

GOOD ORDER AND DISCIPLINE

First 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 first 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. A Cadet was convicted by a general court-martial of sodomy, indecent assault, extortion, failure to obey a lawful order, and being absent without leave. The member was sentenced to a dismissal, confinement for 6 months, and forfeiture of all pay and allowances.

b. An E-7 was convicted by a general court-martial of rape of a person under the age of 16. The member was sentenced to a bad conduct discharge, confinement for 5 years, and reduction to pay grade E-1.

2. Special courts-martial.

a. An E-4 was convicted by a special court-martial of falsifying documents and being absent without leave. The member was sentenced to confinement for 30 days, fine of \$1842.60, and reduction to pay grade E-3.

b. An E-3 was convicted by a special court-martial of wrongfully using marijuana and wrongfully distributing marijuana. The member was sentenced to a bad conduct discharge, confinement for 10 months, and reduction to pay grade E-1.

c. An E-3 was convicted by a special court-martial of assault. The member was sentenced to confinement for 120 days, forfeiture of \$500.00 per month for 4 months, and reduction to pay grade E-1.

d. An E-2 was convicted by a special court-martial of wrongfully using marijuana, wrongfully distributing marijuana, being absent without leave, conspiracy to commit dereliction of duty by providing an adulterated urine sample, and dereliction of duty by willfully failing to provide an unadulterated urine sample. The member was sentenced to a bad conduct discharge, confinement for 4 months, forfeiture of \$784.00 per month for 4 months, and reduction to pay grade E-1.

e. An E-1 was convicted by a special court-martial of wrongfully possessing cocaine and wrongfully using cocaine. The member was sentenced to a bad conduct discharge, confinement for 60 days, and forfeiture of \$800.00 per month for 6 months.

3. Summary courts-martial.

a. An E-5 was convicted by a summary court-martial of failing to pay a debt and writing worthless checks. The member was sentenced to restriction for 60 days and reduction to pay grade E-4.

b. An E-5 was convicted by a summary court-martial of impersonating a CGIS agent and wrongfully carrying a concealed weapon. The member was sentenced to a reprimand, restriction for 2 months, forfeiture of 2/3 pay per month for 1 month, and reduction to pay grade E-4.

c. An E-4 was convicted by a summary court-martial of a prohibited relationship and indecent acts. The member was sentenced to restriction for 1 month and reduction to pay grade E-3.

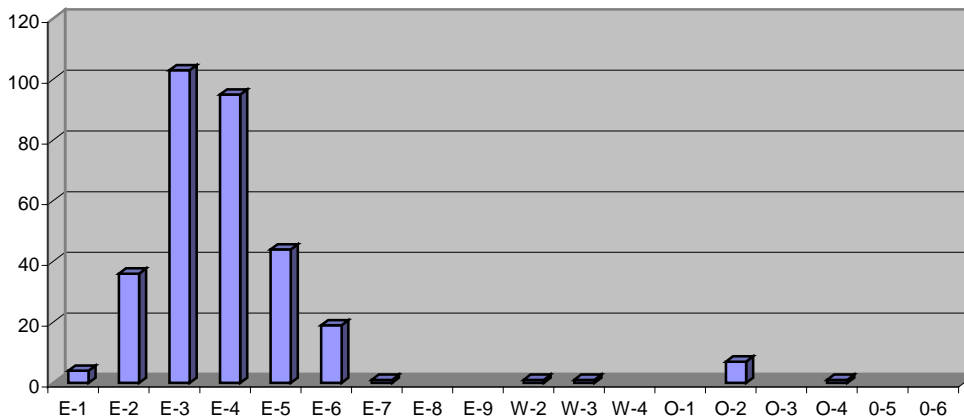
d. An E-4 was convicted by a summary court-martial of failure to obey a lawful order, making false official statements, wrongfully disposing of government property, and wrongfully appropriating government property. The member was sentenced to a reprimand, confinement for 21 days, and reduction to pay grade E-1.

e. An E-4 was convicted by a summary court-martial of assault by unlawfully striking a fellow Coast Guardsman on the head with a beer bottle, violating a lawful order, and conduct of a nature to bring discredit upon the armed forces. The member was sentenced to confinement for 1 month, forfeiture of \$849.00 per month for 1 month, and reduction to pay grade E-1.

f. An E-4 was convicted by a summary court-martial of providing an altered urine sample at a urinalysis test and making a false official statement. The member was sentenced to confinement for 10 days, forfeiture of \$500.00 per month for 1 month, and reduction to pay grade E-3.

B. Nonjudicial Punishment: NJP was imposed 312 times accounting for 484 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 124 cases; 60 days correctional custody imposed in 2 cases; 5,129 days of restriction imposed in 210 cases; 5,428 days extra duty imposed in 228 cases; forfeitures of \$90,957 in pay imposed in 117 cases; and admonition or reprimand imposed in 18 cases.

**NJP Offenses by Paygrade
(1st Qtr FY 2007)**



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	1st Qtr FY2007
86	Unauthorized absence.	43
87	Missing movement.	5
89	Disrespect toward a superior commissioned officer.	2
90	Assaulting or willfully disobeying superior commissioned officer.	3
91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	12
92	Failure to obey order or regulation.	157
95	Resistance, breach of arrest, and escape.	2
107	False official statements.	34

108	Military property - sale, loss, damage, destruction, or wrongful	3
109	Property other than military property of the U.S. - waste, spoilage, or destruct.	5
110	Hazarding of vessel	1
111	Drunken or reckless operation of vehicle, aircraft, or vessel.	17
112	Drunk on duty.	8
112a	Wrongful use, possession, etc., of controlled substances.	23
113	Misbehavior of sentinel or lookout.	9
115	Malingering	1
117	Provoking speeches or gestures.	4
121	Larceny and wrongful appropriation.	13
123	Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.	5
128	Assault.	12
132	Frauds against the United States.	4
133	Conduct unbecoming an officer and gentleman.	2
134	General article.	119

C. Military Administrative Action:

1. An O-3E's commission was revoked for violating the Commandant's Sexual Harassment Policy.

2. An O-2's commission was revoked for failing to meet the Commandant's Weight Standards Policy.

3. A CWO2 retired in lieu of further board action for violating the Commandant's Alcohol and Substance Abuse Policy.

4. Seven enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 30 enlisted members received administrative discharges for misconduct, including 25 for involvement with illegal drugs, 3 for frequent involvement, 1 for sexual perversion, and 1 for trial and conviction.

5. Seventeen 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 1st quarter of FY07:

cgcentral.uscg.mil/uscg_docs/portal/20070117/GOOD%20ORDER%20AND%20DISCIPLINE%20FY%2007%201.doc?conte... - 2007-01-17