

GOOD ORDER AND DISCIPLINE

Second 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 second 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. A LCDR was convicted by a general court-martial of being derelict in performance of duties and conduct unbecoming an officer and gentleman. The member was sentenced to confinement for 150 days, forfeiture of \$3000.00 per month for 6 months, and fined \$30,000.00.

b. An E-6 was convicted by a general court-martial of absence without leave, derelict in performance of duties, making false official statements to CGIS agents, larceny, and filing false travel claims. The member was sentenced to confinement for 2 months, fined \$600.00, and reduction to pay grade E-3.

c. An E-3 was convicted by a general court-martial of aggravated sexual assault with an incapacitated victim and wrongfully furnishing alcohol to persons under

the age of 21. The member was sentenced to a dishonorable discharge, confinement for 24 months, forfeiture of all pay and allowances, and reduction to pay grade E-1.

d. An E-2 was convicted by a general court-martial of assault consummated by a battery and conduct being of a nature to bring discredit upon the armed forces. The member was sentenced to a bad conduct discharge and reduction to pay grade E-1.

2. Special courts-martial.

a. A CWO3 was convicted by a special court-martial of wrongfully using marijuana. The member was sentenced to a reprimand and forfeiture of \$100.00 per month for 3 months.

b. An E-6 was convicted by a special court-martial of wrongfully using cocaine. The member was sentenced to confinement for 20 days, forfeiture of \$1193.00 per month for 1 month, and reduction to pay grade E-3.

c. An E-5 was convicted by a special court-martial of wrongfully introducing marijuana on an installation used by the armed forces and wrongfully using marijuana. The member was sentenced to a bad conduct discharge and reduction to pay grade E-3.

d. An E-5 was convicted by a special court-martial of filing false and fraudulent travel claims. The member was sentenced to confinement for 4 months, forfeiture of \$500.00 per month for 6 months, and reduction to pay grade E-1.

e. An E-5 was convicted by a special court-martial of attempting to sell government property to the general public without proper authority and wrongfully selling government property without proper authority to the general public. The member was sentenced to confinement for 60 days and reduction to pay grade E-3.

f. An E-4 was convicted by a special court-martial of making false official statements to a CGIS agent. The member was sentenced to confinement for 20 days and reduction to pay grade E-2.

g. An E-4 was convicted by a special court-martial of being derelict in performance of duties, assault, and making a false official statement to CGIS agents. The member was sentenced to a bad conduct discharge, confinement for 60 days, restriction for 45 days, forfeiture of \$50.00 per month for 12 months, and reduction to pay grade E-2.

h. An E-3 was convicted by a special court-martial of wrongfully committing indecent conduct. The member was sentenced to a bad conduct discharge, reprimand, and reduction to pay grade E-1.

i. An E-1 was convicted by a special court-martial of failure to obey lawful regulations and assault. The member was sentenced to confinement for 60 days and a fine of \$1000.00.

3. Summary courts-martial.

a. An E-7 was convicted by a summary court-martial of maltreatment. The member was sentenced to a reprimand and reduction to pay grade E-6.

b. An E-7 was convicted by a summary court-martial of conspiracy and making false official statements to his command. The member was sentenced to reduction to pay grade E-6.

c. An E-7 was convicted by a summary court-martial of assault and conduct being of a nature to bring discredit upon the armed forces. The member was sentenced to forfeiture of \$2500.00 per month for 1 month and reduction to pay grade E-6.

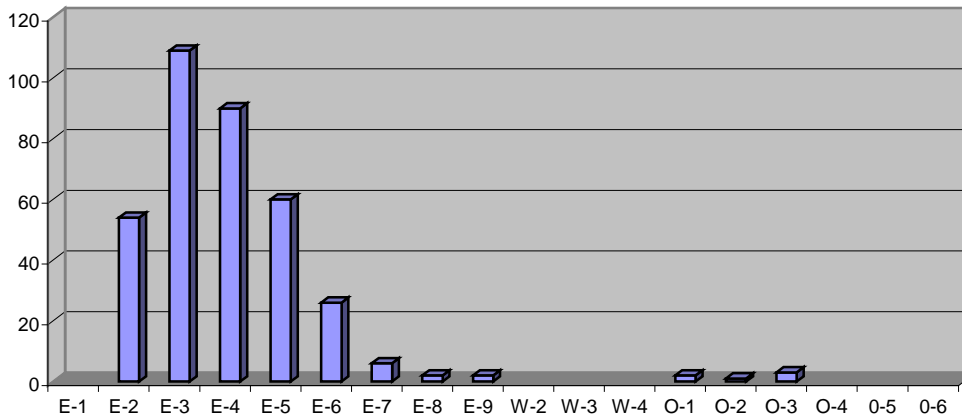
d. An E-5 was convicted by a summary court-martial of absence without leave and failure to obey lawful orders. The member was sentenced to restriction for 60 days and reduction to pay grade E-4.

e. An E-4 was convicted by a summary court-martial of failure to obey a lawful order, making a false official statement to a CGIS agent, damaging government property, and wrongfully using indecent language. The member was sentenced to confinement for 30 days and reduction to pay grade E-3.

f. An E-2 was convicted by a summary court-martial of larceny. The member was sentenced to confinement for 15 days.

B. Nonjudicial Punishment: NJP was imposed 355 times accounting for 583 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 167 cases; 213 days correctional custody imposed in 9 cases; 5,686 days of restriction imposed in 243 cases; 5,960 days extra duty imposed in 268 cases; forfeitures of \$113,624 in pay imposed in 117 cases; and admonition or reprimand imposed in 23 cases.

**NJP Offenses by Paygrade
(2nd Qtr FY09)**



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	2nd Qtr FY2009
80	Attempts.	2
81	Conspiracy.	3
82	Solicitation.	1
86	Unauthorized absence.	63
87	Missing movement.	3
89	Disrespect toward a superior commissioned officer.	2
90	Assaulting or willfully disobeying superior commissioned officer.	7
91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	19
92	Failure to obey order or regulation.	214
93	Cruelty and maltreatment.	1
98	Noncompliance with procedural rules.	1
107	False official statements.	36
108	Military property - sale, loss, damage, destruction, or wrongful disposition.	6
109	Wasting other property.	3
110	Hazarding of vessel.	2
111	Drunken or reckless operation of vehicle, aircraft, or vessel.	16
112	Drunk on duty.	9
112a	Wrongful use, possession, etc., of controlled substances.	5
113	Misbehavior of sentinel or lookout.	13
115	Malingering.	1
116	Riot.	3
117	Provoking speeches or gestures.	6
121	Larceny and wrongful appropriation.	8
123	Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.	6
128	Assault.	8
130	Housebreaking	1

132	Frauds against the United States.	3
133	Conduct unbecoming an officer and gentleman/lady	3
134	General article.	138

C. Military Administrative Action:

1. An O-3 was permanently removed from the promotion list for actions unbecoming a Coast Guard officer.
2. An O-3 was separated for the good of the service.
3. An O-2's EAD contract was involuntarily terminated. The member was unable to maintain availability for unrestricted worldwide assignment.
4. A CWO2's appointment was terminated for involvement in a second alcohol incident and making a false official statement.
5. Two enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 54 enlisted members received administrative discharges for misconduct, including 30 for discreditable nature, 15 for involvement with illegal drugs, 6 for other misconduct, 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 second quarter of FY09:

[View Document](#)