

GOOD ORDER AND DISCIPLINE

Fourth 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 fourth 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-7 was convicted by a general court-martial of assault consummated by a battery and of an act prejudicial to good order and discipline in the armed forces. The member was sentenced to confinement for 90 days and reduction to pay grade E-6.

b. An E-4 was convicted by a general court-martial of failure to obey a lawful order and committing an indecent act with a crewmember in the presence of another crewmember. The member was sentenced to hard labor for 45 days without confinement and reduction to pay grade E-3.

c. An E-4 was convicted by a general court-martial of violating the limited personal use of a government computer and use of a personal computer that contained

files of child pornography. The member was sentenced to confinement for 60 days and reduction to pay grade E-3.

2. Special courts-martial.

a. An E-4 was convicted by a special court-martial of wrongfully introducing marijuana on an installation used by the armed forces, wrongfully distributing marijuana, and wrongfully using marijuana. The member was sentenced to a bad conduct discharge, forfeiture of \$500.00 per month for 6 months, and reduction to pay grade E-3.

b. An E-3 was convicted by a special court-martial of conspiracy, making a false official statement to CGIS agents, making a false official statement to the SPO petty officer, making a false official DEERS enrollment application, making a false official TRICARE enrollment application, making a false official Dependency Worksheet, making a false official financial statement, making a false official BAH/Dependency Worksheet, and assault and battery. The member was sentenced to a bad conduct discharge, confinement for 4 months, and reduction to pay grade E-1.

c. An E-3 was convicted by a special court-martial of failure to obey a lawful regulation, wrongfully using marijuana, and wrongfully endeavor to impede an investigation. The member was sentenced to a bad conduct discharge and confinement for 30 days.

3. Summary courts-martial.

a. An E-8 was convicted by a summary court-martial of forgery. The member was sentenced to reduction to pay grade E-7.

b. An E-7 was convicted by a summary court-martial of assault and battery, drunk and disorderly conduct. The member was sentenced to reduction to pay grade E-6.

c. An E-7 was convicted by a summary court-martial of violating a lawful order. The member was sentenced to forfeiture of \$2500.00 per month for 1 month and reduction to pay grade E-6.

d. An E-6 was convicted by a summary court-martial of making a false official statement to a Chief Petty Officer. The member was sentenced to reduction to pay grade E-5.

e. An E-5 was convicted by a summary court-martial of assault. The member was sentenced to restriction for 7 days and forfeiture of \$705.00 per month for 1 month.

f. An E-4 was convicted by a summary court-martial of failure to obey

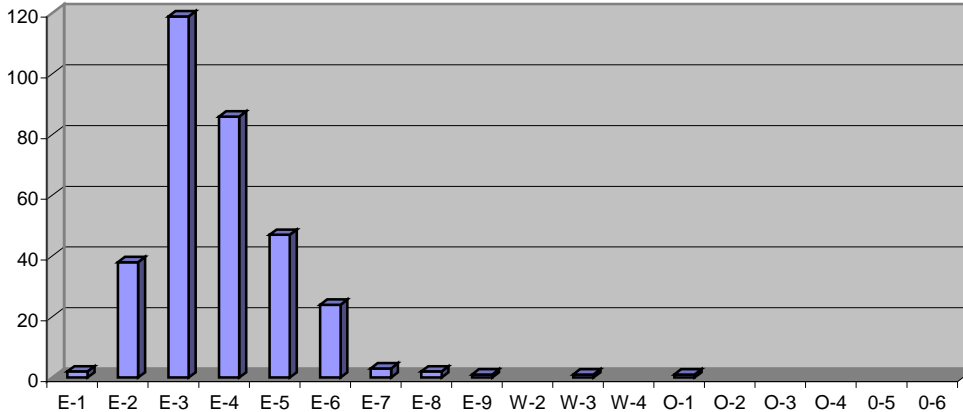
lawful orders. The member was sentenced to restriction for 60 days, forfeiture of \$1193.00 per month for 1 month, and reduction to pay grade E-3.

g. An E-3 was convicted by a summary court-martial of absence without leave, wrongfully and unlawfully consuming alcoholic beverages while under the age of 21, and drunk on duty. The member was sentenced to confinement for 15 days, restriction for 30 days, and reduction to E-1.

h. An E-2 was convicted by a summary court-martial of absence without leave, missing movement, and willfully disobeying a lawful order of a Chief Petty Officer. The member was sentenced to confinement for 30 days, forfeiture of \$898.00 per month for 1 month, and reduction to E-1.

B. Nonjudicial Punishment: NJP was imposed 324 times accounting for 527 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 152 cases; 120 days correctional custody imposed in 4 cases; 5,232 days of restriction imposed in 204 cases; 5,670 days extra duty imposed in 228 cases; forfeitures of \$104,229 in pay imposed in 107 cases; and admonition or reprimand imposed in 19 cases.

**NJP Offenses by Paygrade
(4th 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:

Article	Offenses	4th Qtr FY2008
86	Unauthorized absence.	43
87	Missing movement.	3
88	Contempt toward officials.	1
89	Disrespect toward a superior commissioned officer.	6
90	Assaulting or willfully disobeying superior commissioned officer.	2

91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	25
92	Failure to obey order or regulation.	186
93	Cruelty and Maltreatment.	4
95	Resistance, breach of arrest, and escape.	2
107	False official statements.	41
108	Military property - sale, loss, damage, destruction, or wrongful disposition	3
109	Destruction of property.	5
110	Hazarding of vessel.	1
111	Drunken or reckless operation of vehicle, aircraft, or vessel.	19
112	Drunk on duty.	6
112a	Wrongful use, possession, etc., of controlled substances.	11
113	Misbehavior of sentinel or lookout.	6
115	Malingering.	4
116	Riot.	1
117	Provoking speeches or gestures.	4
120	Rape.	2
121	Larceny and wrongful appropriation.	16
122	Robbery.	1
123	Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.	2
125	Sodomy.	1
128	Assault.	17
132	Frauds against the United States.	2
133	Conduct unbecoming an officer and gentleman.	1
134	General article.	112

C. Military Administrative Action:

1. An O-1 had an EAD contract terminated due to not maintaining availability for unrestricted assignment.

2. Five enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 62 enlisted members received administrative discharges for misconduct, including 35 for discreditable nature, 24 for involvement with illegal drugs, 2 for fraudulent enlistment, and 1 for frequent involvement.

3. Thirty seven 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 fourth quarter of FY08:

[View Document](#)