

## GOOD ORDER AND DISCIPLINE

Second 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 second 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 and Cadets.**

#### a. Courts-martial.

- (1) A First Class Cadet at the Coast Guard Academy was convicted by a general court-martial of committing a sexual act upon two cadets, threatening to make a counter claim of sexual assault against one of their victims in an effort to prevent the initiation of an investigation, and disgracefully and dishonorably communicating messages of a harassing and intimidating nature to both victims which conduct was unbecoming an officers and a gentleman. (Violations of Article 133, 127, and 120, UCMJ). The cadet was sentenced to a dismissal from the service and confinement for eight years.
- (2) A First Class Cadet at the Coast Guard Academy was convicted by a general court-martial of committing a sexual act upon a civilian, while the civilian was incapable of consenting to the sexual act due to impairment by an alcohol.

(Violation of Article 120, UCMJ). The cadet was sentenced to a dismissal from the service and confinement for one year.

b. Military Administrative Action.

- (1) An O-3 was dropped from the rolls after being charged in a civilian court with receipt and distribution of visual depictions of minors. The officer was sentenced to fifteen years in federal prison, twenty years probation, and being ordered to register as a sex offender.
- (2) An O-3 resigned in lieu of involuntary special board action as a result of being relieved of primary duties when it was discovered that the member was engaged in an inappropriate relationship with their supervisor. The officer was separated with an honorable characterization of service.
- (3) An O-2 was taken to special board when they fraudulently claimed BAH for their spouse in an area with a higher rate than for which the spouse actually lived. The officer's commission was revoked and was separated with an honorable characterization of service.
- (4) An O-2 was taken to special board when they failed to adhere to the Commandant's weight and body fat standards. The officer's commission was revoked and was separated with an honorable characterization of service.
- (5) An O-1 was taken to special board following the receipt of a second alcohol incident. The officer's commission was revoked and was separated with an honorable characterization of service.
- (6) An O-1 was taken to special board following receipt of an alcohol incident for violating the alcohol policy during a foreign port call by consuming alcohol. The officer also engaged in a prohibited relationship with an enlisted member. The special board removed the officer from the LTJG promotion list.
- (7) A CWO was dropped from the rolls after being charged in a civilian court with receipt and distribution of visual depictions of minors. The officer was sentenced to sixty months in federal prison, ten years probation, and ordered to register as a sex offender.

c. Relief for Cause. None to report.

d. State / Federal Actions. See section 1.b.1 and 1.b.7 above.

e. Non-Judicial Punishment. NJP was imposed three times, accounting for six charges: Articles 92, 93, 133, and 134 of the UCMJ. The total punishments included forty-five days of restriction imposed in two cases, and a reprimand

imposed in two cases.

## **2. Senior Enlisted.**

### a. Court-martial.

- (1) An E-7 was convicted by a general court-martial of making a false official statement to a CGIS agent with intent to deceive and failure to obey lawful commands from a superior officer on divers occasions. (Violations of Articles 107 and 90, UCMJ). The member was sentenced to 150 days of confinement and a reduction in pay grade to E-6.

### b. Military Administrative Action. One senior enlisted member received an administrative discharges for misconduct concerning involvement with drugs.

### c. Relief for Cause:

- (1) An E-7 XPO was relieved for cause due to misconduct and subsequent loss of confidence in ability to maintain command authority and effectively serve in that position.
- (2) An E-7 EPO was relieved for cause due to unsatisfactory conduct and performance, disclosure of sensitive information, and contributing to a poor command climate.

### d. State / Federal Court Actions. None to report.

### e. Non-Judicial Punishment. NJP was imposed two times, accounting for five charges: Articles 90, 92, 111, and 134 of the UCMJ. The total punishments included thirty days of restriction, a reprimand, and a forfeiture of \$5470 of pay.

## **3. Junior Enlisted.**

### a. Court-martial.

- (1) An E-6 was convicted by a special court-martial of operating a vehicle while drunk on a Coast Guard unit, unlawfully striking a member on the buttocks on divers occasions, attempting to strike a member on the buttocks, and on divers occasions orally communicating indecent language. (Violations of Article 134, 128, and 111, UCMJ). The member was sentenced to a reduction in pay grade to E-3, forfeiture of \$500 for six months, hard labor without confinement for three months, restriction to the unit for two months, and a reprimand.
- (2) An E-6 was found guilty by a summary court-martial of wrongful use of cocaine and making two false official statements with intent to deceive to a

CGIS special agent. (Violations of Articles 112a and 107, UCMJ). The member was sentenced to a reduction in pay grade to E-5 and forfeiture of \$2,062 for one month.

- (3) An E-5 was convicted by a general court-martial of committing a lewd act upon a child who had not attained the age of 12 years old with intent to arouse and gratify a sexual desire by kissing the child's feet, and wrongfully engaging in sexual intercourse with an adult other than the member's spouse. (Violation of Articles 134 and 120b, UCMJ). The member was sentenced to eighteen months confinement and a bad conduct discharge.
- (4) An E-5 was convicted by a special court-martial of committing an assault, by striking a person in the face and squeezing their throat, willfully disobeying a lawful order from a superior commissioned officer, and endeavoring to impede an investigation and destroy evidence by remotely deleting the contents of their cellular phone after it was seized by investigators. (Violation of Articles 134, 128, and 90, UCMJ). The member was sentenced to a reduction in pay grade to E-1, confinement for forty-three days and a bad conduct discharge.
- (5) An E-5 was convicted by a special court-martial of assault for unlawfully touching a person on their abdomen. (Violation of Article 128, UCMJ). The member was sentenced to a reduction in pay grade to E-1 and confinement for six months.
- (6) An E-5 was convicted by a special court-martial of assault for unlawfully holding a person. (Violation of Article 128, UCMJ). The member was sentenced to a reduction in pay grade to E-3 and thirty days restriction.
- (7) An E-4 was convicted by a special court-martial of wrongfully and knowingly recording the private areas of another person by means of a cell phone without the victim's consent and wrongfully and knowingly distributing the recording of the victim without the victim's knowledge or consent. (Violations of Article 120c, UCMJ). The member was sentenced to a reduction in pay grade to E-1, confinement for six months, and a bad conduct discharge.
- (8) An E-4 was found guilty by a summary court-martial of being absent from their unit without authority on divers occasions, willfully disobeying a superior commissioned officer on divers occasions, and making a false official statement. (Violations of Articles 107, 90, and 86, UCMJ). The member was sentenced to a reduction in pay grade to E-3 and restriction to the unit for thirty days.
- (9) An E-3 was found guilty by a summary court-martial of being derelict in the performance of duties by willfully failing to follow the orders of base security by driving through the main gate and onto the base after being ordered to

immediately turn around and depart. (Violation of Article 92, UCMJ). The member was sentenced to forty-five days of restriction to the unit.

- b. Military Administrative Action. Four junior enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. Fifty-five junior enlisted members received administrative discharges for misconduct: five for patterns of misconduct, thirty-six for conduct of a discreditable nature, and fourteen for involvement with drugs.
- c. Relief for Cause.
  - (1) An E-6 XPO was relieved for cause due to unsatisfactory conduct; DUI.
  - (2) An E-6 XPO was relieved for cause due to unsatisfactory performance and loss of confidence in ability to serve in that position.
- d. State / Federal Court Actions. None to report.
- e. Non-Judicial Punishment. NJP was imposed 147 times, accounting for 307 charges, covering a wide range of UCMJ offenses. The total punishments included 2,565 days of restriction imposed in 109 cases, 2,484 days of extra duty imposed in 106 cases, admonishment or reprimand imposed in 11 cases, forfeitures totaling \$28,156 in pay imposed in 21 cases, and reduction in rank imposed in ninety-one cases.

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

- a. Disciplinary/Administrative Actions.
  - (1) A GS-15 was suspended for making inappropriate comments.
  - (2) A GS-13 was suspended for providing inaccurate information, AWOL, and failure to correctly validate an official time and attendance record.
  - (3) A GS-13 was suspended for failure to follow leave request procedures, failure to properly validate official time and attendance records, and sick leave abuse.
  - (4) A GS-13 received a Letter of Reprimand for AWOL and failure to follow leave request procedures.
  - (5) A GS-12 was suspended for failure to follow GTCC procedures, failing to file a timely travel claim, unauthorized GTCC charges, and failure to re-pay advances.

- (6) A GS-12 received a Letter of Reprimand for conduct unbecoming a federal employee.
- (7) A GS-12 received a Letter of Reprimand for failure to follow instructions.
- (8) A GS-12 was removed for excessive absence.
- (9) A GS-12 received a Letter of Reprimand for misconduct.
- (10) A GS-12 received a Letter of Reprimand for misconduct: failure to follow instruction, disrespectful conduct, and failure to follow leave procedures.
- (11) A GS-12 was suspended for misconduct: leaving early without approved leave and failure to maintain qualification requirements of the position.
- (12) A GS-12 was removed for misconduct, poor performance, and failure to renew credentials.
- (13) A GS-11 was suspended for misconduct and poor performance: failure to complete and assignment correctly and in a timely manner and lack of candor.
- (14) A GS-11 was terminated during a probationary period for poor performance.
- (15) A GS-11 received a Letter of Reprimand for conduct unbecoming a federal employee.
- (16) A GS-11 was suspended for failure to complete assignments in a timely manner and lack of candor.
- (17) A GS-11 received a Letter of Reprimand for conduct unbecoming a federal employee.
- (18) A GS-11 received a Letter of Reprimand for conduct unbecoming a federal employee.
- (19) A GS-11 received a Letter of Reprimand for conduct unbecoming a federal employee.
- (20) A GS-11 received a Letter of Reprimand for disrespectful conduct toward another employee.
- (21) A GS-11 received a Letter of Reprimand for unprofessional conduct.

- (22) A GS-11 was indefinitely suspended pending adjudication of a criminal code violation for communicating a threat.
- (23) A GS-11 was suspended for failure to follow instruction and AWOL.
- (24) A GS-09 received a Letter of Reprimand for AWOL and failure to follow leave requesting procedures.
- (25) A GS-08 was removed for excessive absence.
- (26) A GS-08 was suspended for failure to follow procedures.
- (27) A GS-07 was suspended for creating and sending misleading documents, lack of candor, failure to follow leave procedures, and AWOL.
- (28) A GS-06 was suspended for AWOL.
- (29) A GS-06 was suspended for misconduct and failure to follow procedures.
- (30) A GS-06 was removed for unacceptable behavior.
- (31) A GS-06 received a Letter of Reprimand for misconduct and failure to follow leave requesting procedures.
- (32) A GS-05 was terminated during a probationary period for misconduct and poor performance.
- (33) A GS-05 received a Letter of Reprimand for inappropriate behavior.
- (34) A WG-12 received a Letter of Reprimand for misconduct: failure to follow leave procedures while under a Letter of Requirement.
- (35) A WG-11 was suspended for failure to pay their GTCC bill in a timely manner and lack of candor.
- (36) A WG-10 received a Letter of Reprimand for misconduct: failure to follow leave procedures while under a Letter of Requirement.
- (37) A WG-10 received a Letter of Reprimand for inappropriate behavior.
- (38) A WG-10 received a Letter of Reprimand for failure to follow instructions.
- (39) A WG-09 received a Letter of Reprimand for misconduct and AWOL.
- (40) A WG-09 was suspended for AWOL.

- (41) A WG-08 received a Letter of Reprimand for sleeping at work.
- (42) A WG-08 received a Letter of Reprimand for failure to follow instruction
- (43) A WG-05 was suspended for inappropriate behavior and failure to follow instructions.
- (44) A WL-10 was removed for criminal misconduct: use of a controlled substance.
- (45) A WS-03 was terminated during a probationary period for misconduct.

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

All NJP Offenses for FY17 Quarter 2

| Article | Description  | Counts |
|---------|--|--------|
| 81      | Conspiracy   | 1      |
| 86      | Unauthorized absence – from unit                             | 19     |
| 86.1    | Unauthorized absence – fail to go                            | 3      |
| 87      | Missing movement – through neglect                           | 1      |
| 89      | Disrespect to superior officer                               | 2      |
| 90.1    | Willful disobedience of a lawful order by a superior officer | 5      |
| 91.1    | Disobedience, lawful order, warrant or petty officer         | 5      |
| 91.2    | Contempt toward warrant officer or petty officer             | 1      |
| 92      | Violation, lawful general order or regulation                | 17     |
| 92.1    | Failure to obey lawful general order or regulation           | 71     |
| 92.2    | Failure to obey any other lawful order                       | 9      |
| 92.3    | Dereliction in performance of duty                           | 15     |
| 93      | Cruelty or maltreatment                                      | 7      |
| 107     | Signing false record, etc.                                   | 2      |
| 107.1   | False official statement                                     | 45     |
| 108.2   | Damaging, etc. military property                             | 2      |
| 109     | Wasting, etc. other property                                 | 2      |
| 109.7   | Attempted wasting, etc., other property                      | 1      |
| 111     | Operating a vehicle while drunk                              | 8      |
| 111.1   | Operating a vehicle in a reckless manner                     | 3      |
| 112     | Drunk on duty  | 4      |
| 112.1   | Wrongful use of a controlled substance                       | 4      |
| 112.3   | Wrongful introduction of a controlled substance              | 1      |
| 113.1   | Sentinel or lookout asleep                                   | 3      |
| 115     | Malingering  | 1      |
| 117     | Using provoking, etc., words or gestures                     | 2      |
| 120.4   | Aggravated sexual conduct                                    | 1      |
| 121     | Larceny and wrongful appropriation                           | 7      |



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| 121.3  | Indecent exposure                                    | 1  |
| 123    | Making, etc., check without sufficient funds         | 1  |
| 128    | Assault, simple                                      | 5  |
| 128.1  | Assault consummated by battery                       | 4  |
| 130    | Housebreaking  | 1  |
| 131    | Perjury  | 1  |
| 133    | Conduct unbecoming officer and gentleman/lady        | 2  |
| 134    | Other offenses charged under Article 134 not covered | 27 |
| 134.01 | Adultery or fornication                              | 4  |
| 134.02 | Altered ID card, etc.                                | 1  |
| 134.12 | Destroying, altering, etc., public record            | 2  |
| 134.15 | Disorder, disorderly                                 | 6  |
| 134.17 | Drunk  | 1  |
| 134.18 | Drunk and disorderly                                 | 15 |
| 134.19 | Failure to pay debts                                 | 1  |
| 134.23 | Impersonating Officer                                | 1  |
| 134.28 | Indecent language                                    | 2  |
| 134.41 | Sales to, or purchase of, liquor by minor            | 1  |