

## GOOD ORDER AND DISCIPLINE

First Quarter, Fiscal Year 2019

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 2019. 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 unless otherwise noted.

### **1. Commissioned Officers and Cadets.**

#### **a. Courts-martial.**

- (1) An O-4 was found guilty of the following charges at a general court-martial proceeding: Articles 107, 121, & 134 of the Uniform Code of Military Justice (UCMJ). The member was found guilty of making a false official statement to Coast Guard Investigative Service (CGIS) agents about their possession and use of one Valium pill, a schedule IV controlled substance. The member was also found guilty of wrongfully endeavoring to impede an investigation by collectively offering \$6,500 to a member from another service and a civilian to give false statements to CGIS agents and give false testimony at a court-martial. The member was sentenced to 45 days confinement, a fine of \$11,500, and a reprimand.

(2) An O-3 was found guilty of the following charges at a general court-martial proceeding: Articles 121, 132, & 133 of the UCMJ. The member was found guilty of filing a false claim on multiple occasions for Basic Allowance for Housing (BAH), Cost of Living Allowance (COLA), and Family Separation Allowance (FSA). The member was also found guilty of conduct unbecoming an officer and gentleman for wrongfully accepting employment on numerous occasions from a company with which the Coast Guard does significant business. The member was sentenced to a fine of \$40,000 and a reprimand.

b. Military Administrative Action:

(1) A W-4 retired in lieu of Special Board Action after it was discovered that the member falsified their weight on a semi-annual weigh-in.

(2) An O-3 resigned in lieu of trial by court-martial after they admitted to violating the following articles of the UCMJ: Article 133 (Conduct Unbecoming), Article 134 (Adultery), Article 134 (Pandering and Prostitution), Article 134 (Threat, Communicating) and Article 134 (Solicitation). The member was separated with an other than honorable characterization of service.

(3) An O-3 resigned in lieu of trial by court-martial after the member admitted to violating the following articles of the UCMJ: Article 107 (False Official Statement), Article 120c (Indecent Exposure), Article 133 (Conduct Unbecoming), and Article 134 (Indecent Conduct) and (Indecent Language). The member was separated with a general characterization of service.

(4) An O-3 previously pled guilty at a general court-martial to violating Article 107 (False Official Statement) of the UCMJ. The member had continued claiming their former spouse on benefits forms for five years after decree of divorce. The member retired as an O-2E in lieu of further Special Board Action.

(5) An O-3 was arrested for driving under the influence of alcohol and hitting several cars. The member resigned in lieu of Special Board Action.

c. Relief for Cause. None to report.

d. State / Federal Actions. None to report.

e. Non-Judicial Punishment. NJP was imposed six times, accounting for sixteen charges: Articles 89, 92, 107, 112, 117, 121, 132, 133 & 134 of the UCMJ. The total sum of punishments included one hundred five days of restriction, \$13,438 in forfeitures of pay, and five letters of reprimand.

## **2. Senior Enlisted.**

- a. Courts-martial: An E-9 was found guilty of the following charges at a summary court-martial proceeding: Articles 89 & 128 of the UCMJ. The member was found guilty of behaving in a disrespectful manner by contemptuously yelling at his superior commissioned officer in a loud and disrespectful manner. The member was also found guilty of assault consummated by battery for unlawfully touching the buttocks of a civilian without consent. The member was sentenced to reduction to the pay grade of E-8 and a reprimand.
- b. Military Administrative Action: None to report.
- c. Relief for Cause:
  - (1) An E-7 OIC of an ANT was relieved for unsatisfactory performance related to the failure to obtain and maintain qualification.
  - (2) An E-7 XPO of a Station was relieved for unsatisfactory performance related to the failure to obtain and maintain qualification.
  - (3) An E-7 EPO of an 87' patrol boat was relieved for unsatisfactory conduct related to alcohol use and domestic violence.
  - (4) An E-7 EPO of an 87' patrol boat was relieved for unsatisfactory conduct related to alcohol abuse.
- d. State / Federal Court Actions. None to report.
- e. Non-Judicial Punishment. NJP was imposed two times, accounting for four charges covering Articles 91, 92, & 107 of the UCMJ. The total sum of punishments included thirty days of restriction and two letters of reprimand.

## **3. Junior Enlisted.**

- a. Courts-martial.
  - (1) An E-5 was found guilty of the following charge at a special court-martial proceeding: Article 92 of the UCMJ. The member was found guilty of disobeying an order by willfully failing to update his Servicing Personnel Office with his divorce decree resulting in the overpayment of Basic Allowance for Housing (BAH) and Family Separation Allowance (FSA) totaling over \$16,000. The member was sentenced to reduction to the pay grade of E-1 and forfeitures of \$1,092 pay per month for a period of four months.

- (2) An E-4 was found guilty of the following charge at a summary court-martial proceeding: Article 112a of the UCMJ. The member was found guilty of wrongfully using Marijuana, a schedule I controlled substance. The member was sentenced to a reduction to the pay grade of E-1 and a reprimand.
- (3) An E-4 was found guilty of the following charge at a summary court-martial proceeding: Article 128 of the UCMJ. The member was found guilty of unlawfully touching and striking a shipmate on the buttocks. The member was sentenced to a reduction to the pay grade of E-1.
- (4) An E-4 was found guilty of the following charges at a general court-martial proceeding: Article 107 & 134 of the UCMJ. The member was found guilty of making a false official statement to CGIS and communicating in writing indecent language to a civilian. The member was sentenced to confinement for twelve months, reduction to the pay grade of E-1, and a Bad Conduct Discharge.
- (5) An E-4 was found guilty of the following charges at a special court-martial proceeding: Article 128 & 134. The member was found guilty of discharging a shotgun loaded with blank 12-gauge ammunition inside his home and assault by firing a weapon loaded with blank ammunition at a shipmate and striking him in the chest with ammunition wading. The member was sentenced to confinement for forty-five days and a reduction to the paygrade of E-1.
- (6) An E-4 was found guilty of the following charge at a special court-martial proceeding: Article 121a of the UCMJ. The member was found guilty of wrongfully introducing marijuana onto an armed forces installation and distribution. The member was sentenced to confinement for fifteen days, reduction to the pay grade of E-1, and a Bad Conduct Discharge.
- (7) An E-3 was found guilty of the following charges at a special court-martial proceeding: Articles 92, 107, 112a, & 134 of the UCMJ. The member was found guilty of wrongfully possessing drug paraphernalia, introducing marijuana onto an armed forces installation, marijuana distribution, possession with intent to distribute marijuana, and wrongful use of marijuana and cocaine. He was also found guilty of making derogatory comments about the Coast Guard in the presence of civilians and displaying marijuana while wearing his uniform. The member was sentenced to confinement for twelve months, reduction to the pay grade of E-1, and a Bad Conduct Discharge.
- (8) An E-1 was found guilty of the following charges at a general court-martial proceeding: Articles 81 & 134 of the UCMJ. The member was found guilty of conspiring to have his ex-wife assaulted, with force likely to produce death or grievous bodily harm. The member was also found guilty of

soliciting another inmate to have his ex-wife assaulted. The member was sentenced to confinement for eleven months and a Bad Conduct Discharge.

- b. **Military Administrative Action.** Sixty-six junior enlisted members received administrative discharges: thirty-two for commission of a serious offense, four for pattern of misconduct, twenty-three for involvement with drugs, and six for fraudulent enlistment. Three junior enlisted members were discharged under other than honorable conditions:
  - (1) An E-5 was found guilty of the following charge at a special court-martial proceeding: Article 92 of the UCMJ. The member was found guilty of disobeying an order by willfully failing to update his Servicing Personnel Office with his divorce decree resulting in the overpayment of Basic Allowance for Housing (BAH) and Family Separation Allowance (FSA) totaling over \$16,000. The member was sentenced to reduction to the pay grade of E-1 and forfeitures of \$1,092 pay per month for a period of four months. See paragraph 3.a.(1).
  - (2) An E-5 violated Articles 93 and 128 between November 2013 and May 2017. On divers occasions, the member was cruel and maltreated/assaulted at least five subordinates to include verbal abuse, physical abuse and sexual harassment. The member unlawfully struck a female subordinate in the chest with his foot.
  - (3) An E-4 violated Articles 109 and 128 on or about December 2017. The member willfully damaged his shipmate's personal cellphone with a value of about \$700.00. In addition, the member used excessive force with intent to cause bodily harm on two shipmates.
- c. **Relief for Cause.** None to report.
- d. **State / Federal Court Actions:** An E-6 plead guilty to second degree murder with a firearm pursuant to a plea agreement with the State of Washington after fatally shooting his wife while riding in an Uber in 2017. The member was sentenced to nineteen years' imprisonment.
- e. **Non-Judicial Punishment.** NJP was imposed eighty-nine times, accounting for 176 charges, covering a wide range of UCMJ offenses. The total sum of punishments included 1,497 days of restriction, \$14,243 in forfeitures of pay, 1,505 days of extra duty, and five letters of reprimand.

#### **4. Reserve Personnel.**

- a. **Reserve Officer Disciplinary/Administrative Action.** None to report.

- b. Reserve Junior Enlisted Disciplinary/Administrative Action. Four junior enlisted members received administrative discharges: three for the commission of a serious offense and one for involvement with drugs.
- c. Non-Judicial Punishment. NJP was imposed two times, accounting for four charges: Articles 92, 107, 121 & 132 of the UCMJ.

## **5. Civilian Personnel.**

- a. Disciplinary/Administrative Actions.
  - (1) A GS-14 received an eleven-day suspension for providing inaccurate information to a supervisor, deleting files without permission, failing to carry out a work assignment, unauthorized possession of sensitive personally identifiable information (SPII), and violating personally identifiable information (PII) procedures.
  - (2) A GS-13 received a reprimand for failure to follow instructions.
  - (3) A GS-13 received a reprimand for failure to follow instructions and false time and attendance records.
  - (4) A GS-12 received a fourteen-day suspension for: endangering the safety of or causing injury to any person through carelessness or failure to follow instructions; failure to follow applicable laws, rules, regulations or policies in the performance of duties; and using rude, impolite, discourteous, disrespectful, unprofessional, foul, derogatory, or similarly inappropriate language, gestures, or conduct to or about other employees or members of the public.
  - (5) A GS-12 received a seven-day suspension for conduct unbecoming.
  - (6) A GS-12 received a reprimand for inappropriate conduct of a sexual nature.
  - (7) A GS-12 received a reprimand for failure to follow instructions.
  - (8) A GS-11 received a fourteen-day suspension for inappropriate conduct of a sexual nature.
  - (9) A GS-11 received a seven-day suspension for inappropriate and/or unwelcome verbal or physical behavior of a sexual nature and lack of candor.
  - (10) A GS-10 received a reprimand for disrespectful conduct.
  - (11) A GS-09 was removed for failure to accept a directed reassignment.

- (12) A GS-08 received a reprimand for disrespectful conduct.
- (13) A GS-07 received a five-day suspension for inappropriate conduct.
- (14) A GS-06 received a five-day suspension for tardiness.
- (15) A GS-04 was terminated during their probationary period for being absent without leave.
- (16) A WG-11 received a reprimand for inappropriate conduct.
- (17) A WG-10 received a three-day suspension for unauthorized absence and failure to follow leave instructions.
- (18) A WG-10 received a five-day suspension for lack of candor and off-duty misconduct.
- (19) A WG-09 received a one-day suspension for failure to follow instructions.
- (20) A WG-08 received a reprimand for unauthorized absence.
- (21) A WG-05 received a ten-day suspension for being absent without leave.
- (22) A WG-05 received a five-day suspension for unauthorized absence and failure to follow leave instructions.
- (23) A WG-05 was terminated for failure to pay a government credit card, failure to follow leave procedures, and being absent without leave.
- (24) A WG-05 was terminated during their probationary period for misrepresenting information on a job application.
- (25) A WG-03 was terminated during their probationary period for poor conduct.

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

All NJP Offenses for the First Quarter, Fiscal Year 2019

Article	Description	Counts
86	Unauthorized absence – from unit	12
86.1	Unauthorized absence – fail to go, etc.	3
89	Disrespect to superior officer	2
90.0	Striking a superior, etc.	1
90.1	Willful disobedience lawful order superior officer	1
91.1	Disobedience, lawful order, warrant or petty officer	6

92	Violation, lawful general order or regulation	19
92.1	Failure to obey lawful general order or regulation	31
92.2	Failure to obey any other lawful order	8
92.3	Dereliction in performance of duty	8
93	Cruelty or maltreatment	2
98.1	Failure to enforce or comply with rules under UCMJ	1
107	Signing false record, etc.	2
107.1	False official statement	29
108.2	Damaging military property	1
111	Operating vehicle while drunk	7
111.1	Operating vehicle reckless manner	5
112	Drunk on Duty	2
112.1	Wrongful use of controlled substance	3
112.4	Other drug offenses	1
113.1	Sentinel or lookout asleep	3
117	Using provoking words or gestures	2
121	Larceny, value more than \$50	3
121.1	Larceny, value less than \$50	2
121.2	Wrongful appropriation	1
121.3	Indecent exposure	2
128	Assault, simple	2
128.1	Assault consummated by battery	6
132	False statement, etc, on claim, etc	1
132.3	Other fraud under Article 132	2
133	Conduct unbecoming officer and gentleman/lady	3
134	Other offenses charged under Art 134 not covered	8
134.1	Adultery or fornication	2
134.13	Discharging firearm	1
134.15	Disorder, disorderly	2
134.17	Drunk	2
134.18	Drunk and disorderly	6
134.20	False pass or permit	1
134.28	Indecent language	2
134.45	Unauthorized insignia, etc.	1