

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD
Docket #: 2023-012

Discharge Issued

Character: Honorable

Narrative Reason: Completion of Service

SPD/RE Code: JBK / RE4

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

Date of Separation: 2022-10-28

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:

ISSUES: The applicant seeks an upgrade to RE Code so that they may reenlist in the Reserves. Applicant is claiming their RE4 reenlistment code is due to refusal of the COVID-19 vaccine.

DISCUSSION: The applicant was discharged after serving a total of 7 years and 8 days on active duty. The Board thoroughly reviewed all documentation including the applicant's statement. The applicant's Character of Service is Honorable, and the separation authority listed on the DD-214 is COMDTINST M1000.4 Article 1.B.11. The SPD handbook prescribes an RE Code of RE1 or RE4 for an SPD Code of JBK.

The applicant was discharged for Completion of Active Duty Service after not being recommended for reenlistment by the Command. A reenlistment interview was conducted and found that the former member did not meet the requirements for reenlistment, nor did they receive a favorable recommendation for enlistment. This recommendation was due to an unwillingness to constantly adhere to the core values as well as the inability to work well in team settings, especially when unsupervised. The applicant received numerous negative CG-3307's (one of which was refusal to receive the COVID-19 vaccine) documenting their performance issues. The applicant received a negative CG-3307 for attempting to threaten/extort another crew member and due to their lack of maturity, judgement, and communication skills when attempting to obtain their Officer of the Day qualification. The applicant received a negative CG-3307 for failing to follow proper procedures for the RBS-II when they placed the asset in a ready status knowing that there was a potential disabling casualty, causing potential harm to the crew. The applicant received a negative CG-3307 for failure to obey orders while on a Search and Rescue mission for a person in the water. Finally, the applicant received a negative CG-3307 for refusal of the COVID-19 vaccine after submitting a religious accommodation. The applicant's Boarding Officer and Coxswain qualifications were also rescinded due to a loss of confidence in their abilities. The former member did object to being discharged and was given a Separation Code of JBK. JBK is used for an involuntary

discharge directed by directive (no board entitlement) upon completion of required service. The SPD handbook states a reentry code of RE1 or RE4 is applicable. The former member's personal awards include two Coast Guard Achievement Medals, three Good Conduct Medals, as well as multiple unit and campaign awards.

The applicant is requesting relief to their RE Code so that they may reenlist in the Coast Guard Reserves and finish their career. The former member states that the RE4 they received is due to refusal of receiving the COVID-19 vaccination. The member stated they exhausted all legal avenues at the time for requesting a religious exemption. Now that the COVID-19 mandate has been lifted, they would like an upgraded RE Code that would allow them to reenlist in the Coast Guard Reserves. The former member also stated that they take accountability for past mistakes (including previously being masted) and makes note that they had excelled before arriving at their last duty station where they experienced depression and anxiety. The former member stated that they are aware the numerous CG-3307's do not shed a positive light but would like the opportunity to change for the better.

The Board discussed the applicant's past performance and their claim that the RE4 issued at the time of discharge, was based solely on their refusal of the COVID-19 vaccine. While the applicant did refuse the vaccine, this was not the primary factor that contributed to their discharge. The applicant's unacceptable performance issues had been documented four years prior to the vaccine mandate. The applicant was unable and unwilling to maintain qualifications that are required of an enlisted member in that specific rate and rank. The Command made note of a lack of willingness and a loss of confidence in the member's abilities and decision making. The numerous negative CG-3307's illustrates the applicant's pattern of poor performance and an inability to consistently conduct themselves in accordance with the Core Values. While the applicant's refusal of the COVID-19 vaccine was documented with a negative CG-3307, it was not the primary cause nor was it a contributing factor to not being recommended for enlistment.

The Board finds no error of fact, law, or policy in this discharge. There have been no relevant policy changes since the date of discharge that are unique to this case. The discharge of the applicant was justified and consistent with the standards of discipline. The applicant was separated for Expiration of Enlistment after not being recommended for reenlistment due to an inability to maintain required qualifications. The Command's loss of confidence in the member and the history of poor performance pre-dating COVID-19 make the applicant's claim of discharged based solely on refusal of the COVID-19 vaccine erroneous. The applicant was counselled properly in accordance with COMDTINST M1000.4 Article 1.B.4(b)(1) and was found not eligible for re-enlistment in accordance with COMDTINST M1000.2 Article 1.E.2(e). The applicant provided no evidence of impropriety or inequity. A separation code of JBK is authorized for Expiration of Enlistment in which an RE4 is authorized and was properly awarded. A RE4 reentry code signifies that the applicant is not recommended or is ineligible for reenlistment. The Board finds no issues concerning the propriety or equity of the discharge.

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 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.