

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD
Docket #: 2024-020

Discharge Issued

Character: Honorable

Narrative Reason: Misconduct

SPD/RE Code: JKQ / RE4

Authority of Discharge: COMDTINST M1000.4 Article 1.B.17

Date of Separation: 2016-04-25

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 makes no claims of impropriety or inequity in their application. The applicant is requesting the upgrades to their DD-214 in order to aid in their future career aspirations. Pursuant to 33 CFR §51.7(a), a discharge is presumed to be equitable unless the applicant submits sufficient evidence to establish that it is not, IAW 33 CFR §51.7(a)(1), (a)(2), and (a)(3). As a result, the Board has only examined whether there was an impropriety in separating the Applicant under COMDTINST M1000.4 Article 1.B.17.

DISCUSSION: The applicant was discharged for misconduct after being arrested for drunk driving. Highway Patrol observed the applicant driving approximately 107 miles per hour and after stopping him, gave him a breathalyzer test which registered a blood alcohol content (BAC) of .211 followed by a second test 2 minutes later registering .214. The applicant was arrested for DUI and received a CG-3307 documenting an alcohol incident and administrative discharge proceedings were initiated under the guidance of ACOAST 146/14.

The applicant was processed for discharge for misconduct owing to the commission of a serious offense in accordance with COMDTINST M1000.4 Article 1.B.17. The applicant was advised of the Coast Guard's intent to discharge in a memo 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 Article 113 UCMJ by driving drunk and supported their finding with the arrest of the applicant by police. The maximum penalty for the commission of a serious offense includes a punitive discharge. The applicant ultimately received a Under Honorable Conditions discharge with a narrative reason of Misconduct, an SPD code of JKQ, and a reentry code of RE4.

The Board examined the applicant's separation under COMDTINST M1000.4 Article 1.B.17 for the commission of a serious offense 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 violation of Article 113 of the UCMJ 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. The Board does not upgrade a discharge solely on the passage of time, good conduct subsequent to separation, good conduct prior to the misconduct, or to improve civilian or government employment opportunities. Further, the Coast Guard does not have a policy that permits the upgrade in character of service due to post-service conduct. There have been no relevant policy changes made expressly retroactive to this type of discharge and the applicant has not made any direct inequity claims. The discharge of the applicant was justified and consistent with the standards of discipline. 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 discharge characterization 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.

² 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.