

## GOOD ORDER AND DISCIPLINE

Second Quarter, Fiscal Year 2006

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 second quarter of Fiscal Year 2006. 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-5 was convicted by a general court-martial of creating and mailing through interstate commerce, sexually explicit photographs of minors. The member was sentenced to a bad conduct discharge, confinement for 78 months, and reduction to pay grade E-1.

b. An E-4 was convicted by a general court-martial of wrongfully using cocaine, distributing cocaine, introducing cocaine onto a military installation, wrongfully damaging personal property owned by a fellow Coast Guardsman, and willfully failing to use his government card only for expenses related to official government travel. The member was sentenced to a bad conduct discharge, confinement for 18 months, and reduction to pay grade E-1.

c. An E-4 was convicted by a general court-martial of assault upon a fellow Coast Guardsman. The member was sentenced to a bad conduct discharge, confinement for 16 months, forfeiture of all pay and allowances, and reduction to pay grade E-2.

d. An E-3 was convicted by a general court-martial of indecent acts with another. The member was sentenced to confinement for 6 months, forfeiture all pay and allowances, letter of reprimand, and reduction to pay grade E-1.

e. An E-3 was convicted by a general court-martial of stealing military property and unlawfully entering a stateroom with the intent to commit larceny. The member was sentenced to a bad conduct discharge, confinement for 5 months, and reduction to pay grade E-1.

f. An E-3 was convicted by a general court-martial of being absent without leave, wrongfully using marijuana, wrongfully distributing marijuana, and willfully damaging military property. The member was sentenced to a bad conduct discharge, confinement for 300 days, 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 reckless endangerment for operating a Coast Guard vessel while transporting and consuming alcoholic beverages, making a false official statement to a senior Coast Guard officer, and obstructing justice. The member was sentenced to confinement for 4 months, forfeiture of \$500.00 per month for 4 months, and reduction to pay grade E-3.

b. An E-6 was convicted by a special court-martial of false official statement and stealing military property valued at \$6187.74. The member was sentenced to confinement for 60 days and reduction to pay grade E-1.

c. An E-5 was convicted by a special court-martial of wrongfully using a government computer for other than authorized purposes and receiving stolen property. The member was sentenced to confinement for 4 months, hard labor for 1 month, forfeiture of \$500.00 per month for 6 months, and reduction to pay grade E-3.

d. An E-5 was convicted by a special court-martial of accepting Basic Allowance for Housing when not entitled to it and writing a bad check. The member was sentenced to confinement for 75 days and reduction to pay grade E-3.

e. An E-5 was convicted by a special court-martial of stealing and selling military property. The member was sentenced to a bad conduct discharge, confinement for 90 days and reduction to pay grade E-2.

f. An E-5 was convicted by a special court-martial of larceny. The member was sentenced to hard labor without confinement for 60 days, restriction for 60 days, fine of \$250.00, letter of reprimand, and reduction to pay grade E-3.

g. An E-4 was convicted by a special court-martial of drunk and disorderly conduct, resisting a government agent, and communicating threats to a government agent. The member was sentenced to confinement for 2 months, forfeiture of \$1094.00 per month for 2 months, and reduction to pay grade E-3.

h. An E-4 was convicted by a special court-martial of drunk and disorderly conduct, driving recklessly, failing to stop at a stop sign, damaging government property, resisting a government agent, and communicating threats to a government agent. The member was sentenced to confinement for 90 days, forfeiture of \$200.00 per month for 3 months, and reduction to pay grade E-2.

i. An E-2 was convicted by a special court-martial of wrongfully distributing ecstasy to a fellow Coast Guardsman, using ecstasy, and wrongfully introducing ecstasy onto an installation used by the armed forces. 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-7 was convicted by a summary court-martial of assault and indecent exposure. The member was sentenced to restriction for 30 days and reduction to pay grade E-6.

b. An E-7 was convicted by a summary court-martial of failing to obey a lawful order. The member was sentenced to restriction for 30 days and reduction to pay grade E-6.

c. An E-4 was convicted by a summary court-martial of indecent acts and indecent exposure. The member was sentenced to confinement for 21 days and reduction to pay grade E-3.

d. An E-4 was convicted by a summary court-martial of false official statements and obstructing justice. The member was sentenced to restriction for 45 days and forfeiture of 2/3 pay for 1 month.

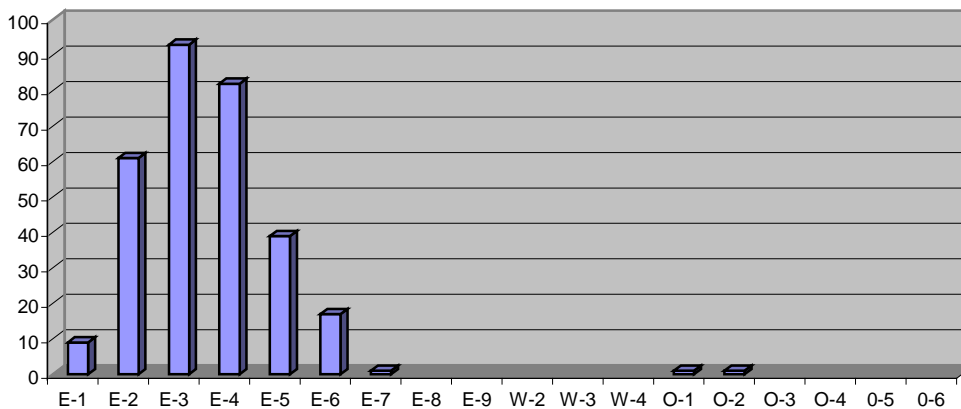
e. An E-4 was convicted by a summary court-martial of wrongfully using cocaine and drunk driving. The member was sentenced to confinement for 30 days, forfeiture of \$785.00 per month for 1 month, and reduction to pay grade E-1.

f. An E-2 was convicted by a summary court-martial of wrongfully using a government computer for personal use to create sexual and racially offensive captions. The member was sentenced to confinement for 15 days and reduction to pay grade E-1.

g. An E-1 was convicted by a summary court-martial of using cocaine. The member was sentenced to confinement for 30 days and forfeiture of \$382.00 for 1 month.

B. Nonjudicial Punishment: NJP was imposed 405 times accounting for 653 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 168 cases; 150 days correctional custody imposed in 5 cases; 8,000 days of restriction imposed in 276 cases; 7,093 days extra duty imposed in 282 cases; forfeitures of \$173,009 in pay imposed in 170 cases; and admonition or reprimand imposed in 30 cases.

**NJP Offenses by Paygrade  
(2nd Qtr FY 2006)**



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	2 <sup>nd</sup> Qtr FY2006
83	Fraudulent Enlistment.	1
86	Unauthorized absence.	73
87	Missing movement.	4
89	Disrespect toward a superior commissioned officer.	4
90	Assaulting or willfully disobeying superior commissioned officer.	10
91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	23
92	Failure to obey order or regulation.	201
93	Cruelty or maltreatment.	5
95	Resistance, breach of arrest, and escape.	1
98	Noncompliance with procedural rules.	2
107	False official statements.	55

108	<b>Military property - sale, loss, damage, destruction, or wrongful</b>	<b>8</b>
109	<b>Property other than military property of the U.S. - waste, spoilage, or destruct.</b>	<b>1</b>
111	<b>Drunken or reckless operation of vehicle, aircraft, or vessel.</b>	<b>24</b>
112	<b>Drunk on duty.</b>	<b>15</b>
112a	<b>Wrongful use, possession, etc., of controlled substances.</b>	<b>37</b>
113	<b>Misbehavior of sentinel or lookout.</b>	<b>5</b>
115	<b>Malingering.</b>	<b>1</b>
116	<b>Riot.</b>	<b>2</b>
117	<b>Provoking speeches or gestures.</b>	<b>4</b>
121	<b>Larceny and wrongful appropriation.</b>	<b>10</b>
123	<b>Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.</b>	<b>5</b>
126	<b>Arson.</b>	<b>2</b>
128	<b>Assault.</b>	<b>12</b>
132	<b>Frauds against the United States.</b>	<b>6</b>
133	<b>Conduct unbecoming an officer and gentleman.</b>	<b>2</b>
134	<b>General article.</b>	<b>140</b>

#### C. Military Administrative Action:

1. An O-3 was discharged for exceeding weight standards following an appropriate probationary period.
2. An O-3 was removed from the LCDR promotion list due to a significant downturn in performance following selection.
3. An O-2's commission was revoked for engaging in multiple prohibited relationships with enlisted personnel.
4. An O-2 resigned in lieu of further board action for two alcohol incidents.
5. A CWO3 was relieved of command as a result of displaying poor judgment, fostering a poor command climate, and discrediting a fellow officer.
6. A CWO2 retired in lieu of further board action for substandard performance.
7. Five enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 44 enlisted members received administrative discharges for misconduct, including 41 for involvement with illegal drugs, 2 for sexual perversion, and 1 for sexual harassment (non-board).
8. Thirty-one enlisted members received unsuitability discharges for alcohol abuse.

#### D. Civilian Administrative Action:

1. The following web site contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the 2nd quarter of FY06:

<http://cqcentral.uscg.mil/mycq/portal/ep/contentView.do?pageTypeId=1610622433&channelId=-1610644581&programId=1619596287&contentId=1621470800&contentType=EDITORIAL>