

## GOOD ORDER AND DISCIPLINE

First Quarter, Fiscal Year 2009

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 2009. 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 knowingly possessing images of child pornography, wrongfully and willfully impersonating an agent of authority of the U.S. Coast Guard, and conduct being of a nature to bring discredit upon the Armed Forces. The member was sentenced to confinement for 6 months and reduction to pay grade E-5.

b. An E-4 was convicted by a general court-martial of wrongfully attempting to furnish alcohol to a minor and wrongfully attempting to communicate indecent language to a minor under the age of 16. The member was sentenced to a bad conduct discharge, confinement for 10 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 maltreatment and willfully damaging government property. The member was sentenced to a reprimand.

b. An E-7 was convicted by a special court-martial of making a false official statement to a petty officer, signing a false official document with intent to deceive, and making false official statements to a commissioned officer. The member was sentenced to confinement for 30 days, forfeiture of \$750.00 per month for 10 months, fine of \$2500.00, and reduction to pay grade E-5.

c. An E-6 was convicted by a special court-martial of absence without leave, drunk and disorderly conduct, and failure to obey lawful regulations. The member was sentenced to hard labor without confinement for 15 days, restriction for 15 days, and reduction to pay grade E-5.

d. An E-6 was convicted by a special court-martial of attempting to sell government property without proper authority and selling government property without proper authority. The member was sentenced to restriction for 45 days, reprimand, and reduction to pay grade E-5.

## 3. Summary courts-martial.

a. An E-5 was convicted by a summary court-martial of assault consummated by a battery. The member was sentenced to restriction for 1 month, reprimand, and reduction to pay grade E-4.

b. An E-3 was convicted by a summary court-martial of dereliction of duty, making false official statements, larceny, and wrongfully appropriating property of the government. The member was sentenced to confinement for 20 days, forfeiture of \$500.00 per month for 1 month, and reduction to pay grade E-1.

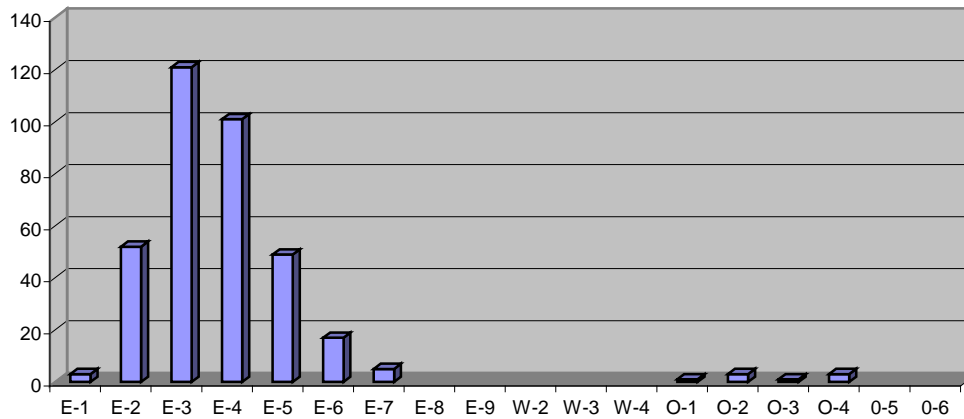
c. An E-3 was convicted by a summary court-martial of making a false official statement and conduct being of a nature to bring discredit upon the Armed Forces. The member was sentenced to confinement for 15 days, restriction for 30 days, forfeiture of \$1006.50 per month for 1 month, and reduction to pay grade E-2.

d. An E-3 was convicted by a summary court-martial of making a false official statement and wrongfully using cocaine. The member was sentenced to confinement for 25 days, forfeiture of \$800.00 per month for 1 month, reprimand, and reduction to E-1.

B. Nonjudicial Punishment: NJP was imposed 356 times accounting for 556 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 168 cases; 125 days correctional custody imposed in 6 cases; 6,694 days of restriction imposed in 248 cases; 6,705 days extra duty imposed in

257 cases; forfeitures of \$108,650 in pay imposed in 112 cases; and admonition or reprimand imposed in 18 cases.

**NJP Offenses by Paygrade  
(1st Qtr FY 2009)**



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>1<sup>st</sup> Qtr FY2009</b>
80	Attempts.	3
86	Unauthorized absence.	52
87	Missing movement.	5
89	Disrespect toward a superior commissioned officer.	5
90	Assaulting or willfully disobeying superior commissioned officer.	7
91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	16
92	Failure to obey order or regulation.	187
93	Cruelty and Maltreatment.	5
95	Resisting Apprehension.	2
107	False official statements.	53
108	Military property - sale, loss, damage, destruction, or wrongful disposition.	7
109	Wasting other property.	1
110	Hazarding of vessel.	1
111	Drunken or reckless operation of vehicle, aircraft, or vessel.	14
112	Drunk on duty.	9
112a	Wrongful use, possession, etc., of controlled substances.	11
113	Misbehavior of sentinel or lookout.	5
117	Provoking speeches or gestures.	7
121	Larceny and wrongful appropriation.	12
123	Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.	7
127	Extortion.	1
128	Assault.	17

<b>132</b>	<b>Frauds against the United States.</b>	<b>4</b>
<b>133</b>	<b>Conduct unbecoming an officer and gentleman/lady.</b>	<b>3</b>
<b>134</b>	<b>General article.</b>	<b>122</b>

C. Military Administrative Action:

1. Two enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 88 enlisted members received administrative discharges for misconduct, including 41 for discreditable nature, 28 for involvement with illegal drugs, 11 for other misconduct, 5 for frequent involvement, and 3 for fraudulent enlistment.

D. Civilian Administrative Action:

1. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the first quarter of FY09:

[View Document](#)