

## GOOD ORDER AND DISCIPLINE

First Quarter, Fiscal Year 2017

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 punishments awarded are the result of Coast Guard general, special, and summary courts-martial and selected military and civilian disciplinary actions taken service-wide during the first quarter of Fiscal Year 2017. General and special courts-martial findings of guilt are federal criminal convictions; other disciplinary actions are non-judicial or 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 summary 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 are different, and disciplinary or remedial action taken is dependent upon the particular facts and varying degrees of extenuation and mitigation. In many cases, further separation or other administrative action may be pending.

Note: A court-martial sentence 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.

### **1. Commissioned Officers.**

- a. Courts-martial. None to report.
- b. Military Administrative Action.
  - (1) An O-5 retired in lieu of involuntary special board action as a result of an inappropriate online relationship with a minor. A highest grade held board determined that the officer should retire at the lower grade of O-4.
  - (2) An O-3 resigned in lieu of involuntary special board action and trial by court-martial after being charged with having an inappropriate relationship with a subordinate officer and harassment of a junior enlisted member while in a command cadre position (Articles 93, 133, and 134, UCMJ). The officer was separated with a characterization of service under other than honorable

conditions.

- (3) An O-3 resigned in lieu of involuntary special board action and trial by court-martial as a result of a drug incident. The member facilitated their fiancée's purchase of Ritalin from a family friend, and had the product sent through the U.S. Postal Service. The officer was separated with a general characterization of service.
- c. Relief for Cause. An O-4 was relieved for cause and resigned in lieu of special involuntary special board action as a result of making inappropriate sexually related comments to a junior officer, demonstrating disregard of the service's alcohol policy, and bringing a civilian underway from a foreign port, showing a lack of judgment.
  - d. State / Federal Actions. None to report.
  - e. Non-Judicial Punishment. NJP was imposed three times, accounting for five charges: Articles 107, 132, 133, and 134 of the UCMJ. The total punishments included admonishment or reprimand imposed in two cases.

## **2. Senior Enlisted.**

- a. Court-martial.
  - (1) An E-7 was found guilty by a summary court-martial of failing to obey a general order or regulation by engaging in sexually intimate behavior aboard a Coast Guard Vessel, to wit: having oral sex and intercourse with three service members on different occasions. (Violations of Article 92, UCMJ). The member was sentenced to sixty days restriction, reduction in pay grade to E-6, and a forfeiture of \$2,000 pay for one month.
  - (2) An E-7 was found guilty by a summary court-martial of maltreatment by intentionally touching the breast of a subordinate with their finger and communicating certain indecent language to a subordinate. (Violation of Articles 93 and 134, UCMJ). The member was sentenced to a reduction in pay grade to E-6.
- b. Military Administrative Action. None to report.
- c. Relief for Cause: None to report.
- d. State / Federal Court Actions. None to report.
- e. Non-Judicial Punishment. NJP was imposed two times, accounting for four charges: Articles 89 and 134 of the UCMJ. The total punishment included sixty

days of restriction imposed in one case.

### **3. Junior Enlisted.**

#### **a. Court-martial.**

- (1) An E-6 was found guilty by a summary court-martial of wrongfully engaging in sexual intercourse with a person not their spouse. (Violation of Article 134, UCMJ). The member was sentenced to a reduction in pay grade to E-5.
- (2) An E-6 was found guilty by a summary court-martial of making a false official statement with intent to deceive to a CGIS special agent, stealing artwork with a value of about \$600, and being drunk, which conduct was prejudicial of good order and discipline. (Violation of Articles 107, 121, and 134, UCMJ). The member was sentenced to a reduction in pay grade to E-5 and forfeiture of \$600 for one month.
- (3) An E-5 was found guilty by a summary court-martial of stealing merchandise, which was the property of Wal-Mart Stores Inc. on divers occasions with a value of less than \$500. (Violations of Article 121, UCMJ). The member was sentenced to a reduction in pay grade to E-4 and forfeiture of \$1,225 pay for one month.
- (4) An E-4 was convicted by a general court-martial of stealing travel claim money, which was the property of the United States Coast Guard in the amounts of \$2,124.60 and \$2,638.37, and submitting two fraudulent PCS travel claims. (Violations of Articles 121 and 132, UCMJ). The member was sentenced to a reduction in pay grade to E-2, forfeiture of \$1,500 pay for two months, and a fine of \$5,000 (if fine not paid, then 30 days confinement).
- (5) An E-4 was found guilty by a summary court-martial of assault consummated by battery by unlawfully touching the leg and grabbing the arm of the victim. (Violations of Article 128, UCMJ). The member was sentenced to a reduction in pay grade to E-1 and confinement for 30 days.
- (6) An E-3 was found guilty by a summary court martial of assault consummated by battery by unlawfully grabbing the chest of the victim. (Violation of Article 128, UCMJ). The member was sentenced to no punishment.

- #### **b. Military Administrative Action.**
- One junior enlisted member was discharged under other than honorable conditions in lieu of trial by court-martial. Fifty-six junior enlisted members received administrative discharges for misconduct: five for patterns of misconduct, thirty-three for conduct of a discreditable nature, one for fraudulent enlistment, and seventeen for involvement with drugs.

- c. Relief for Cause. An XPO was relieved for cause due to unsatisfactory performance; inability to qualify on unit boats.
- d. State / Federal Court Actions. None to report
- e. Non-Judicial Punishment. NJP was imposed 112 times, accounting for 172 charges, covering a wide range of UCMJ offenses. The total punishments included 1,661 days of restriction imposed in eighty-three cases, 1,559 days of extra duty imposed in seventy-nine cases, 104 days arrest in quarters imposed in seven cases, admonishment or reprimand imposed in five cases, forfeitures totaling \$16,629 in pay imposed in eighteen cases, and reduction in rank imposed in fifteen cases.

#### **4. Civilian Personnel.**

- a. Disciplinary/Administrative Actions.
  - (1) A GS-12 received a Letter of Reprimand for conduct, making unsolicited and inappropriate comments.
  - (2) A GS-12 received a Letter of Reprimand for conduct, sleeping on duty and failure to comply with supervisory instruction.
  - (3) A GS-07 received a Letter of Reprimand for conduct, failure to follow leave request procedures.
  - (4) A WG-18 received a Letter of Reprimand for conduct, inappropriate behavior and language.
  - (5) A WG-10 was removed for conduct, AWOL, failure to follow the terms of leave restriction and excessive use of approved leave.
  - (6) A WG-10 received a Letter of Reprimand for conduct, left work early without permission and loafing on duty.
  - (7) A WG-10 received a Letter of Reprimand for conduct and performance, failure to perform assigned work and disrespect to a supervisor.
  - (8) A WG-09 was removed for conduct, AWOL, sleeping on the job and arrest at worksite.
  - (9) A WG-08 was removed for unsatisfactory performance and conduct.
  - (10) A WG-08 was removed for conduct, AWOL.
  - (11) A WG-03 was terminated during probationary/trial period.

(12) A WG-03 was terminated during probationary/trial period.

**5. Special Convictions/Line of Duty Determinations. None to report.**

All NJP Offenses for FY17 Quarter 1

Article	Description	Counts
81	Conspiracy	1
83	Fraudulent Enlistment	1
86	Unauthorized Absence – from unit	15
86.1	Unauthorized Absence – fail to go	2
86.2	Unauthorized Absence – go from place	1
89	Disrespect to superior officer	1
91.1	Disobedience, lawful order, warrant or petty officer	3
91.2	Contempt toward warrant officer or petty officer	1
92	Violation, lawful general order or regulation	12
92.1	Failure to obey lawful general order or regulation	40
92.2	Failure to obey any other lawful order	5
92.3	Derelection in performance of duty	7
107	Signing false record, etc.	1
107.1	False official statement	26
108.2	Damaging, etc. military property	1
109	Wasting, etc. other property	1
111	Operating a vehicle while drunk	3
111.1	Operating a vehicle in a reckless manner	1
112	Drunk on duty	3
112a	Wrongful use of a controlled substance	5
114	Dueling	1
121	Larceny and wrongful appropriation	1
128	Assault consummated by battery	6
132	False statement, etc., on a claim, etc.	1
133	Conduct unbecoming officer and gentleman/lady	1
134	Other offenses charged under Article 134 not covered	14
134.01	Adultery or fornication	4
134.02	Altered ID card, etc.	1
134.15	Disorder, disorderly	4
134.17	Drunk	2
134.18	Drunk and disorderly	7
134.19	Failure to pay debts	1
134.28	Indecent language	1
134.29	Leaving scene of accident	1
134.30	Misbehavior as sentry	2
134.47	Unlawful entry	4