

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD
Docket #: 2024-028

Discharge Issued

Character: Under Honorable Conditions (General)

Narrative Reason: Misconduct

SPD/RE Code: JKQ / RE4

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

Date of Separation: 2022-09-06

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 their reentry code from RE4 to a more favorable RE code. The applicant states their RE4 is preventing them from accessing VA benefits and their GI Bill. In addition, the applicant states they would like the opportunity to re-enlist. The applicant makes no claims of impropriety or inequity in their application. 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 awarding the applicant an RE4 under COMDTINST M1000.4 Article 1.B.17.

DISCUSSION: The applicant was discharged for misconduct following an investigation by local police where the applicant was found to have fled the scene of an accident. Police notified the command of the incident, and the command determined, by a preponderance of evidence, that the applicant had violated Article 113 of the UCMJ. Specifically, the applicant was found guilty of operating a vehicle recklessly and knowingly fleeing or attempting to elude police or law enforcement officers after colliding with two separate vehicles.

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. They were advised of the 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 and supported their finding with the police accident report. 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 violated 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. An RE4 code is authorized for members discharged with an SPD code of JKQ. 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 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

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.