

## GOOD ORDER AND DISCIPLINE

Third Quarter, Fiscal Year 2008

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 third quarter of Fiscal Year 2008. 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 wrongfully copying and printing sexually explicit material using government property, wrongfully searching for viewing and/or transmitting sexually explicit material including child pornography using government property, knowingly searching for and attempting to receive child pornography, derelict in performance of duties, and assault. The member was sentenced to a bad conduct discharge, confinement for 12 months, forfeiture of all pay and allowances, and reduction to pay grade E-3.

b. An E-3 was convicted by a general court-martial of wrongfully distributing cocaine, making a false official statement to a CGIS agent, committing indecent acts with a minor, and wrongfully providing alcohol to minors. The member was sentenced to a bad conduct discharge, confinement for 15 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 wrongfully distributing zolpidem, making a false official statement to his superiors, insubordinate conduct towards a petty officer, and committing an indecent act. The member was sentenced to a bad conduct discharge, confinement for 8 months, forfeiture of all pay and allowances, and reduction to pay grade E-1.

## 2. Special courts-martial.

a. An E-7 was convicted by a special court-martial of dereliction of duty and prejudice to good order and discipline in the armed forces. The member was sentenced to hard labor without confinement for 60 days, forfeiture of \$500.00 per month for 6 months, and letter of reprimand.

b. An E-5 was convicted by a special court-martial of conspiracy, making a false official statement to a CGIS agent, and wrongfully committing an indecent act. The member was sentenced to confinement for 5 months and reduction to pay grade E-3.

c. An E-4 was convicted by a special court-martial of conspiracy, making false official statements to a CGIS agent, wrongfully using marijuana, wrongfully using cocaine, and wrongfully committing an indecent act. The member was sentenced to a bad conduct discharge, confinement for 3 months, and reduction to pay grade E-1.

d. An E-4 was convicted by a special court-martial of conspiracy, wrongfully consuming alcohol while in an immediate recall status, making false official statements to a CGIS agent, wrongfully endeavor to impede a criminal investigation, and wrongfully providing alcohol to a minor. The member was sentenced to a bad conduct discharge, confinement for 9 months, and reduction to pay grade E-1.

e. An E-4 was convicted by a special court-martial of assault consummated by a battery and unlawfully entering a barracks room. The member was sentenced to confinement for 20 days, restriction for 30 days, forfeiture of \$30.00 per month for 10 months, letter of reprimand, and reduction to pay grade E-2.

f. An E-2 was convicted by a special court-martial of wrongfully introducing cocaine on an installation used by the armed forces, wrongfully distributing cocaine on an installation used by the armed forces, and wrongfully using cocaine on an installation used by the armed forces. The member was sentenced to a bad conduct discharge, confinement for 10 months, and reduction to pay grade E-1.

g. An E-2 was convicted by a special court-martial of fraudulent enlistment, wrongfully possessing cocaine, wrongfully using cocaine, and wrongfully possessing a loaded firearm on an installation used by the armed forces. The member was sentenced to a bad conduct discharge, confinement for 5 months, and reduction to

pay grade E-1.

h. An E-2 was convicted by a special court-martial of wrongfully using cocaine and wrongfully using marijuana. The member was sentenced to confinement for 40 days, restriction for 45 days, fine of \$3000.00, and reduction to pay grade E-1.

i. An E-2 was convicted by a special court-martial of wrongfully introducing marijuana on an installation used by the armed forces, wrongfully distributing marijuana, wrongfully using marijuana, and making a false official statement to CGIS agents. The member was sentenced to a bad conduct discharge, confinement for 150 days, and reduction to pay grade E-1.

### 3. Summary courts-martial.

a. An E-6 was convicted by a summary court-martial of dereliction of duty, violating a lawful order, and prejudice to good order and discipline in the armed forces. The member was sentenced to a letter of reprimand and reduction to pay grade E-5.

b. An E-5 was convicted by a summary court-martial of making a false official statement to CGIS agents and committing an indecent act upon another. The member was sentenced to forfeiture of \$1000.00 per month for 1 month, letter of reprimand, and reduction to pay grade E-4.

c. An E-4 was convicted by a summary court-martial of dereliction of duty. The member was sentenced to restriction for 60 days, forfeiture of \$830.00 per month for 1 month, and reduction to E-1.

d. An E-4 was convicted by a summary court-martial of dereliction of duty. The member was sentenced to restriction for 60 days.

e. An E-3 was convicted by a summary court-martial of failure to obey a lawful order and knowingly searching for and attempting to receive child pornography using government property. The member was sentenced to confinement for 21 days, fine of \$500.00, and reduction to pay grade E-2.

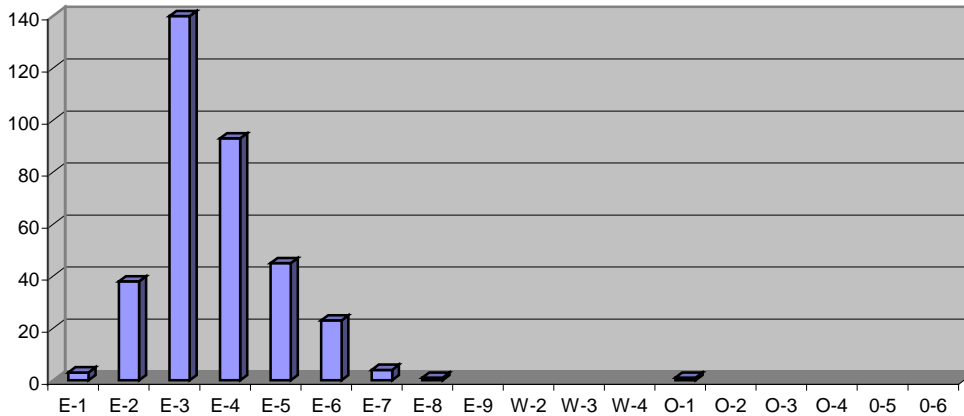
f. An E-3 was convicted by a summary court-martial of absence without leave. The member was sentenced to confinement for 30 days, forfeiture of \$1012.00 per month for 1 month, letter of reprimand, and reduction to pay grade E-1.

g. An E-2 was convicted by a summary court-martial of writing worthless checks. The member was sentenced to restriction for 60 days, fine of \$500.00, and reduction to pay grade E-1.

h. An E-2 was convicted by a summary court-martial of making false statements to CGIS agents. The member was sentenced to confinement for 30 days, forfeiture of \$500.00 per month for 1 month, and reduction to pay grade E-1.

B. Nonjudicial Punishment: NJP was imposed 348 times accounting for 534 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 171 cases; 102 days correctional custody imposed in 4 cases; 6,192 days of restriction imposed in 246 cases; 5,957 days extra duty imposed in 244 cases; forfeitures of \$135,625 in pay imposed in 139 cases; and admonition or reprimand imposed in 23 cases.

**NJP Offenses by Paygrade  
(3rd Qtr FY 2008)**



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:

<b>Article</b>	<b>Offenses</b>	<b>3rd Qtr FY2008</b>
83	Fraudulent Enlistment.	1
86	Unauthorized absence.	57
87	Missing movement.	2
89	Disrespect toward a superior commissioned officer.	5
90	Assaulting or willfully disobeying superior commissioned officer.	4
91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	25
92	Failure to obey order or regulation.	206
93	Cruelty and Maltreatment.	2
107	False official statements.	36
108	Military property - sale, loss, damage, destruction, or wrongful disposition.	4
109	Wasting other property.	2
111	Drunken or reckless operation of vehicle, aircraft, or vessel.	18
112	Drunk on duty.	6
112a	Wrongful use, possession, etc., of controlled substances.	16

<b>113</b>	<b>Misbehavior of sentinel or lookout.</b>	<b>11</b>
<b>115</b>	<b>Malingering.</b>	<b>1</b>
<b>116</b>	<b>Riot.</b>	<b>1</b>
<b>117</b>	<b>Provoking speeches or gestures.</b>	<b>5</b>
<b>120</b>	<b>Rape.</b>	<b>2</b>
<b>121</b>	<b>Larceny and wrongful appropriation.</b>	<b>9</b>
<b>123</b>	<b>Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.</b>	<b>5</b>
<b>125</b>	<b>Sodomy.</b>	<b>1</b>
<b>128</b>	<b>Assault.</b>	<b>7</b>
<b>132</b>	<b>Frauds against the United States.</b>	<b>2</b>
<b>134</b>	<b>General article.</b>	<b>106</b>

C. Military Administrative Action:

1. An O-5 was subject to special board process for non-compliance with CG maximum allowable weight and body fat standards. Officer separated in lieu of further administrative board action.

2. An O-3 was taken to NJP and received a punitive letter of reprimand for engaging in a prohibited relationship with another officer of the same command. Officer separated in lieu of further administrative board action.

3. An O-3 was taken to NJP and received a punitive letter of reprimand for making a false official statement to investigators and allowing a non-military member onto a military installation by breaching base security. Officer was removed from O-4 selection list.

4. An O-2 received an egregious first alcohol incident. Officer was removed from O-3 selection list and is subject to administrative board action.

5. Nine enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 56 enlisted members received administrative discharges for misconduct, including 25 for involvement with illegal drugs, 24 for discreditable nature, 5 for fraudulent enlistment, and 2 for frequent involvement.

6. Forty one enlisted members received unsuitability discharges for alcohol abuse.

D. Civilian Administrative Action:

1. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the third quarter of FY08:

[View Document](#)