

GOOD ORDER AND DISCIPLINE

Fourth 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 fourth 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: None to report.
- b. Military Administrative Action:
 - (1) An O-3 resigned in lieu of Special Board Action after receiving a drug incident.
 - (2) An O-2 was involuntarily released to the Inactive Ready Reserve after Special Board Action due to DUI and refusal of a breathalyzer.

c. Relief for Cause:

- (1) Two O-5s were removed from their primary duties for substandard performance.
 - (2) An O-4 was relieved for cause due to a mishap resulting in the death of a crewmember. *
 - (3) An O-3 was relieved from primary duties due to a mishap resulting in the death of a crewmember. *
 - (4) An O-3 was removed from primary duties due to substandard performance.
 - (5) A W-4 was relieved from primary duties due to a mishap resulting in the death of a crewmember. *
 - (6) A W-2 was relieved for cause due to unacceptable conduct while intoxicated.
- (*) Related to same mishap.

d. State / Federal Actions. None to report.

e. Non-Judicial Punishment. NJP was imposed four times, accounting for seven charges for various violations of Articles 86, 92, 128, & 134 of the Uniform Code of Military Justice (UCMJ). The total sum of punishments included \$1,000 in forfeiture of pay, one hundred ten days of restriction, and one letter of reprimand.

2. Senior Enlisted.

a. Courts-martial: An E-7 was found guilty of the following charges at a summary court-martial: Articles 93 & 128 of the UCMJ. The member was found guilty of using sexually charged innuendo towards a person subject to his orders and unlawfully grabbing and rubbing that person's lower leg and thigh. The member was sentenced to reduction to the pay grade of E-6.

b. Military Administrative Action: None to report.

c. Relief for Cause:

- (1) An E-7 Officer in Charge of a station was relieved for unsatisfactory performance & conduct related to command climate.
- (2) An E-7 Officer in Charge of an ANT was relieved for unsatisfactory conduct related to unauthorized use of a government travel charge card.

- (3) An E-7 Executive Petty Officer of a station was relieved for unsatisfactory performance & conduct related to a prohibited relationship with a subordinate & poor administrative climate.
- d. State / Federal Court Actions. None to report.
- e. Non-Judicial Punishment. NJP was imposed six times, accounting for eight charges for various violations of Articles 89, 92, 128, & 134 of the UCMJ. The total sum of punishments included \$4,700 in forfeiture of pay, ninety-four days of restriction and one letter of reprimand.

3. Junior Enlisted.

a. Courts-martial:

- (1) An E-5 was found guilty of the following charge at a summary court-martial: Article 92 of the UCMJ. The member was found guilty of engaging in a romantic relationship with an individual who graduated an entry level accession program within the preceding year while the member served as an entry level accession program instructor. The member was sentenced to forfeiture of 2/3 one month's pay and sixty days restriction.
- (2) An E-5 was found guilty of the following charges at a general court-martial: Articles 107 & 121 of the UCMJ. The member was found guilty of lying on his Electronic Questionnaires for Investigations Processing (e-QIP) and wrongfully receiving \$36,000 in BAH. The member was sentenced to forfeiture of all pay and allowances, reduction to the pay grade of E-3, and confinement for six months.
- (3) An E-5 was found guilty of the following charges at a special court-martial: Articles 92, 128, & 134 of the UCMJ. The member was found guilty of possessing an unregistered personal firearm onboard a military installation, unlawfully touching two individuals with his hands, and extramarital sexual conduct. The member was sentenced to reduction to the pay grade of E-2, a bad conduct discharge, and 120 days confinement.
- (4) An E-4 was found guilty of the following charges at a general court-martial: Articles 120, 120c, & 134 of the UCMJ. The member was found guilty of committing a sexual act upon a person without their consent, knowingly photographing the private areas of that person and distributing and showing the recordings and photographs of the private areas of that person to numerous individuals. The member was sentenced to four years confinement, reduction to the pay grade of E-1, and a dishonorable discharge.

- (5) An E-4 was found guilty of the following charges at a summary court-martial: Articles 109, 128, & 134 of the UCMJ. The member was found guilty of breaking a cell phone by throwing it against a wall, pushing the shoulder and arm of an individual, and being drunk and disorderly. The member was sentenced to thirty days confinement and reduction to the pay grade of E-2.
 - (6) An E-3 was found guilty of the following charge at a summary court-martial: Article 128 of the UCMJ. The member was found guilty of unlawfully touching the groin of two individuals and unlawfully touching the cheek of another. The member was sentenced to restriction for forty-five days and reduction to the pay grade of E-1.
- b. Military Administrative Action: Eighty-seven junior enlisted members received administrative discharges: Thirty-nine for commission of a serious offense, six for pattern of misconduct, thirty-five for involvement with drugs, three for fraudulent enlistment, two for trial by court-martial, and two for the good of the service. Three junior enlisted personnel were discharged under other than honorable conditions:
- (1) An E-5 violated articles 107, 121, & 123 of the UCMJ. The member made a false official statement to a CGIS agent and committed larceny in taking the checkbook of another individual and wrongfully appropriating \$1,250 through falsifying the victims signature for payment to the member.
 - (2) An E-3 violated article 120 of the UCMJ. The member committed a sexual act upon another individual on several occasions without their consent causing bodily harm.
 - (3) An E-3 violated article 112a & 120c of the UCMJ. The member inhaled a crushed Xanax pill after consuming a significant quantity of alcohol, as well as unlawfully distributed Xanax. The member also filmed and distributed the sexual explicit acts occurring between two individuals without the consent of one or both parties involved.
- c. Relief for Cause: None to report.
- d. State / Federal Court Actions. None to report.
- e. Non-Judicial Punishment. NJP was imposed seventy-nine times, accounting for 138 charges, covering a wide range of UCMJ offenses. The total sum of punishments included 1,514 days of restriction, \$7,478 in forfeitures of pay, 1,469 days of extra duty, and four letters of reprimand.

4. Reserve Personnel.

- a. Reserve Officer Disciplinary/Administrative Action. None to report.
- b. Reserve Senior Enlisted Disciplinary/Administrative Action. None to report.
- c. Reserve Junior Enlisted Disciplinary/Administrative Action. Six junior enlisted members received administrative discharges: three for non-participation, one for fraudulent enlistment, one for failing a drug test, and one for non-eligibility due to NJP.
- d. Non-Judicial Punishment. NJP was imposed two times, accounting for five charges: Articles 86, 89, 92, 112, & 134 of the UCMJ.

5. Special Convictions/Line of Duty Determinations: A Line of Duty/misconduct investigation was conducted into the events and subsequent injuries surrounding a single-vehicle crash involving a motorcycle operated by an E-3 in South Carolina. On the evening of the crash, the active duty member visited numerous bars and consumed alcohol. Later that evening, the member lost control of their motorcycle trying to navigate a left turn, fell onto the roadway, and suffered various injuries. The member was not wearing a helmet or gloves. Over an hour after the accident, a blood alcohol level test was taken by the hospital, which determined the blood alcohol content to be over twice the legal limit. It was determined that the E-3's injuries occurred not in the line of duty and were due to the member's own misconduct. The long-term effects this member could face include separation from the service and loss of VA medical benefits related to the member's own misconduct.

6. Non-judicial punishment: Non-judicial punishment provides commanders with an essential and prompt means of maintaining good order and discipline and also promotes positive behavior changes in Servicemembers without the stigma of a court-martial.

The following are samples of the three most frequent offenses charged in the fourth quarter of FY19.

- a. Article 112a (Wrongful use, possession, of a controlled substance)
Number of occurrences: 8
 - i. An E-5 tested positive for cocaine during a random urinalysis. Awarded fourteen days of restriction, forfeiture of \$788 per month for one month, and reduction to the pay grade of E-4.*
 - ii. An E-4 tested positive for cocaine and marijuana use during a unit wide administrative inspection. Awarded thirty days restriction, thirty days extra duty, and reduction to the pay grade of E-3.*

- iii. An E-3 tested positive for cocaine during a random urinalysis. Awarded twenty-one days restriction, twenty-one days extra duty, and reduction to the pay grade of E-2.*

* In addition to their punishments, these members were administratively separated with an other than honorable conditions discharge for misconduct.

- b. Article 86 (Absence without leave)
Number of occurrences: 8

- i. An O-1 onboard a cutter arrived two hours past liberty expiration while in a port call. Awarded five days of restriction.
- ii. An E-6 onboard a Sector took multiple unauthorized absences from their unit throughout a two-month period. Awarded fourteen days extra duties and reduction to the pay grade of E-5.
- iii. An E-2 onboard a cutter failed to muster at the required times on three consecutive days. Awarded thirty days restriction, forfeiture of one-half of one month's pay for two months, and reduction to the paygrade of E-1.

- c. Article 95 (Offenses by sentinel or lookout)
Number of occurrences: 7

- i. An E-3 onboard a cutter was found asleep while on port security watch. Awarded thirty days restriction and 25 days of extra duties.
- ii. An E-2 onboard a cutter was found asleep in the Engineering Control Center while on watch. Awarded thirty days restriction and thirty-two days extra duties.

7. Civilian Personnel.

- a. Disciplinary/Administrative Actions.

- (1) A GS-15 was reprimanded for disruptive behavior.
- (2) A GS-14 was suspended for 5-days for disruptive behavior.
- (3) A GS-13 was reprimanded for failure to follow instruction.
- (4) A GS-13 was reprimanded for misusing a government computer to look at sexual images
- (5) A GS-13 was reprimanded for disruptive behavior.

- (6) A GS-12 was reprimanded for using disrespectful language.
- (7) A GS-12 was suspended for 14-days for using disrespectful language.
- (8) A GS-12 was suspended for 7-days for failure to follow instruction.
- (9) A GS-11 was reprimanded for being absent without leave.
- (10) A GS-11 was suspended for 12-days for sleeping on duty.
- (11) A GS-11 was terminated for using disrespectful language.
- (12) A GS-09 was reprimanded for sleeping on duty.
- (13) A GS-07 was removed for entering false exam scores in a database and bribery.
- (14) A GS-07 was removed for inappropriate verbal or physical conduct of a sexual nature.
- (15) A GS-07 was suspended for 5-days for using disrespectful language.
- (16) A WG-10 was removed for being absent without leave.
- (17) A WG-10 was removed for leaving exposed wires hanging from a wall.
- (18) A WG-10 was reprimanded for being absent without leave and failure to follow leave procedures.
- (19) A WG-10 was reprimanded for using disrespectful language.
- (20) A WG-10 was reprimanded for failure to carry out work assignment.
- (21) A WG-10 was reprimanded for being absent without leave.
- (22) A WG-10 was suspended for 23-days for disorderly conduct.
- (23) A WG-10 was suspended for 14-days for the unauthorized taking of government property.
- (24) A WG-10 was suspended for 14-days for the unauthorized taking of government property.
- (25) A WG-10 was suspended for 10-days for failure to follow leave procedures.

- (26) A WG-10 was suspended for 7-days for threatening statements.
- (27) A WG-10 was suspended for 5-days for disrespectful language.
- (28) A WG-10 was suspended for 2-days for disrespectful language.
- (29) A WG-09 was suspended for 4-days for being absent without leave and failure to follow leave procedures.
- (30) A WG-08 was reprimanded for failure to follow leave procedures.
- (31) A WG-08 was reprimanded for failure to follow leave procedures.
- (32) A WG-05 was suspended for 14-days for being absent without leave and failure to follow leave procedures.
- (33) A WG-05 was suspended for 14-days for being absent without leave and failure to follow leave procedures.
- (34) A WG-05 was suspended for 7-days for failure to timely pay the government credit card.
- (35) A WG-05 was suspended for 2-days for being absent without leave and failure to follow leave procedures.
- (36) A WG-05 was terminated during probation for being absent without leave.
- (37) A WG-03 was suspended for 1-day for sleeping on duty.
- (38) A WG-03 was terminated during probation for being absent without leave.
- (39) A WG-03 was terminated during probation for tardiness.
- (40) A WG-03 was terminated during probation for tardiness.
- (41) A WG-03 was terminated during probation failure to follow instruction.