

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2022-056

**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:** 2020-02-18

**DRB Decision**

**Character:** No Change

**Narrative Reason:** No Change

**SPD/RE Code:** No Change / No Change

**New Authority:** COMDTINST M1000.4 Art 1.B.19

**Discharge Review Board Discussion and Decision:**

**DISCUSSION:**

The applicant was discharged for Fraudulent Entry Into Military Service in which they admitted to lying about taking A.D.D. pills during the enlistment process.

A negative CG-3307 in the applicant's personnel record cites they were disenrolled from A-school because they continuously displayed a lack of Petty Officer potential. The applicant was ineligible for the Commandant's Second Chance Program per COMDTINST MI 1000.4, Art. 1.B.39 due to fraudulent enlistment. The applicant acknowledged the Notification of Intent to Discharge with their signature. At that time they submitted a statement on their behalf, requested an administrative discharge, and did object to the discharge.

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. 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 his 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. RE4 signifies that the applicant is not recommended or is ineligible for reenlistment. On the propriety standard, the Board referred to COMDTINST M1000.4 with regard to the Authority cited for the applicant's separation.

This discharge was inconsistent with the procedural requirements of regulation within the discretion of separation authority. Therefore, the Board recommends the Authority be amended to COMDTINST M1000.4 CH3 Art. 1.B.19 (Uncharacterized Discharges).

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 PSC-EPM-1 has the authority, when compelling circumstances exist, to award an uncharacterized discharge to any member with any amount of total active service.

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 are appropriate and should not be changed.

Propriety: Discharge was improper.

Equity: Discharge was equitable.

Board Conclusion: The Board voted 3-0 to recommend a correction to the DD-214.

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.