

GOOD ORDER AND DISCIPLINE

Fourth Quarter, Fiscal Year 2023

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. Leaders throughout the Coast Guard are encouraged to share this message with their unit and discuss.

The following are brief descriptions of behaviors, offenses committed, and actions taken as a result of Coast Guard general, special, and summary courts-martial and selected military and civilian disciplinary actions taken service-wide during the fourth quarter (Q4) of Fiscal Year 2023 (July, August, and September). 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. **Anti-Harassment Program Office (AHPO).** The AHPO manages the Coast Guard Anti-Harassment Program and receives and monitors Anti-Harassment and Hate Incident (AHHI) complaints. The following relates to harassment activity in the Coast Guard:
 - a. **Substantiated cases:** In Q4, 96 cases were received of which approximately 24% (23) were substantiated at the time of this report. 75% of the substantiated cases were for harassment, 17% for sexual harassment, 4% were for hate incidents, and 4% were for bullying. While the number of cases decreased from the previous quarter, the substantiation rate increased by 3%.
 - b. **Examples of administrative actions from Q4 of FY23:**

- 1) A LTJG received a negative CG-3307 after bullying a junior officer. The LTJG manifested a deliberate intent to humiliate the other member by berating them in the presence of others. This included cursing at the member and responding in a rude, condescending, and excessive manner. This behavior compromised the LTJG's standing as an officer and engendered a toxic atmosphere.
 - 2) An ENS was removed from primary duties, received a derogatory OER, and was recommended for separation after making multiple offensive comments. On multiple instances, the member used offensive terms of a racially derogatory nature towards individuals of Black and Asian descent. Also, despite being asked to not discuss topics about religion, the member continued to make unprofessional and inappropriate comments. Examples include insistently telling another member they failed a qualification board because they "didn't pray enough," repeatedly asking another member how they were going to "fix their fornication issue," and saying they were "going to hell" for having premarital sex.
 - 3) An E-6 received a negative CG-3307 and was required to complete training after engaging in harassing behavior. On multiple occasions the member made disparaging comments towards a junior member. These comments included threats of physical violence and publicly degraded the junior member's appearance and performance. This conduct was unwelcome, offensive, and created a hostile work environment.
 - 4) An E-6 was not recommended for advancement, received a negative CG-3307, and was assigned a mentor for engaging in harassing behavior. The member repeatedly intimidated, demeaned, and made disparaging comments towards other service members. This behavior included cursing at or about multiple members and addressing junior members publicly in a disrespectful and demeaning manner. These actions created a hostile work environment and interfered with the work performance of several members.
 - 5) An E-6 received NJP and was awarded 45 days restriction, 45 days extra duties, reduction to pay grade E-5, and was processed for separation after sexually harassing a junior member and harassing other female members of the crew. The member made sexually provocative statements towards a junior member and repeatedly touched the upper thigh, small of the back, and shoulders of several crewmembers.
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.

Commissioned Officers and Cadets.

a. **Court-martial:** A LCDR pleaded guilty to one specification of disorderly conduct, drunkenness and one specification of conduct unbecoming an officer in violation of Articles 133 and 134, UCMJ. While intoxicated, the officer, without consent, touched the buttocks of another officer. The member was sentenced to no punishment. However, the member submitted a voluntary resignation.

b. **Military Administrative Action:**

- 1) A LCDR voluntarily separated in lieu of further disciplinary and administrative action after substantiated reports were confirmed in which he allowed and encouraged subordinate members to engage in sexual activities with a spouse.
- 2) A LT was reported to have engaged in prohibited harassment against a co-worker. The subsequent investigation did not support substantiating the allegations as prohibited harassment because the reported incident did not unreasonably interfere with the victim's work performance or create an intimidating, offensive, or hostile environment. However, the convening authority issued a final action memorandum concluding by a preponderance of the evidence that the subject engaged in an assault under Art. 128, UCMJ, by pulling on the backpack being worn by the victim without consent. The investigation revealed that the assault took place as a disproportionate escalation of unacceptable interactions in the workplace. This incident resulted in administrative action against the LT.
- 3) A LTJG was notified of an involuntary separation following the conclusion of Special Board action resulting from a drug incident in which the member voluntarily ingested medication without a prescription.
- 4) A Chief Warrant Officer voluntarily retired in lieu of Special Board action after being arrested for driving under the influence of alcohol on a military installation after colliding with a guard shack.

c. **Relief for Cause:** A LTJG was relieved from Command due to a loss of confidence in the individual's ability and judgement demonstrated through routine poor performance.

d. **State / Federal Actions.** None to report.

e. **Non-Judicial Punishment.** Non-judicial punishment provides commanders with an essential and prompt means of maintaining good order and discipline and

promotes positive behavior changes in service members without the stigma of a court-martial. NJP was imposed one time for dereliction of duty, obstructing justice, conduct unbecoming an officer, and fraternization in violation of Articles 92, 131b, 133 and, 134 of the UCMJ. The punishment included a letter of reprimand.

Senior Enlisted.

a. **Courts-martial:** None.

b. **Military Administrative Action:**

- a. An E-7 was permanently removed from the CWO promotion final eligibility list after an AHHI investigation substantiated reports of unprofessional conduct and creating a hostile work environment. The member used positional power to denigrate and interfere with subordinates' and coworkers' work performance. Specifically, the member created a pattern of arbitrary, improper, and retaliatory use of administrative policies to intimidate members and coax members into performing unsafe operations. The member also made inappropriate comments, and argued with senior enlisted members, peers, and junior petty officers.
- b. An E-7 was taken to NJP for two violations of failure to obey orders or regulations under Article 92, UCMJ, by instructing a junior member to leave their SIPRNET token behind after watch relief and being derelict in the performance of duties as the Command Duty Officer. While the member was found to have committed an offense, the member was sentenced to no punishment.
- c. An E-9 falsified a weigh-in form that recorded a false weight and provided false signatures of three members. The member submitted a voluntary reduction in paygrade along with a retirement request. The member was reduced in paygrade to E-8 and ordered to forfeit \$3465 for two months.

c. **Relief for Cause:**

- 1) An E-9 Command Senior Enlisted Leader was relieved for unsatisfactory conduct. The Master Chief failed to adhere to the Coast Guard's core values by engaging in a verbal altercation that turned into a fistfight with a civilian in public.
- 2) An E-7 XPO was relieved for unsatisfactory performance and conduct. An investigation revealed multiple incidents resulting from the member's negligence and substantial disregard for duty. The XPO demonstrated poor judgment by engaging in multiple inappropriate and unprofessional

conversations with direct subordinates, including conversations which were of a degrading sexual nature. The XPO also failed to meet several performance standards including completing required qualifications or certifications, recertifying as a boarding officer in the allotted time, as well as unsatisfactory effort towards obtaining those certifications.

- d. **State / Federal Court Actions:** None to report.
- e. **Non-Judicial Punishment.** NJP was imposed three times including failure to obey orders or regulations and making a false official statement in violations of Articles 92 and 107 of the UCMJ. Total punishments included 12 days of restriction and \$6930 in forfeiture of pay.

Junior Enlisted.

a. Courts-martial:

- 1) An E-5 plead guilty before a military judge to violating Article 120, UCMJ for sexual assault without consent and Article 128, UCMJ for assault consummated by a battery. The sexual assault involved penetrating the victim's vulva with his penis without consent. On a separate occasion with a separate victim, the member caused bodily harm to an individual by touching the person on the lower body with his hand with unlawful force or violence. Bodily harm is an offensive touching of another, however slight. An infliction of bodily harm is "unlawful" if done without legal justification or excuse and without the lawful consent of the victim. The member was sentenced by the military judge to two years confinement, reduction to E-1, and a Dishonorable Discharge.
- 2) An E-4 was found guilty at a general court-martial with enlisted members of violating Article 128b, UCMJ for domestic violence. The member committed a violent offense against the member's spouse by grabbing the spouse's neck with a hand. The E-4 was sentenced by the members to reduction to E-2 and a Bad Conduct Discharge.
- 3) An E-3 was found guilty of violating Article 120, UCMJ for sexual assault when the other person was asleep or otherwise unaware. The sexual act in this case involved the penetration of the vulva by the penis. The member was sentenced to 30 days confinement, reduction to E-1, and a Dishonorable Discharge.

b. Military Administrative Action: 63 enlisted members received administrative discharges.

- 1) Twenty-five discharges were for involvement with drugs including the following substances and method of detection:

- a. Cocaine: 6 total; 4 from urinalysis and 2 from member admission.
 - b. Marijuana: 7 total; 12 from urinalysis and 5 from member admission.
 - c. Steroids: 1 total; member admission.
 - d. Multiple: 1 total; member admission.
- 2) Five discharges were for a pattern of misconduct. Under the Coast Guard Separations Manual, COMDTINST 1000.4A, members may be separated due to a pattern of misconduct when a member has two or more NJPs in a 2-year period. The following are instances where a member demonstrated a pattern of misconduct:
- a. NJP twice within a 6-month period. The first NJP was for being absent without leave due to consuming excessive amounts of alcohol the previous evening and being incapacitated for duty due to drunkenness the next day. The second NJP was for failure to obey an order or regulation for misusing a government travel card on two occasions, failing to pay the balance in a timely manner, and making a false official statement about making a payment.
 - b. NJP twice within a 24-month period. The first was for dereliction of duty and failure to assume the duties and responsibilities of the blocking vessel duty as a GM. The second NJP was for being absent without leave for six hours on a duty day.
 - c. NJP twice in a 30-day period. The first was for failure to obey an order or regulation and neglects prejudicial to good order and discipline or service discrediting conduct by viewing pornography on a government computer. The second NJP was for failure to obey an order or regulation and under Art. 95, UCMJ for offenses by a sentinel or lookout by sleeping while on bridge watch.
 - d. A member was retained after a DUI in 2021, but as part of being retained agreed to waive any right to a future administrative separation board. However, the member received NJP in January 2023 for violating an order or regulation after being caught engaging in sexual activity in the rescue and survival locker. The member also received an alcohol incident. The member received a second NJP six months later for violating Art. 109, UCMJ destroying non-military property, after willfully placing chicken in another member's couch and an onion in same member's bedding.
 - e. NJP twice within a 6-month period. The first NJP was in December of 2022 for violating multiple articles of the UCMJ including Art. 91, UCMJ, for insubordinate conduct towards a warrant officer, noncommissioned officer or petty officer, Art. 128, UCMJ, for assault consummated by battery, and Art. 134 for drunk and disorderly after

unlawfully striking another CG member in the stomach while drunk onboard cutter. The second NJP was in Jun 2023 for violating Art. 86, UCMJ, for being absent without leave when the member failed to report for duty.

- 3) Three enlisted members retired in lieu of a discharge.
 - 4) 30 administrative discharges were for commission of a serious offense. Out of the 30, two junior enlisted members were discharged under other than honorable conditions. One for committing rape, the other for disseminating photos and videos of another member engaging in sexual activity without the consent of the other member to disseminate such material.
- c. **Non-judicial punishment:** NJP was imposed 294 times, accounting for 20 charges covering a wide range of UCMJ offenses. The total sum of punishments included 16 reductions in paygrade, 1602 days of restriction, \$27,025 in forfeitures of pay, and 1229 days of extra duty. The following are examples of the three most frequent offenses charged in the fourth quarter of FY23:
- 1) Article 92 (Failure to obey order or regulation)
 - a. An E-2 engaged in an inappropriate relationship with another crewmember. Awarded 45 days of restriction and 45 days of extra duty.
 - b. An E-3 consumed alcohol underage. Awarded 30 days of restriction and 30 days of extra duty. 15 days of restriction and extra duty were suspended for six months.
 - c. An E-5 made various unauthorized purchases on their government travel charge card (GTCC) totaling \$2,544.42 and failed to pay the balance once directed. Use of a GTCC for other than authorized purposes and failure to pay the card on time violate the lawful general orders contained in the GTCC Policies, COMDTINST 4600.14D. Awarded reduction to E-4.
 - 2) Article 107 (False Official Statement)
 - a. An E-6 utilized a false prosthetic appendage for a urinalysis and falsified the urinalysis checklist stating they provided a sample that was not altered. The member was awarded 45 days of restriction, 45 days of extra duty, a forfeiture of \$1937 for two months, and a reduction to E-5.
 - b. An E-4 submitted leave requests for INCONUS travel and traveled OCONUS. The member later gave a false official statement to investigators regarding unauthorized foreign travel with the intent to deceive the investigator and command on the whereabouts. Awarded 60

days of restriction, forfeiture of \$1519 for two months, and a reduction to E-3.

3) **Article 134 (Disorderly conduct)**

- a. An E-3 failed to uphold service standard by failing to pay their GTCC from November 2022 until July 2023. Awarded 30 days of restriction.
- b. An E-5 used homophobic language in anger during an outburst directed to civilian hotel staff. Awarded reduction to E-4.
- c. An E-6 abused their authority by denying sensible watch section changes for subordinates that would allow for at least one member to be placed in each in-port duty section. The denial ensured that the E-6 stayed on the same watch schedule as another member they were fraternizing with. Awarded 14 days restriction and 14 days of extra duty.

d. **Relief for Cause:** None to report.

e. **State / Federal Court Actions:**

- 1. An E-5 was indicted by the state and later found guilty of Felony Rape by Force or Threat. The member is scheduled for a sentencing hearing and is subject to a five-year mandatory minimum sentence.
- 2. An E-4 was indicted by the state for sexually abusing his minor stepdaughter. A CGIS investigation found the member engaged in sexually intimate behavior in a Coast Guard controlled workspace on at least one occasion.

4. **Reserve Personnel.**

- a. **Reserve Officer Disciplinary/Administrative Action:** the commission of one ENS was revoked due to an inappropriate relationship with an enlisted member while being married.
- b. **Reserve Senior Enlisted Disciplinary/Administrative Action:** None.
- c. **Reserve Junior Enlisted Disciplinary/Administrative Action:** two junior enlisted members received administrative discharges for drug use.
- d. **Non-Judicial Punishment.** None to report.

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

6. **Civilian Personnel--Disciplinary/Administrative Actions:**

- 1) A GS-14 was suspended for seven (7) days for making offensive comments.
- 2) A GS-13 was suspended for four (4) days for making offensive comments.
- 3) A GS-13 was reprimanded for making offensive comments.
- 4) A GS-13 was suspended for ten (10) days for failing to follow supervisory instructions and failing to follow policy.
- 5) A GS-12 was suspended for seven (7) days for disruptive behaviors.
- 6) A GS-11 was reprimanded for making offensive comments.
- 7) A GS-11 was reprimanded for failing to follow supervisory instructions.
- 8) A GS-9 was suspended for three (3) days for making offensive comments.
- 9) A GS-7 probationary employee was removed during their probationary period due to conduct related issues.
- 10) A GS-6 probationary employee was terminated during the probationary period due to performance related issues.
- 11) A WS-14 was reprimanded for inappropriate communication.
- 12) A WG-10 was reprimanded for being Absent Without Leave (AWOL).
- 13) A WG-10 was suspended for thirteen (13) days for AWOL.
- 14) A WG-10 was reprimanded for making offensive comments.
- 15) A WG-9 was suspended for one (1) day for failing to properly mount equipment on a forklift.
- 16) A WG-9 was suspended for one (1) day for AWOL and inattention to duty.
- 17) A WG-8 was suspended for five (5) days for AWOL.
- 18) A WG-8 was suspended for three (3) days for unexcused tardiness.
- 19) A WG-7 was reprimanded for unexcused tardiness.
- 20) A WG-6 was suspended for five (5) days for physically pushing a co-worker while on duty.
- 21) A WG-5 was suspended for six (6) days for AWOL.

- 22) A WG-5 was reprimanded for inattention to duty.
- 23) A WG-5 probationary employee was terminated during the probationary period due to conduct related issues.
- 24) A WG-3 probationary employee was terminated during the probationary period due to performance related issues.
- 25) A WG-3 probationary employee was terminated during the probationary period due to conduct related issues.