

## GOOD ORDER AND DISCIPLINE

Fourth Quarter, Fiscal Year 2007

This publishes to the Coast Guard community a summary of disciplinary and administrative actions taken when Coast Guard military members or civilian employees failed to uphold the high ethical, moral, and professional standards we share as members of the Coast Guard. Even though the military and civilian systems are separate with different procedures, rights, and purposes, the underlying values remain the same. Actions from both systems are included to inform the Coast Guard community of administrative and criminal enforcement actions.

The following brief descriptions of offenses committed and punishment awarded are the results of Coast Guard general, special, and summary courts-martial and selected military and civilian disciplinary actions taken Coast Guard-wide during the fourth quarter of Fiscal Year 2007. General and special courts-martial are federal criminal convictions; other disciplinary actions are administrative in nature. When appropriate, actions taken as a result of civil rights complaints are also described. Details of the circumstances surrounding most actions are limited to keep this to a manageable size and to protect victim privacy. Direct comparison of cases should not be made because there are many variables involved in arriving at the resulting action. The circumstances surrounding each case were different and disciplinary or remedial action taken was dependent upon the particular facts and varying degrees of extenuation and mitigation. In many cases, further separation or other administrative action may be pending.

**Military Actions.** Note: A court-martial sentence or nonjudicial punishment may be accompanied by other administrative action. A case falling under more than one of the categories below has been listed only once and placed under the category considered most severe in its consequences.

### A. Courts-Martial.

#### 1. General courts-martial.

a. An E-4 was convicted by a general court-martial of conspiracy to commit an offense, assault with a dangerous weapon, breach of peace, wrongfully and recklessly operating a motor vehicle resulting in a collision between two motor vehicles, and resisting lawful arrest. The member was sentenced to a bad conduct discharge, confinement for 2 years, and reduction to pay grade E-1.

b. An E-4 was convicted by a general court-martial of wrongfully using a computer to knowingly receive and unlawfully possess material containing child pornography and failure to obey a lawful order. The member was sentenced to a bad conduct discharge, confinement for 32 months, forfeiture of all pay and allowances, and reduction to pay grade E-1.

c. An E-3 was convicted by a general court-martial of possessing child pornography and wrongfully making unauthorized personal charges to a government credit card. The member was sentenced to a dishonorable discharge, confinement for 3 years, forfeiture of all pay and allowances, and reduction to pay grade E-1.

## 2. Special courts-martial.

a. An E-6 was convicted by a special court-martial of conspiracy, failure to obey a lawful order, making a false official statement to a CGIS agent, wrongfully endeavor to impede an investigation, and wrongfully having sexual intercourse with a crewmember. The member was sentenced to confinement for 120 days, forfeiture of \$1655.00 per month for 4 months, and reduction to pay grade E-5.

b. An E-6 was convicted by a special court-martial of making a false official statement to a CGIS agent. The member was sentenced to confinement for 30 days and reduction to pay grade E-5.

c. An E-5 was convicted by a special court-martial of sodomy and conduct of a nature to bring discredit upon the armed forces. The member was sentenced to a bad conduct discharge, restriction for 60 days, fine of \$500.00, and reduction to pay grade E-2.

d. An E-5 was convicted by a special court-martial of assault and causing a breach of peace. The member was sentenced to confinement for 3 months, restriction for 2 months, and reduction to pay grade E-3.

e. An E-5 was convicted by a special court-martial of making false official statements to CGIS agents and conduct of a nature to bring discredit upon the armed forces. The member was sentenced to a bad conduct discharge, confinement for 30 days, forfeiture of \$1261.00, and reduction to pay grade E-3.

f. An E-3 was convicted by a special court-martial of conspiracy, making a false official statement to a CGIS agents, wrongfully introducing cocaine onto an installation used by the armed forces, wrongfully distributing cocaine, wrongfully using cocaine, wrongfully introducing marijuana onto an installation used by the armed forces, wrongfully distributing marijuana, and wrongfully using marijuana. The member was sentenced to a bad conduct discharge, confinement for 8 months, and reduction to pay grade E-1.

g. An E-3 was convicted by a special court-martial of conspiracy, fraudulent enlistment, making a false official statement to a CGIS agents, wrongfully distributing cocaine, wrongfully using cocaine, wrongfully using marijuana, wrongfully using ecstasy, and wrongfully using psilocybin. The member was sentenced to a bad conduct discharge, confinement for 60 days, and reduction to pay grade E-1.

h. An E-2 was convicted by a special court-martial of conspiracy, wrongfully using cocaine, and wrongfully using marijuana. The member was sentenced to a bad conduct discharge, confinement for 60 days, and reduction to pay grade E-1.

i. An E-2 was convicted by a special court-martial of conspiracy, wrongfully introducing cocaine onto an installation used by the armed forces, wrongfully distributing cocaine, wrongfully using cocaine, wrongfully introducing marijuana onto an installation used by the armed forces, wrongfully distributing marijuana, and wrongfully using marijuana. The member was sentenced to a bad conduct discharge, confinement for 4 months, and reduction to pay grade E-1.

### 3. Summary courts-martial.

a. An E-6 was convicted by a summary court-martial of being derelict in performance of duties and stealing military property. The member was sentenced to restriction for 60 days, forfeiture of \$1,395.00, fine of \$693.00, and a letter of reprimand.

b. An E-6 was convicted by a summary court-martial of wrongfully using a government vehicle for other than authorized purposes, making a false official statement to a supervisor, and conduct of a nature to bring discredit upon the armed services. The member was sentenced to a fine of \$2000.00 and a letter of reprimand.

c. An E-4 was convicted by a summary court-martial of assault consummated by a battery and indecent assault. The member was sentenced to confinement for 20 days, restriction for 20 days, forfeiture of \$850.00 per month for 1 month, and reduction to pay grade E-3.

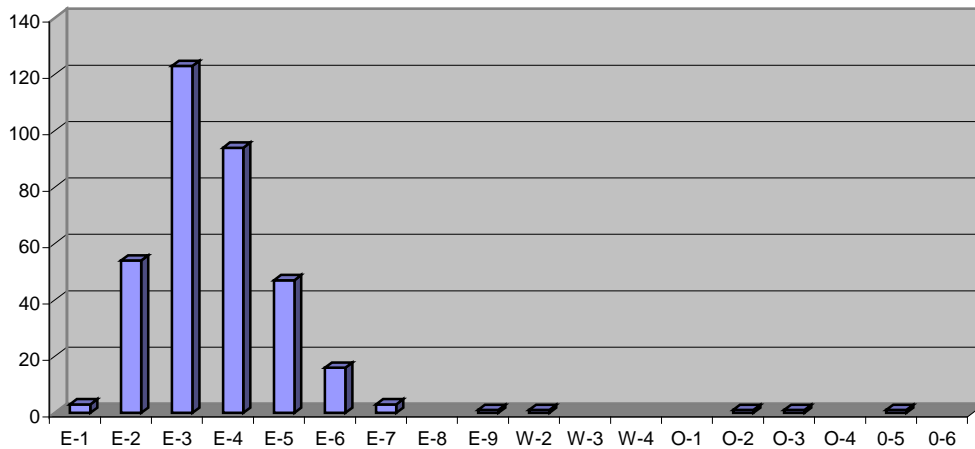
d. An E-4 was convicted by a summary court-martial of violating lawful general orders, derelict in performance of duties, and indecent exposure. The member was sentenced to confinement for 14 days and reduction to pay grade E-2.

e. An E-3 was convicted by a summary court-martial of violating lawful general orders and sodomy. The member was sentenced to confinement for 15 days, restriction for 15 days, and reduction to pay grade E-1.

f. An E-3 was convicted by a summary court-martial of absence without leave. The member was sentenced to restriction for 51 days, forfeiture of \$1,022.00 per month for 1 month, and reduction to pay grade E-2.

B. Nonjudicial Punishment: NJP was imposed 345 times accounting for 531 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 187 cases; 138 days correctional custody imposed in 6 cases; 5,907 days of restriction imposed in 237 cases; 6,216 days extra duty imposed in 253 cases; forfeitures of \$131,028 in pay imposed in 135 cases; and admonition or reprimand imposed in 24 cases.

### NJP Offenses by Paygrade



The following table provides a breakout of the most common UCMJ Articles for which members received NJP. The total number of NJP offenses is greater than the total number of NJPs because any one NJP may involve more than one offense:

Article	Offenses	4 <sup>th</sup> Qtr FY 2007
83	Fraudulent Enlistment.	2
86	Unauthorized absence.	60
87	Missing movement.	6
89	Disrespect toward a superior commissioned officer.	3
90	Assaulting or willfully disobeying superior commissioned officer.	5
91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	19
92	Failure to obey order or regulation.	194
95	Resistance, breach of arrest, and escape.	2
98	Noncompliance with procedural rules.	2
107	False official statements.	24
108	Military property - sale, loss, damage, destruction, or wrongful disposition.	9
111	Drunken or reckless operation of vehicle, aircraft, or vessel.	13
112	Drunk on duty.	7
112a	Wrongful use, possession, etc., of controlled substances.	18
113	Misbehavior of sentinel or lookout.	7
115	Malingering.	3
117	Provoking speeches or gestures.	3
121	Larceny and wrongful appropriation.	12
123	Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.	3
125	Sodomy.	1
126	Arson.	2
128	Assault.	12
131	Perjury.	1
132	Frauds against the United States.	4
133	Conduct unbecoming an officer and gentleman/lady.	2
134	General article.	117

### C. Military Administrative Action:

1. An O-5 was removed from command and awarded NJP for assault on a civilian employee at a local establishment. Member retired in lieu of further board action.
2. An O-3 was relieved for cause for engaging in a prohibited relationship with an enlisted crew member. Officer was awarded NJP and resigned in lieu of further board action.
3. An O-1 was awarded NJP for engaging in a prohibited relationship and the inappropriate use of the cutter's INMARSAT. Officer's name was removed from O-2 selection list and commission was revoked.
4. An O-1 was awarded NJP for engaging in a prohibited relationship with an enlisted member. Officer's commission was revoked.
5. An E-6 was awarded a negative page 7 and removed from the CWO appointment list for using Direct Access to view records and information that was beyond member's scope and responsibility.
6. Two enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 35 enlisted members received administrative discharges for misconduct, including 27 for involvement with illegal drugs, 3 for discreditable involvement, 3 for sexual harassment, 1 for family abuse, and 1 for fraudulent enlistment.
7. Fifteen enlisted members received unsuitability discharges for alcohol abuse.

### D. Civilian Administrative Action:

1. A GS-14 was removed for failure to transfer with function to new duty station.
2. A GS-14 was indefinitely suspended pending further investigation into misconduct.
3. A GS-11 was terminated during probation as a result of unauthorized personal purchases and travel advances using a government travel credit card.
4. A GS-9 was demoted as a result of violating the FAR by obtaining a personal contract under false pretenses.
5. A GS-8 was removed due to inability to perform the duties of the position.
6. A GS-8 was suspended for failure to follow instructions and disrespectful conduct.

7. A GS-6 was suspended for excessive absences and leaving the worksite without approval.
8. A GS-5 was terminated for excessive unauthorized absences.
9. A WG-11 was suspended for use of obscene language during a verbal altercation with a co-worker.
10. A WG-10 was suspended for use of obscene language and making remarks of a sexual nature to a co-worker.
11. A WG-10 was suspended for use of racial remarks directed towards a co-worker.
12. A WG-9 was suspended for failure to follow leave procedures.
13. A WG-8 was suspended for violating safety instructions, failure to follow supervisory instructions and unauthorized absence.
14. A WG-8 was suspended for unauthorized absence and failure to follow leave procedures.
15. A WG-8 was suspended for unauthorized absences and failure to follow leave procedures.
16. A WG-5 was suspended for unauthorized absence.
17. A WG-3 was removed for failure to satisfactorily complete required training courses.