

GOOD ORDER AND DISCIPLINE

Second and Third Quarter, Fiscal Year 2023

This publishes to the Coast Guard community a summary of administrative and disciplinary 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 and third quarter of Fiscal Year 2023. 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.

1. **Anti-Harassment Program Management Office (AHPO).** The AHPO is a new office under the Assistant Commandant for Human Resources (CG-1) responsible for managing the Coast Guard Anti-Harassment Program (AHP). The AHPO receives and monitors Anti-Harassment and Hate Incident (AHHI) complaints, provides policy guidance and support to commands during AHHI investigations, and reports on AHHI data. The following data was provided by the AHPO and relates to cases received from Coast Guard commands:
 - a. For Q2 of FY23. 86 cases were received of which approximately 30% (26) were substantiated. 46% of the substantiated cases were for harassment, 42% for sexual harassment, and 11% were for bullying.
 - b. For Q3 of FY23. 117 cases were received of which approximately 21% (24) were substantiated. 75% of those cases were for harassment, 8% were for sexual harassment, 13% were related to hate, and 4% were for hate.
 - c. Examples of administrative action from Q2 & Q3 of FY23:
 - 1) A CDR was removed from primary duties after making harassing comments about subordinates' sexual orientation and parental status.

Despite receiving a direct order to not engage, the CDR repeatedly commented and questioned a subordinate on their sexual orientation and made comments on another subordinate's status as a mother, such as discussing the member's medical concerns about motherhood with others and offering to take work away so the member could go home to her children. These actions created a hostile work environment and made the members feel uncomfortable, diminished, and reduced their ability to perform duties.

- 2) A CDR was removed from primary duties and recommended for separation after making comments of a sexual nature to a subordinate. On several occasions the CDR made unprofessional and inappropriate comments about his previous personal relationships and sexual history, the subordinate member, and the subordinate member's relationship. For example, the CDR shared details about his previous relationship and sex life with the subordinate member and alluded that he desired a woman like the subordinate.
- 3) An ENS received a negative CG-3307 and negative performance evaluation after repeatedly using a racial slur while on watch. Although the ENS was advised that the use of the language was offensive, the ENS continued to use inappropriate language and displayed argumentative behavior which created an intimidating, offensive, and hostile work environment.
- 4) An E-9 on a cutter received a negative CG-3307, was administratively re-assigned, and had PCS orders revoked after engaging in harassing behavior. On multiple occasions the member made disparaging comments and displayed disrespectful, physically aggressive, insubordinate, and intimidating behavior towards senior members. For example, the member punched a wall when asked to revise a document and threw galley laundry in the trash, among other incidents. In sum, the member's behavior was deemed to have created a hostile work environment.
- 5) An E-4 of a cutter was removed from the E-5 advancement list and placed on probationary status after engaging in harassing behavior towards multiple members. The member was found to have threatened another member of the crew with physical violence and displayed frequent outbursts and disrespect towards subordinates, peers, and supervisors. The member's abrasive communications and actions affected the crew's performance of duties and created a hostile work environment.
- 6) An E-3 received a negative CG-3307 and was disenrolled from Class A-School after engaging in harassing behavior towards another member. The non-rate ignored the member's requests to be left alone, called the member a "criminal," and repeatedly tried to intimidate and scare the member.

Such actions by the non-rate include staring at the member with the intent to intimidate and jumping out at the member in the barracks with the intent to frighten the other member.

- 7) An E-3 on a cutter received a negative CG-3307, counseling, and training after engaging in harassing behavior towards multiple members of the crew. The non-rate made inappropriate comments of a sexual nature, used an ethnic slur, used inappropriate language about individuals with mental disabilities, and made members of the crew feel uncomfortable due to unwelcome non-sexual physical contact or close physical presence. For example, the non-rate asked another member about becoming more than friends with multiple females onboard, chased a female member around the ship with a discard frozen hotdog, and engaged in unwanted touching of another member's clothing and shoulder, among other incidents.

2. **Military Justice, State or Federal actions, Non-Judicial Punishment (NJP) under Article 15, UCMJ, and other administrative actions** (may duplicate data reported above from AHPO). The following data is broken out by demographics including commissioned officers and cadets, senior enlisted, junior enlisted, and reserve. Note: A court-martial sentence may be accompanied by other administrative action. A case falling under more than one of the below categories has been listed only once and placed under the category considered most severe in its consequences unless noted.

- a. Commissioned Officers and Cadets.

Military Administrative Action:

- 1) A CDR was involuntarily separated after receiving a DUI.
- 2) A CDR was removed from primary duties after an investigation revealed the member's actions significantly undermined his leadership authority.
- 3) A LT was removed from primary duties after inappropriate conduct and romantic advances towards female petty officers.
- 4) A LT resigned in lieu of court martial after refusing surge staffing orders.
- 5) A LTJG was involuntarily separated resulting from a drug incident.
- 6) A LTJG retired in lieu of special board action after receiving a DUI.
- 7) A LTJG's commission was revoked due to a prohibited relationship.
- 8) An ENS was involuntarily removed from the promotion list after assaulting a petty officer, which resulted in NJP and removal from primary duties.

- 9) An ENS's orders to flight school were canceled after inappropriate communications with another Coast Guard member.
- 10) A CWO retired in lieu of board action after showing disrespect towards senior officers.
- 11) A CWO retired in lieu of board action after being taken to flag mast for sexual harassment sending text messages sexual in nature to a first class petty officer.

Relief for Cause:

- 1) A LCDR was relieved of command after a collision at sea.
- 2) A LT was removed from primary duties after loss of confidence and failure to display appropriate leadership required of position.

State / Federal Actions. None to report.

Non-Judicial Punishment. NJP was imposed eleven times for violations of Articles 92, 112, 113, 128, 133, and 134 of the UCMJ. The total sum of punishments included 164 days of restriction, \$9,210 in forfeiture of pay and three letters of reprimand.

b. Senior Enlisted.

Courts-martial. An E-7 was found guilty of three specifications under Article 92, UCMJ for failure to obey an order at a Summary Court-Martial. The first specification was for violating paragraph 2.A.2.g.(1).(a) of the Discipline and Conduct Manual, COMDTINST M1600.2, which prohibits engaging in sexually intimate behavior aboard any Coast Guard vessel, or in any Coast Guard-controlled work place. The member violated this lawful general order by engaging in sexually intimate behavior, including touching over the clothing and kissing, in a Coast Guard-controlled workplace. The second specification was for violating a verbal order from the Executive Officer to not have any contact with another servicemember and then calling that individual on the phone. The third specification was for dereliction in performance of duty by negligently failing to follow a unit policy prohibiting unit members from sharing hotel rooms during port calls. The Commanding Officer established the policy, which the member knew of, but shared hotel rooms with members of the opposite sex during foreign port calls. The member was reduced in rank to E-6.

Military Administrative Action:

- 1) An E-8 was removed from the CWO Final Eligibility List following a court-martial for sexual assault of a crew member.

- 2) An E-7 was removed from the CWO Final Eligibility List for not complying with weight and bodyfat standards.

Relief for Cause:

- 1) An E9 OIC of a cutter was relieved for unsatisfactory conduct – disrespect toward a superior commissioned officer, willfully disobeying a superior commissioned officer, cruelty and maltreatment, and retaliation.
- 2) An E6 EPO of a cutter was relieved for unsatisfactory conduct – drunk and disorderly conduct/indecent exposure.
- 3) An E7 XPO of a cutter was relieved for unsatisfactory performance – poor performance and substantial disregard of duty.

State / Federal Court Actions: None to report

Non-Judicial Punishment. NJP was imposed seven times, accounting for violations of Articles 92, 107, 112, 128, and 134 of the UCMJ. The total sum of punishments included 74 days of restriction, \$14,336 in forfeiture of pay and one letter of reprimand.

c. Junior Enlisted.

Courts-martial:

- 1) An E-5 was found guilty of violating Article 134 of the UCMJ for possessing and distributing digital images of child pornography (CP). The case originated from state law enforcement conducting reviews of individuals and IP addresses using peer-to-peer networks sharing CP. This led to a search of his personal electronics. The member was sentenced to a reduction in rank to E-1, 12 months confinement, and a dishonorable discharge.
- 2) An E-4 at a shore unit was found guilty of violating Article 92 of the UCMJ for violating a lawful general order by engaging in sexually intimate behavior in a Coast Guard-controlled workspace. The member was sentenced to a reduction in rank to E-2, 60 days of hard labor, and 60 days of restriction.
- 3) An E-4 was found guilty of Article 120 of the UCMJ for abusive sexual contact of a fellow servicemember by using his hand to touch the other service member's genitalia through clothing and without consent at an apartment following a night of drinking with several fellow crewmembers. The member was sentenced to a reduction in rank to E-1, 4 months of confinement, and a bad conduct discharge.

Military Administrative Action. 106 enlisted members received administrative discharges.

- 1) 44 were for involvement with drugs.
- 2) Four were for a pattern of misconduct.
- 3) One was for fraudulent enlistment.
- 4) One was for the good of the service.
- 5) There was one retirement in lieu of discharge.
- 6) 55 were for commission of a serious offense (COSO). Of these COSOs, four junior enlisted members were discharged under other than honorable conditions (OTH). Of the four OTHs:
 - i. One viewed “hundreds of thousands of” images of child pornography;
 - ii. One sexually assaulted his child;
 - iii. One committed rape;
 - iv. One was a female for sexually harassing subordinates, assault consummated by a battery for touching subordinates on the arm with her hand, maltreatment, and using government time for unauthorized purposes.

Relief for Cause: None

State / Federal Court Actions: None to report.

Non-Judicial Punishment. NJP was imposed 248 times, accounting for 18 charges covering a wide range of UCMJ offenses. The total sum of punishments included 99 reductions in paygrade, 5,035 days of restriction, \$19,947 in forfeiture of pay, and 2,262 days of extra duty.

d. Reserve Personnel.

Reserve Officer Disciplinary/Administrative Action: None.

Reserve Senior Enlisted Disciplinary/Administrative Action: None.

Reserve Junior Enlisted Disciplinary/Administrative Action. Eight junior enlisted members received administrative discharges:

- 1) Four were discharged for repeated absenteeism;
- 2) Three were for misconduct related to drugs;
- 3) One was denied reenlistment due to the commission of a serious offense.

Non-Judicial Punishment. None to report.

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

3. Examples of Non-Judicial Punishment (NJP) from Q2 & Q3 of FY23. NJP 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 courts-martial. The following are samples of the three most frequent UCMJ offenses disposed of at NJP:

a. Article 92 (Orders Violation).

- 1) An E-6 did not follow a direct order to follow a checklist to prepare for a safety inspection. As a result, the inspection found numerous violations of CG safety policy. Awarded reduction in paygrade to E-5.
- 2) An E-4 willfully disobeyed an order to cease and abstain from a romantic relationship with another member. Awarded a reduction in paygrade to E-3 and twenty days of restriction and extra duty.
- 3) An E-3 was taken to NJP and is being processed for separation for committing sexual harassment. While intoxicated, the non-rate made repeated sexual advances toward another E-3 after she clearly and repeatedly expressed her disinterest. Throughout the course of the evening, the offender attempted to lift the victim's shirt and derided her in front of others by encouraging or otherwise commenting on other persons having sexual relations with the victim.
- 4) An E-3 was taken to NJP and is being processed for separation for sexual harassment after sending unwanted nude photos to three male shipmates, showing sexually explicit videos to three female petty officers, and making sexually suggestive comments.
- 5) An E-2 failed to report to watch. When confronted, the member was disrespectful and dishonest about their whereabouts. The member was awarded twenty days of restriction and extra duty.

b. Article 107 (False Official Statement).

- 1) An E-5 made a false official statement to CGIS about not distributing intimate visual images of a female shipmate to another male shipmate. Awarded a reduction in paygrade to E-4, 15 days of extra duty (suspended), and alcohol screening.
- 2) An E-4 falsified maintenance records for eleven months. Awarded a letter of reprimand and a reduction in paygrade E-3 (suspended for 6 months).
- 3) An E-4 first forged the completion signatures for a rating performance qualification. The member then made a false official statement by lying to the witnesses in support of an attempt of forgery. Awarded reduction in paygrade to E-3, 45 days of restriction (suspended for three months) and extra duty, forfeiture of \$1428 for two months (suspended for three months).

c. Article 128 (Assault).

- 1) An E-5 did unlawful bodily harm to an individual by punching that individual in the face which broke his glasses and caused a two-inch laceration above his eye. Awarded 30 days restriction and extra duty, and reduction in paygrade to E-3 (suspended).
- 2) An E-4 verbally and physically threatened to OC spray another member. Awarded a forfeiture of \$4804.00 (suspended) and reduction in paygrade to E-3.
- 3) An E-4 unlawfully and with force or violence assaulted another person by performing an arm bar to restrain an individual. Awarded a reduction of paygrade to E-3.

4. **Civilian Personnel.** The following data represents actions involving general schedule and wage grade employees.

Disciplinary/Administrative Action:

- 1) A GS-14 was suspended for five days for conduct unbecoming a supervisor.
- 2) A GS-14 was suspended for ten days for failure to comply with telework agreement.
- 3) A GS-14 was reprimanded for misuse of government travel credit card.
- 4) A GS-13 was terminated during probationary period for unauthorized absences.

- 5) A GS-13 was terminated during probationary period based on conduct.
- 6) A GS-13 was reprimanded for disruptive behavior in the workplace.
- 7) A GS-13 was reprimanded for failing to follow leave procedures.
- 8) A GS-13 was reprimanded for inattention to duty.
- 9) A GS-13 was reprimanded for failure to follow supervisory instructions and failure to communicate.
- 10) A GS-13 was terminated during probationary period for unauthorized absences.
- 11) A GS-12 was suspended for one day for inappropriate conduct.
- 12) A GS-12 was reprimanded for unprofessional behavior and failure to comply with instructions from supervisor.
- 13) A GS-12 was reprimanded for failure to follow supervisor directions, lack of candor, and failure to follow direction of leave requirement letter (leave restriction).
- 14) A GS-12 was reprimanded for failure to complete mandatory job certification.
- 15) A GS-12 was reprimanded for failure to follow supervisory instructions.
- 16) A GS-12 was reprimanded for violating the Command Center Security Policy.
- 17) A GS-12 was reprimanded for unauthorized/off duty entry into a government facility, failure to follow supervisor directions, and lack of candor.
- 18) A GS-12 was reprimanded for absence without leave (AWOL) totaling (80) days.
- 19) A GS-12 was reprimanded for failure to follow instructions.
- 20) A GS-11 was terminated during probationary period for unsatisfactory performance.
- 21) A GS-11 was suspended for one day for failing to follow supervisor instructions.

- 22) A GS-11 was reprimanded for sleeping on duty.
- 23) A GS-11 was reprimanded for sleeping while standing watch.
- 24) A GS-11 was reprimanded for neglect of duty.
- 25) A GS-11 was reprimanded for neglect of duty.
- 26) A GS-11 was reprimanded for being tardy and absence without leave (AWOL).
- 27) A GS-11 was reprimanded for failure to follow supervisory instructions.
- 28) A GS-09 was terminated during probationary period for conduct.
- 29) A GS-07 was reprimanded for failure to follow supervisory instructions.
- 30) A GS-06 was reprimanded for falling asleep on duty.
- 31) A WG-13 was reprimanded for unauthorized use of government equipment for personal use.
- 32) A WG-10 was removed for absence without leave (AWOL).
- 33) A WG-10 was removed for physical inability to perform duties of position.
- 34) A WG-10 was reprimanded for disruptive behavior in the workplace and careless behavior related to safety.
- 35) A WG-10 was reprimanded for unsafe working practices causing an area fire.
- 36) A WG-09 was reprimanded for Absence without leave and failure to follow established leave procedures.
- 37) A WG-08 was terminated during probationary period for unexcused tardiness, failure to follow leave procedures, and delay in carrying out orders.
- 38) A WG-05 was reprimanded for refusing to follow orders.