

## GOOD ORDER AND DISCIPLINE

Fourth Quarter, Fiscal Year 2020

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 2020. 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-5 was discharged as a LCDR after receiving a drug incident and distributing controlled substances. \*
  - (2) An O-2 was removed from primary duties due to fraternization with a Navy enlisted member.
  - (3) An O-2 was removed from primary duties due to fraternization with an enlisted subordinate at an afloat unit.

- (4) A W-4 was discharged as a W-3 due to misuse of government funding, stealing, and selling government property.
  - (5) A W-3 retired in lieu of Special Board Action after being arrested for DUI.
  - (6) A W-2 retired in lieu of Special Board Action after being removed from primary duties following an investigation into maintenance issues and leadership deficiencies.
- c. Relief for Cause:
- (1) A W-2 was removed from primary duties for fostering a hostile and unsafe command climate.
- d. State / Federal Actions. An O-5 was criminally charged in federal court for various offenses. \*Related to incident in 1.b.1
- e. Non-Judicial Punishment. NJP was imposed three times, for various violations of Articles 92 and 134 of the UCMJ. The total sum of punishments included twelve days restriction and one letter of reprimand.

## **2. Senior Enlisted.**

- a. Courts-martial:
- (1) An E-8 was found guilty of the following charge at a summary court-martial: Article 134. The member was found guilty of wrongfully engaging in extramarital conduct. The member was sentenced to reduction to paygrade E-7 and a letter of reprimand.
  - (2) An E-7 was found guilty of the following charges at a summary court-martial: Article 89, 92, 121, and 134. The member was found guilty of disrespect towards a superior commissioned officer by using offensive language, wrongfully engaging in discriminatory conduct towards his subordinate members, wrongful appropriation of a government motor vehicle of a value of about \$7,400.00, and using racial slurs and indecent language towards his subordinates on divers occasion. The member was sentenced to reduction to the paygrade E-6 and a letter of reprimand.
  - (3) An E-7 was found guilty of the following charges at a summary court-martial: Article 128. The member was found guilty of striking a subordinate on the hand on two occasions. The member was sentenced to reduction to the paygrade E-6.
- b. Relief for Cause:

- (1) An E-9 Engineering Petty Officer of a MSST was relieved for inappropriate conduct/unwanted touching.
  - (2) An E-8 Officer-in-Charge of a Station was temporarily relieved for cause for unsatisfactory conduct.
  - (3) An E-7 Executive Petty Officer of a Station was temporarily relieved for cause for unsatisfactory conduct.
- c. State / Federal Court Actions: None to report
- d. Non-Judicial Punishment. NJP was imposed two times, accounting for two charges for violations of Articles 92 and 128 of the UCMJ. The total sum of punishments included \$9,478.00 in forfeiture of pay, 30 days of restriction, and one letter of reprimand.

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

a. Courts-martial:

- (1) An E-3 was found guilty of the following charges at a general court-martial: Article 92, 107, 128, and 134 of the UCMJ. The member was found guilty of wrongfully consuming alcohol while under the age of twenty-one, false official statement in that he did not strike another member which he knew was false, assault consummated by battery, and wrongfully failing to do certain acts: consuming alcohol to the point of severe inebriation at a remote location, while it was dark outside, raining, and near freezing; not properly notifying fellow crew of his previous location; not ensuring effective means of requesting necessary assistance; and, leaving another member of the Coast Guard alone after it was clear the member was disoriented, intoxicated, and exposed to the elements, which inaction contributed to the Coast Guard member's death. The member was sentenced to a bad-conduct discharge, fourteen months of confinement, and reduction to paygrade E-1.
- (2) An E-5 was found guilty of the following charges at a special court-martial: Articles 86, 107, and 112a of the UCMJ. The member was found guilty of absence without leave, false official statements, and wrongful use of a controlled substance. The member was sentenced to 25 days of confinement and reduction to paygrade E-1.
- (3) An E-5 was found guilty of the following charges at a special court-martial: Articles 90, 92, 107, and 134 of the UCMJ. The member was found guilty for willfully disobeying a superior commissioned officer, willful dereliction of duty, signing a false document, false official statement, negligent discharge of a firearm, and extramarital sexual conduct. The member was sentenced to four months of confinement and reduction to paygrade E-1.

- (4) An E-6 was found guilty of the following charges at a summary court-martial: Articles 107 and 121 of the UCMJ. The member was found guilty of false official record indicating that he was paying for private sector quarters when in fact he was not. Member stole property of the U.S. BAH in the amount of \$45,439.00 between August 2017 and December 2019. The member was sentenced to forfeiture of two-thirds of one month's pay and two months restriction.
  - (5) An E-5 was found guilty of the following charges at a summary court-martial: Articles 93 and 134 of the UCMJ. The member was found guilty of maltreatment of a person subject to his orders by wrongful use of racial slurs towards on individual. The member also used multiple racially offensive comments in the presence of other Coast Guard members. The member was sentenced to reduction to paygrade E-4.
  - (6) An E-4 was found guilty of the following charges at a summary court-martial: Articles 120, 128, and 134 of the UCMJ. The member was found guilty of touching the breast of a women without her consent in order to gratify his sexual desire, unlawfully touching the arm of a female with his hand, being drunk and disorderly, and using indecent language regarding his genitals, conduct which was to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces. The member was sentenced to one month' confinement.\*
- b. Military Administrative Action: sixty enlisted members received administrative discharges: six for patterns of misconduct, thirty for commission of a serious offense, twenty for involvement with drugs, two for the good of the service and two for fraudulent enlistment. Seven of the sixty junior enlisted members were discharged under other than honorable conditions:
- (1) An E-5 violated Articles 109, 130, and 134 of the UCMJ, at or near Winthrop, MA on or about 23 May 2015. The member willfully and wrongfully caused damage to the Temple Tifereth Israel, unlawfully entered Temple Tifereth Israel with intent to commit a criminal offense, and was drunk and disorderly.
  - (2) An E-5 violated Articles 92 and 128 of the UCMJ, at or near Alexandria, VA, on or about 7 April 2019. The member violated a protective order and assaulted his spouse.
  - (3) An E-5 violated Articles 107 and 112a of the UCMJ, at or near Homer, AK, on or about 25 February 2019. The member made false official statements to CGIS by denying the use of illegal drugs other than marijuana. Additionally, between October 2017 and February 2019, on divers occasions he wrongfully used and possessed marijuana and psilocybin.

- (4) An E-4 violated Articles 92 and 112a of the UCMJ, at or near New Orleans, LA, on or about 18-19 August 2019. The member wrongfully used a government procured rental vehicle for unofficial purposes to drive to Bourbon Street, drink alcohol, visit bars and strip clubs, and willfully failed to consent to a breath test to measure blood alcohol concentration. Additionally, on or about November 2019, the member wrongfully used cocaine.
- (5) An E-3 violated Articles 120, 128, and 134 at or near Panama City Beach, FL, on or about 22 December 2018. The member committed abusive sexual contact by touching the breast of woman without her consent, assaulted a woman by unlawfully touching her arm with his hand, was drunk and disorderly, and used indecent language. \*related to incident in 3.a.6.
- (6) An E-1 violated Articles 86, 107, and 112a of the UCMJ, at or near West Palm Beach, FL, on or about 9 September 2019. The member failed to return to an appointed place of duty; made a false official statement regarding why the member was not at work; and, on diverse occasions between 20 June and 8 September 2019, the member wrongfully used cocaine.
- (7) An E-1 violated Articles 92, 128, and 134 of the UCMJ, at or near Busan, Republic of South Korea, on or about 6 April 2019. The member wrongfully provided alcoholic beverages to another member under twenty-one years of age, assaulted a shipmate multiple times during one evening, used indecent language towards another member bringing discredit upon the armed forces, and on or about September 2017 wrongfully had sexual intercourse with another member while married.

c. Relief for Cause: None to report

d. State / Federal Court Actions: None to report

e. Non-Judicial Punishment. NJP was imposed eighty-six times, accounting for sixteen charges covering a wide range of UCMJ offenses. The total sum of punishments included 1,025 days of restriction, \$19,121.00 in forfeiture of pay, and 755 days of extra duty.

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

a. Reserve Officer Disciplinary/Administrative Action: One senior officer received an administrative discharge due to a DUI.

b. Reserve Senior Enlisted Disciplinary/Administrative Action: None to report.

- c. Reserve Junior Enlisted Disciplinary/Administrative Action: Five junior enlisted members received administrative discharges: one for involvement with drugs, one for repeated absenteeism, and three for unacceptable conduct.
- d. Non-Judicial Punishment. NJP was imposed two times, accounting for various charges: Article 92, 107, 117, and 128 of the UCMJ. The total sum of punishments included seven days of restriction, seven days of extra duty, and two reductions in rate.

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

**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 service members without the stigma of a court-martial.

The following are samples of the three most frequent offenses charged in the fourth quarter of FY20:

- a. Article 128 (Assault, consummated by battery)  
Number of occurrences: Eight
  - i. An E-4 at a station committed domestic violence by pushing and placing his hands around the neck of his spouse. Awarded extra duty for fifteen days and reduction to paygrade E-3.
  - ii. An E-4 at a base assaulted a superior petty officer. Awarded a forfeiture of \$500.00 pay per a month for one month, and reduction to paygrade E-3.
  - iii. An E-3 onboard a cutter violated the Civil Rights Manual by using racial slurs towards another member and choking and punching another non-rate. Awarded forfeiture of \$1,000.00 pay per a month for two months for a total of \$2000, and restriction and extra duty for forty five days, and reduction to pay grade E-2.
- b. Article 92 (Failure to obey an order or regulation) Number of occurrences: Fifteen
  - i. An E-6 was derelict as an FSO by falsifying inventory. Awarded restriction and extra duty for fourteen days, forfeiture of \$852.39 for one month and reduction to pay grade E-5.
  - ii. An E-5 onboard a cutter engaged in a romantic relationship with another member of the cutter. Awarded restriction and extra duty for forty-five days and reduction to pay grade E-4.

iii. An E-4 on divers occasions unlawfully brought a personal firearm onboard a Coast Guard unit knowing it was unlawful to do so. Awarded restriction and extra duty for seven days, forfeiture of \$1,332.00 for two months, and reduction in pay grade E-3.

c. Article 112 (Drug Offense)

Number of occurrences: Seven

i. An E-5 tested positive for cocaine. Awarded restriction and extra duty for forty-five days, reduction to pay grade E-4, and a reprimand.

ii. An E-3 conspired with another member to manufacture psilocybin “magic mushrooms” by procuring supplies for growing psilocybin, growing psilocybin, and being found in possession of psilocybin. Awarded forfeiture of \$453.00 pay for one month, restriction and extra duty for fourteen days, and reduction to pay grade E-2.

iii. An E-2 did wrongfully possess and distribute marijuana. Awarded forfeiture of one-half of one month’s pay for two months, restriction for sixty days, and reduction to pay grade E-1.

## **7. Civilian Personnel.**

a. Disciplinary/Administrative Actions.

(1) A GS-13 was suspended for 7-days for conduct unbecoming a law enforcement officer.

(2) A GS-13 was suspended for 10-days for conduct unbecoming a law enforcement officer.

(3) A GS-12 was removed due to loss of security clearance.

(4) A GS-12 suspended for 14-days for absence without leave and failure to follow instructions.

(5) A GS-12 was suspended for 14-days for conduct unbecoming of a federal employee.

(6) A GS-12 was suspended for 3-days for improper conduct.

(7) A GS-12 was suspended for 3-days for misuse of a government travel card.

- (8) A GS-11 was removed for unacceptable performance.
- (9) A GS-11 was suspended for 3-days for discriminatory conduct.
- (10) A GS-11 was reprimanded for failure to follow instructions.
- (11) A GS-11 was reprimanded for absence without leave and careless workmanship resulting in damage to government property.
- (12) A GS-9 was reprimanded for reckless driving of a motor vehicle and damage of government property.
- (13) A GS-8 was suspended for 10-days for unauthorized possession of government property, misrepresentation, and disrespectful conduct.
- (14) Two GS-7's was reprimanded for disrespectful conduct.
- (15) A WG-10 was demoted for unacceptable performance.
- (16) A WG-10 was reprimanded for absence without leave and failure to follow instructions.
- (17) A WG-10 was suspended for 5-days for failure to follow instructions
- (18) A WG-10 was suspended for 4-days for disrespectful conduct.
- (19) A WG-10 was suspended for 2-days for absence without leave.
- (20) A WG-9 was removed for reporting for duty in an impaired state and careless workmanship.
- (21) A WG-9 was reprimanded for absence without leave
- (22) A WS-9 was reprimanded for unprofessional conduct.
- (23) A WG-7 was reprimanded for absence without leave and disrespectful conduct
- (24) A WG-5 was removed for absence without leave and failure to follow instructions
- (25) A WG-5 was removed for falsification.
- (26) Two WG-5's was terminated for leave abuse.

- (27) A WG-5 was suspended for 14-days for misuse of a government travel card, absence without leave, and failure to follow instructions.
- (28) A WG-3 was suspended for 14-days for absence without leave and failure to follow instructions, and loafing.
- (29) A WG-3 was terminated for loafing and lack of candor.