

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2023-005

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: JKK / RE4

Authority of Discharge: COMDTINST M1000.

Date of Separation: 2020-03-16

DRB Decision

Character: No Change

Narrative Reason: No Change

SPD/RE Code: No Change / No Change

New Authority: COMDTINST M1000.4 Art 1.B.17

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for misconduct after voluntarily admitting to Coast Guard Investigative Service (CGIS) agents that they had used MDMA (ecstasy).

The CGIS investigation was initiated due to the applicant testing positive for MDMA on a hair follicle test. The applicant received non-judicial punishment (NJP) for the incident in which they were received 14 days restriction and were processed for discharge. The applicant also received NJP for reporting to duty following the expiration of liberty. The applicant was arrested by local police for driving under the influence (DUI). The applicant also received 16 negative CG-3307's over their almost three years of service, documenting additional misconduct and poor performance.

The applicant was processed for discharge for misconduct owing to involvement with drugs in accordance with COMDTINST M1000.4 Article 1.B.17. They were advised of the intent to discharge in a memo from JAN2020 and advised of their right to seek counsel due to being considered for an Under Honorable Conditions Discharge. Commander, CG-PSC established under a preponderance of evidence that the applicant committed a serious offense in violating UCMJ Article 112 and 134 and supported their finding with the results of NJP and the CGIS investigation. The penalty for involvement with drugs includes a punitive discharge. The applicant ultimately received a Under Honorable Conditions discharge with a narrative reason of Misconduct, an SPD code of JKK, and a reentry code of RE4.

The Board examined the applicant's separation under COMDTINST M1000.4 Article 1.B.17 for the involvement with drugs and found no errors of fact, law, discretion, or procedure. Commander, PSC properly found under a preponderance of the evidence that the applicant committed a drug offense which carries as a penalty, a punitive discharge. The applicant was properly awarded an Under Honorable Conditions characterization in accordance with COMDTINST M1000.4 Article 1.B.2(f). The Separation Program Designator (SPD) code, reentry code, and narrative were all properly awarded in accordance with the SPD Handbook. An SPD code of JKK is the appropriate separation code for members discharged for misconduct due to a drug incident. 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 separation 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.