

GOOD ORDER AND DISCIPLINE

Third and Fourth Quarter, Fiscal Year 2021

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 third and fourth quarter of Fiscal Year 2021. 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-3E was found guilty of the following charges at a general court-martial: Articles 128 and 133. The member was found guilty of assault consummated by battery for placing their hands around the neck of another person and conduct unbecoming of an officer by knowingly providing false information on an application for a concealed handgun permit. The member was sentenced to restriction for sixty days, forfeiture of \$3,920.00 pay for three months, and letter of reprimand.
- (2) An O-3 was found guilty of the following charge at a general court-martial: Article 112a. The member was found guilty of wrongful use of cocaine on

several different occasions. The member was sentenced to confinement for nine months and dismissal.

- (3) A W-3 was found guilty of the following charges at a general court-martial: Articles 120b, 133, and 134. The member was found guilty of sexual abuse of a child, conduct unbecoming an officer, and viewing child pornography. The member was sentenced to four years and six months of confinement.

b. Military Administrative Action:

- (1) An O-5 was removed from primary duties after receiving an alcohol incident.
- (2) An O-5 was retired as a LT after conduct unbecoming of an officer.
- (3) An O-5 was removed from primary duties after receiving an alcohol incident.
- (4) An O-4 was removed from primary duties after creating a hostile work environment.
- (5) An O-4 retired in lieu of special board after receiving a DUI.
- (6) An O-3 retired in lieu of special board after engaging in a prohibited relationship.
- (7) An O-3 was permanently removed from the LCDR promotion list after making false statements and engaging in an inappropriate relationship.
- (8) An O-2's commission was revoked due to creation of a hostile work environment.
- (9) An O-1's commission was revoked for falsifying official records prior to the commissioning.
- (10) An O-1's commission was revoked based on substandard performance.
- (11) An O-1's commission was revoked after receiving a drug incident.
- (12) An O-1's commission was revoked after receiving a drug incident.
- (13) An O-1's commission was revoked after receiving a drug incident.
- (14) An O-1's promotion to O-2 was permanently removed after the O-1 fraternized with an enlisted member and received an alcohol incident.
- (15) An O-1's promotion to an O-2 was permanently removed after the O-1 fraternized with an enlisted member.

(16) An O-1's commission was revoked for fraternization with an enlisted member.

(17) A W-3 was retired in lieu of a special board after receiving a drug incident.

(18) A W-3 was retired at paygrade W-2 after receiving a drug incident.

(19) A W-2 retired in lieu of a special board after receiving a second DUI.

c. Relief for Cause:

(1) An O-6 was relieved of command for substandard performance.

(2) An O-3 was relieved of command after receiving a DUI.

d. State / Federal Actions. None to report.

e. Non-Judicial Punishment. NJP was imposed eight times for violations of Articles 92, 107, 112, 128, 133 and 134 of the UCMJ. The total sum of punishments included eighty-nine days of restriction and three letters of reprimand.

2. Senior Enlisted.

a. Courts-martial:

(1) An E-7 was found guilty of the following charges at a general court-martial: Articles 128 and 134. The member was found guilty of spousal battery, battery on another person, and disorderly conduct. The member was sentenced to reduction to paygrade E-6 and letter of reprimand.

(2) An E-7 was found guilty of the following charge at a special court-martial: Article 92. The member was found guilty of failure to obey a military protective order to remain at least 500 feet away from and to not initiate communications with a specified person. The member was sentenced to reduction to paygrade E-5 and letter of reprimand.

(3) An E-7 was found guilty of the following charges at a summary court-martial: Articles 92 and 121. The member was found guilty of stealing unit funds, stealing military property over \$800, negligently making purchases with unit purchase credit cards while not the named cardholder, and failing to comply with acquisitions policy, procedures, and customs. Member was also found guilty of viewing pornographic material on a government cellular telephone. The member was sentenced to reduction to paygrade E-6.

- (4) An E-7 was found guilty of the following charge at a summary court-martial: Article 108. The member was found guilty of knowingly selling military property of the United States, a GPS device valued at approximately \$632.51. The member was sentenced to reduction to paygrade E-6 and letter of reprimand.

b. Military Administrative Action:

- (1) A BMC was permanently removed from the CWO Final Eligibility list for creating a hostile work environment.

c. Relief for Cause:

- (1) A Command Master Chief was relieved for being under investigation for inappropriate hugging and touching.
- (2) An E-7 Engineering Petty Officer (EPO) of a cutter was relieved for unsatisfactory performance, based on the results of an anti-harassment/hate incident investigation.
- (3) An E-7 Officer in Charge of a station was relieved for unsatisfactory performance, based on creating a negative command climate.
- (4) An E-7 EPO of a cutter was relieved for unsatisfactory performance, and failure to complete the administrative requirements to be an EPO.
- (5) An E-7 Executive Petty Officer of a cutter was relieved for unsatisfactory performance, and failure to qualify in required competencies.

d. State / Federal Court Actions: None to report

- e. Non-Judicial Punishment. NJP was imposed six times, accounting for violations of Articles 92, 107, and 134 of the UCMJ. The total sum of punishments included fifty nine days of extra duty, \$9,268.00 in forfeiture of pay, and three letters of reprimand.

3. Junior Enlisted.

a. Courts-martial:

- (1) An E-6 was found guilty of the following charge at a special court-martial: Article 134. The member was found guilty of viewing and possessing sexually explicit images involving a minor. The member was sentenced to reduction to paygrade E-3.

- (2) An E-5 was found guilty of the following charge at a special court-martial: Article 120c. The member was found guilty of recording of the private areas of seven different members without their consent. The member was sentenced to a bad-conduct discharge, confinement for ten months, and reduction to paygrade E-1.
- (3) An E-5 was found guilty of the following charges at a special court-martial: Article 86 and 107. The member was found guilty of malingering by submitting a positive COVID-19 test result when in fact the member was never tested for COVID-19. The member was sentenced to confinement for forty-five days and reduction to paygrade E-1.
- (4) An E-5 was found guilty of the following charge at a general court-martial: Article 120. The member was found guilty of sexual assault while the victim was impaired by any drug or intoxicant, and abusive sexual contact. The member was sentenced to a dishonorable discharge, two months of hard labor without confinement and reduction to paygrade E-1.
- (5) An E-5 was found guilty of the following charge at a special court-martial: Article 124. The member was found guilty of submitting false travel claims. The member knowingly submitted eight separate false travel claims for per diem, lodging, meals and incidental expenses totaling \$31,293.72. The member was sentenced to a bad conduct discharge and reduction to paygrade E-2.
- (6) An E-4 was found guilty of the following charges at a special court-martial: Article 128 and 134. The member was found guilty of strangling another member with an earphone cord and being drunk and disorderly. The member was sentenced to confinement for thirty days, forfeiture of \$1,190.00 pay per month for three months, and reduction to paygrade E-1.
- (7) An E-4 was found guilty of the following charges at a general court-martial: Articles 120 and 134. The member was found guilty of abusive sexual contact by touching the breast and buttocks of a member without that member's consent and providing alcohol to a person under the age of twenty-one. The member was sentenced to a bad-conduct discharge, confinement for six months, and reduction to paygrade E-1.
- (8) An E-4 was found guilty of the following charge at a special court-martial: Article 134. The member was found guilty of recording the private area of three separate members, without their consent. The member was sentenced to a bad-conduct discharge and five months confinement.
- (9) E-4 was found guilty of the following charge at a special court-martial: Article 112a. The member was found guilty of wrongful use and distribution

of cocaine and marijuana, and making a false official statement. The member was sentenced to no punishment.

- (10) An E-4 was found guilty of the following charge at a special court-martial: Article 128. The member was found guilty of spousal assault and battery by strangulation and for slapping the head and face of a child under the age of 16. The member was sentenced to confinement for two months and reduction to paygrade E-3.
 - (11) An E-3 was found guilty of the following charge at a summary court-martial: Article 128. The member was found guilty of assault by unlawfully touching four separate Coast Guard members. The member was sentenced to thirty days of confinement, reduction to paygrade E-1 and a reprimand.
- b. Military Administrative Action: 143 enlisted members received administrative discharges: seventy one for involvement with drugs, fifty nine for commission of a serious offense, four for pattern of misconduct, seven for fraudulent enlistment, and two for the good of the service. Six junior enlisted members were discharged under other than honorable conditions. The following is a summary of those administrative actions:
- (1) An E-6 violated Articles 86 and 134 at or near Sault Sainte Marie, MI, when the member was arrested for criminal sexual conduct, child accosting for immoral purposes, child sexual abusive material, and using a computer to commit a crime. *pending civilian prosecution
 - (2) An E-5 violated Article 107 by falsifying official records for a National Security Position, claiming non-use of illegal drugs while in possession of a security clearance or while serving as a law enforcement officer.
 - (3) An E-5 member admitted to committing multiple criminal acts. The member admitted to using illegal drugs both before and after joining the Coast Guard, and providing false information to Coast Guard medical in order to file a fraudulent lawsuit against a bar in Miami, FL.
 - (4) An E-4 violated Article 120c when the member knowingly photographed the private area of another member and distributed a recording without that member's consent and knowledge.
 - (5) An E-3 operated a vehicle under the influence of alcohol with a blood alcohol content of 0.200% which led to a collision and the death of the passenger that was in the vehicle. *pending civilian prosecution
 - (6) An E-1 violated Article 128 on board CGC ALERT when the E-1 unlawfully touched multiple Coast Guard members.

c. Relief for Cause:

- (1) An E-6 Executive Petty Officer of a station was relieved for unsatisfactory conduct, on suspicion of a DUI.

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

- e. Non-Judicial Punishment. NJP was imposed 132 times, accounting for 13 charges covering a wide range of UCMJ offenses. The total sum of punishments included fifty six reductions in paygrade, 3,100 days of restriction, \$60,228.00 in forfeiture of pay, and 2,321 days of extra duty.

4. **Reserve Personnel.**

- a. Reserve Officer Disciplinary/Administrative Action: None

- b. Reserve Senior Enlisted Disciplinary/Administrative Action: An E-7 was discharged for misconduct due to selling military property.

- c. Reserve Junior Enlisted Disciplinary/Administrative Action: Twelve junior enlisted members received administrative discharges: four were discharged for misconduct related to drugs, two for repeated absenteeism, one was discharged due to the commission of a serious offense, one for driving under the influence, one for convenience of the government due to unavailability for worldwide assignment, one for misconduct based on a civilian conviction, one for authorized early separation, and one for unsatisfactory performance.

- d. Non-Judicial Punishment. NJP was imposed five times, accounting for violations of Articles 92 and 107 of the UCMJ. The total sum of punishment included five reductions in paygrade, 14 days restriction, and \$1,692.00 in forfeiture of pay.

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 third and fourth quarter of FY21:

- a. Article 92 (Failure to obey a general order or regulation)

- i. An E-6 onboard a cutter violated the general order prohibiting sexual harassment by making sexually explicit comments to

several other members while standing watch. Awarded reduction to E-5 (suspended for two months) and thirty days of restriction.

- ii. An E-6 at a station violated the general order prohibiting sexual harassment by repeatedly engaging in offensive verbal, graphic or degrading comments, and at times offensive physical contact. Awarded reduction to paygrade E-5, thirty days of restriction and extra duty (suspended for six months), and forfeiture of \$1803.00 pay for one month (suspended for six months).
- iii. An E-5 onboard a cutter violated the general order prohibiting sexual harassment by making lewd and disparaging comments about multiple female crew members. Awarded reduction to paygrade E-4 (suspended for six months).

b. Article 107 (False official statement)

- i. An E-4 at a station wrote in the unit's ordnance log that maintenance was complete when it was not, which created a false log entry. Awarded reduction to E-3 restriction and extra duty for seven days.
- ii. An E-3 at a station made numerous false statements to an investigating officer during an official investigation. Awarded fourteen days of restriction and extra duty.
- iii. An E-3 onboard a cutter claimed to have done a round of the ship by creating a log entry, however, the round was never completed. Awarded reduction to paygrade E-2, extra duty for twenty-four days, forfeiture of \$500 pay for two months (suspended for six months).

c. Article 86 (Unauthorized absence)

- i. An E-4 onboard a cutter missed sailing and violated the ship's leave and liberty policy by traveling over 150 miles out of bounds. Awarded restriction for fourteen days and extra duty for fourteen days (suspended for six months).
- ii. An E-4 onboard a cutter failed to report to the required place of duty falsely claiming injury and hospitalization. Awarded reduction to pay grade E-3.

- iii. An E-4 at a station abandoned the place of duty for at least three hours on two separate occasions without notifying anyone. Awarded restriction for seven days, suspended for six months and extra duty for seven days.

7. Civilian Personnel.

a. Disciplinary/Administrative Actions.

- (1) A GS-14 was suspended for fourteen days for disrespectful conduct.
- (2) A GS-13 was removed for failure to maintain a condition of employment.
- (3) A GS-13 was removed for failure to follow instructions.
- (4) A GS-13 was reprimanded for disrespectful conduct.
- (5) A GS-12 was reprimanded for failure/delay in carrying out orders, instructions and or assignments.
- (6) A GS-12 was reprimanded for disrespectful conduct.
- (7) A GS-12 was terminated during probation for unacceptable performance.
- (8) A GS-11 was removed due to a medical inability to perform.
- (9) A GS-11 was suspended for fourteen days due to disrespectful conduct.
- (10) A GS-11 was suspended for fourteen days due to disrespectful conduct.
- (11) A GS-11 was terminated during probation for absence without leave.
- (12) A GS-9 was demoted for unacceptable performance.
- (13) A GS-9 was reprimanded for failure/delay in carrying out orders, instructions or assignments.
- (14) A GS-8 was removed due to attempted work stoppage.
- (15) A GS-7 was reprimanded for failure/delay in carrying out orders, instructions or assignments.
- (16) A GS-7 was removed due to medical inability to perform.
- (17) Four GS-7s were removed due to attempted work stoppage.

- (18) A GS-5 was removed due to failure/delay in carrying out orders, instructions or assignments.
- (19) A WG-12 was suspended for one day due to careless workmanship.
- (20) A WG-11 was removed for threatening others.
- (21) A WG-11 was suspended for seven days for failure/delay in carrying out orders, instructions and or assignments.
- (22) A WL-11 was reprimanded for disrespectful conduct.
- (23) A WL-10 was reprimanded for disorderly conduct.
- (24) A WG-10 was suspended for seven days for failure to follow leave procedures.
- (25) A WL-10 was reprimanded for threatening behavior.
- (26) A WG-10 was terminated during probation due to sexual harassment
- (27) A WG-10 was suspended for fourteen days due to disrespectful conduct.
- (28) A WG-10 was suspended for fourteen days due to improper conduct.
- (29) A WG-9 was reprimanded for failure to follow leave procedures.
- (30) A WG-8 was reprimanded for failure to pay debts timely.
- (31) A WG-5 was reprimanded for disrespectful conduct.
- (32) A WG-1 was terminated during probation due to unacceptable performance and tardiness.
- (33) A WG-8 was suspended for seven days for absence without leave.
- (34) A WG-5 was suspended for fourteen days for absence without leave.
- (35) A WG-5 was reprimanded for failure to follow proper leave procedures.
- (36) A WG-5 was terminated during probation for failure to follow instructions.
- (37) A WG-3 was terminated during probation for failure to follow instructions.
- (38) A WG-3 was terminated during probation for excessive unauthorized absences.

(39) Two WG-1s were terminated during probation for failure to follow instructions.