two junior Petty Officers and one Junior Officer where they consumed a substantial amount of alcohol. The Junior Officer was so incapacitated that the three other members were compelled to carry Junior Officer and their personal effects to their apartment where the applicant stayed behind and the Petty Officers observed sexual contact. Though the applicant was not the senior ranking member of the group they were the most responsible and longest serving individual with a statutory duty to ensure that they and the other members did not abuse alcohol and to hold themselves from a prohibited relationship. It was found, by neglect, derelict in the performance of their duties.

The Coast Guard has established a command climate that supports, encourages, and models the use of low-risk guidelines for alcohol consumption; is intolerant to alcohol misuse; establishes performance and discipline standards for alcohol incidents, and provides standards by which these incidents will be properly adjudicated in Military Drug and Alcohol Policy, COMDTINST M1000.10.

After a thorough review of the record, court martial documents, facts and circumstances unique to this case, the Board determined, based upon a preponderance of the evidence, that the Junior Officer was unable to consent to sexual activity due to intoxication. The applicant's personnel file records their completion of the Coast Guard's Sexual Assault Prevention and Response (SAPR) training in accordance with COMDTINST M1754.10. The Coast Guard is dedicated to eliminating sexual assault from our Service through culture, education, and accountability. The applicant's conduct is incompatible with the Coast Guard's Core Values.

Additionally, in that this assault was made via abusive sexual contact through the use of military position, rank, or authority & Senior Enlisted member with a Junior Officer. Drawing attention to the unique role of Senior Enlisted Members as distinct leaders charged to train and guide Junior officers which allows Senior Enlisted Members, knowingly or unknowingly, to benefit from systemic power that when exploited is prejudicial to good order and discipline and is service discrediting.

The applicant protests that they were administratively penalized even after accepting responsibility for their actions. The Board finds that the applicant was in clear violation of the Coast Guard's Discipline and Conduct, COMDTINST M1600.2 and undermined respect for authority. Good leaders understand the privilege of holding

rank requires sound judgement and the applicant had the knowledge and experience to draw on to make better decisions regarding their duties and responsibilities. The Uniform Code of Military Justice allows commanders to punish acts prejudicial to good order and discipline.

Although the applicant argues that the Junior Officer has engaged in other unduly familiar relationships with enlisted members of the crew, the allegation has no bearing on the applicant's failure of leadership and negligence to the performance of their duties. The Board addressed the applicant's citation of CIM1000.4 1.B.2.f(f)[1] for special consideration of their Coast Guard Commendation awards to determine if it warranted an upgrade of their discharge to Honorable and judged that it did not. Sexual assault is a serious crime that can have lasting, harmful effects on victims and contradicts the Coast Guard Ethos. In light of these facts, the Board deemed that the applicant's character of service, reason for separation and reenlistment code are appropriate and should not be changed. Ultimately, the discharge issued met the standard and precedent for similar cases, was in accordance with prior and current separation policy, and was within the discretion of the separation authority. The Board finds the separation was both proper and equitable. The applicant has not substantiated any inequity or impropriety by the Coast Guard.

**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, reason for separation and reenlistment code are appropriate and should not be changed. The discharge was procedurally correct IAW Coast Guard Military Separations CIM\_1000.4. 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.