

GOOD ORDER AND DISCIPLINE

Third 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 third 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 O-2 was convicted by a general court-martial of fraudulent appointment in the armed forces, committing indecent liberties and acts with children under the age of 16, assault upon a child under the age of 16, wrongfully endeavor to use position of trust, willfully and wrongfully seized, carried away, and held minors against their will, conduct unbecoming an officer and gentleman, and knowingly receive and possess materials of child pornography via computer. The member was sentenced to a dismissal, confinement for 30 years, and total forfeitures.

b. An E-4 was convicted by a general court-martial of sodomy with a child under the age of 16 and wrongfully providing alcohol to individuals under the age of 21. The member was sentenced to a bad conduct discharge, confinement for 90 days, and reduction to pay grade E-1.

c. An E-4 was convicted by a general court-martial of wrongfully using a government computer for personal use, wrongfully receiving and possessing firearms, disobeying lawful general orders, making false official statements to CGIS agents, wrongfully endeavor to impede an investigation, willfully and unlawfully alter a public record, being drunk and disorderly, and damaging military property. The member was sentenced to a bad conduct discharge, confinement for 1 year, and reduction to pay grade E-3.

d. An E-3 was convicted by a general court-martial of assault and battery and assault with an unloaded firearm. The member was sentenced to a bad conduct discharge, confinement for 12 months, and reduction to pay grade E-1.

2. Special courts-martial.

a. An E-6 was convicted by a special court-martial of stealing government property and making a false official statement to CGIS agents. The member was sentenced to a bad conduct discharge, confinement for 3 months, and reduction to pay grade E-3.

b. An E-5 was convicted by a special court-martial of wrongfully using ecstasy and making a false official statement to a CGIS agent. The member was sentenced to a bad conduct discharge, confinement for 90 days, and reduction to pay grade E-1.

c. An E-5 was convicted by a special court-martial of wrongfully distributing and using ecstasy, wrongfully using cocaine, and making a false official statement to a CGIS agent. The member was sentenced to a bad conduct discharge, confinement for 90 days, forfeiture of \$800.00 per month for 3 months, and reduction to pay grade E-1.

d. An E-5 was convicted by a special court-martial of making false statements, healthcare fraud, wrongfully making false identification cards, and soliciting another to commit an offense. The member was sentenced to confinement for 14 days, hard labor without confinement for 60 days, and reduction to pay grade E-4.

e. An E-4 was convicted by a special court-martial of willfully disobeying a lawful order, wrongfully using marijuana, wrongfully consuming alcohol while being under the age of 21, wrongfully providing alcohol to individuals under the age of 21, unlawful entry into a barracks room with intent to commit a crime, wrongfully entering a parked automobile with intent to commit larceny, stealing a firearm, stealing money, stealing an ATM card, stealing a blank check, and intent to defraud. The member was sentenced to a bad conduct discharge, confinement for 12 months, forfeiture of 2/3 pay per month for 12 months, and reduction to pay grade E-1.

3. Summary courts-martial.

a. An E-5 was convicted by a summary court-martial of wrongfully using ecstasy. The member was sentenced to restriction for 45 days and reduction to pay grade E-4.

b. An E-5 was convicted by a summary court-martial of wrongfully using a Coast Guard digital camera to view and display sexually explicit materials, wrongfully committing indecent acts while recording images of those acts, and wrongfully exposing himself via computer for public view. The member was sentenced to restriction for 2 months, forfeiture of \$1549.00 per month for 1 month, and reduction to pay grade E-4.

c. An E-4 was convicted by a summary court-martial of wrongfully using a government computer to engage in sexually explicit chat-room conversations with a minor, wrongfully exposing himself via computer for public view, and wrongfully sending indecent written communication via computer to a minor. The member was sentenced to confinement for 21 days and reduction to pay grade E-2.

d. An E-4 was convicted by a summary court-martial of wrongfully using cocaine and absence without leave. The member was sentenced to confinement for 20 days, forfeiture of 2/3 pay per month for one month, and reduction to pay grade E-1.

e. An E-4 was convicted by a summary court-martial of violating a lawful general regulation and assault consummated by a battery. The member was sentenced to restriction for 30 days and reduction to pay grade E-2.

f. An E-4 was convicted by a summary court-martial of absence without leave, wrongfully causing a breach of peace, stealing, and unlawfully carrying a concealed weapon. The member was sentenced to confinement for 21 days and reduction to pay grade E-2.

g. An E-3 was convicted by a summary court-martial of wrongfully using ecstasy and making a false official statement to a CGIS agent. The member was sentenced to confinement for 30 days and reduction to pay grade E-1.

h. An E-3 was convicted by a summary court-martial of failure to obey a lawful order and making a false official statement to CGIS agents. The member was sentenced to confinement for 25 days, forfeiture of \$1022.80 per month for 1 month, and reprimand.

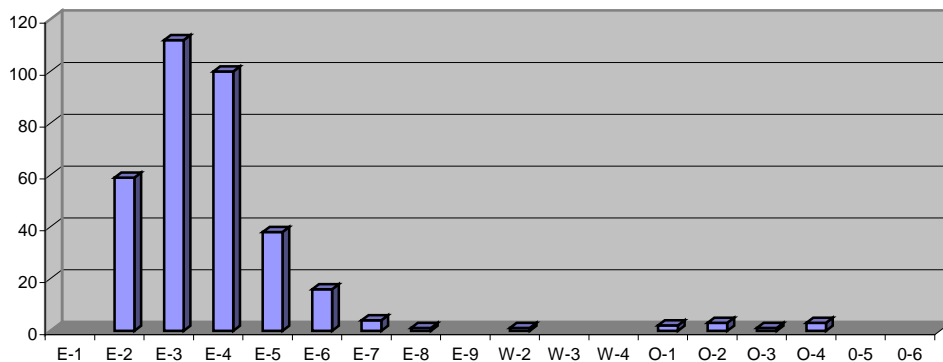
i. An E-3 was convicted by a summary court-martial of wrongfully using cocaine and marijuana. The member was sentenced to confinement for 24 days, forfeiture of \$866.00 per month for 1 month, and reduction to pay grade E-1.

j. An E-2 was convicted by a summary court-martial of failure to obey a lawful order, making false official statements to CGIS agents, and assault. The member

was sentenced to confinement for 30 days, forfeiture of \$1022.80 per month for 1 month, and reduction to pay grade E-1.

B. Nonjudicial Punishment: NJP was imposed 340 times accounting for 550 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 167 cases; 30 days correctional custody imposed in 1 case; 7,083 days of restriction imposed in 255 cases; 6,685 days extra duty imposed in 251 cases; forfeitures of \$134,329 in pay imposed in 138 cases; and admonition or reprimand imposed in 12 cases.

**NJP Offenses by Paygrade
(3rd 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 | 3 rd Qtr FY2007 |
|---------|---|----------------------------|
| 86 | Unauthorized absence. | 54 |
| 87 | Missing movement. | 6 |
| 89 | Disrespect toward a superior commissioned officer. | 7 |
| 90 | Assaulting or willfully disobeying superior commissioned officer. | 3 |
| 91 | Insubordinate conduct toward warr. off., noncommissioned officer, or petty off. | 14 |
| 92 | Failure to obey order or regulation. | 183 |
| 93 | Cruelty or Maltreatment. | 1 |
| 95 | Resistance, breach of arrest, and escape. | 1 |
| 107 | False official statements. | 35 |
| 108 | Military property - sale, loss, damage, destruction, or wrongful. | 6 |
| 109 | Property other than military property of the U.S. - waste, spoilage, or destruct. | 3 |
| 110 | Hazarding of vessel. | 1 |
| 111 | Drunken or reckless operation of vehicle, aircraft, or vessel. | 15 |
| 112 | Drunk on duty. | 8 |
| 112a | Wrongful use, possession, etc., of controlled substances. | 35 |
| 113 | Misbehavior of sentinel or lookout. | 9 |
| 117 | Provoking speeches or gestures. | 5 |
| 121 | Larceny and wrongful appropriation. | 6 |

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| 123 | Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds. | 5 |
| 128 | Assault. | 14 |
| 129 | Burglary. | 1 |
| 130 | Housebreaking. | 1 |
| 132 | Frauds against the United States. | 7 |
| 133 | Conduct unbecoming an officer and gentleman. | 5 |
| 134 | General article. | 125 |

C. Military Administrative Action:

1. Two enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 48 enlisted members received administrative discharges for misconduct, including 35 for involvement with illegal drugs, 6 for discreditable involvement, 1 for family abuse, 1 for frequent involvement, 1 for fraudulent enlistment, 2 for sexual perversion, 1 for refusal of medical treatment, and 1 unauthorized absence.

2. Thirty seven enlisted members received unsuitability discharges for alcohol abuse.

D. Civilian Administrative Action:

1. The following link contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the third quarter of FY07: [View Document](#)