

GOOD ORDER AND DISCIPLINE

Third Quarter, Fiscal Year 2006

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 punishment awarded are the results of Coast Guard general, special, and summary courts-martial and selected military and civilian disciplinary actions taken Coast Guard-wide during the third quarter of Fiscal Year 2006. General and special courts-martial are federal criminal convictions; other disciplinary actions are 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 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 were different and disciplinary or remedial action taken was dependent upon the particular facts and varying degrees of extenuation and mitigation. In many cases, further separation or other administrative action may be pending.

Military Actions. Note: A court-martial sentence or nonjudicial punishment 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.

A. Courts-Martial.

1. General courts-martial.

a. An E-5 was convicted by a general court-martial of rape. The member was sentenced to a bad conduct discharge, confinement for 5 years, and reduction to pay grade E-1.

b. An E-4 was convicted by a general court-martial of sodomy with a child under the age of 16. The member was sentenced to a bad conduct discharge, confinement for 3 months, forfeiture of all pay and allowance, and reduction to pay grade E-1.

c. An E-4 was convicted by a general court-martial of failure to obey a lawful protective order. The member was sentenced to confinement for 30 days and reduction to pay grade E-3.

d. An E-3 was convicted by a general court-martial of wrongfully using a government computer to view, download, and store sexually explicit material and possessing child pornography. The member was sentenced to a bad conduct discharge, confinement for 32 months, forfeiture of all pay and allowances, and reduction to pay grade E-1.

e. An E-3 was convicted by a general court-martial of indecent acts. The member was sentenced to confinement for 30 days and reduction to pay grade E-1.

2. Special courts-martial.

a. An E-7 was convicted by a special court-martial of possessing child pornography. The member was sentenced to a bad conduct discharge, confinement for 4 months and reduction to pay grade E-1.

b. An E-6 was convicted by a special court-martial of failure to obey a regulation, making false official statements, and stealing military property. The member was sentenced to confinement for 30 days and reduction to pay grade E-5.

c. An E-6 was convicted by a special court-martial of making a false official statement, stealing, and wrongfully selling military property. The member was sentenced to confinement for 60 days, fine of \$2000.00, reprimand, and reduction to pay grade E-5.

d. An E-3 was convicted by a special court-martial of wrongfully using cocaine, wrongfully using methamphetamines, wrongfully introducing methamphetamines, ecstasy, LSD, and marijuana onto an installation used by the armed forces, stealing money, stealing clothing, absence without leave, and missing movement. The member was sentenced to a bad conduct discharge, confinement for 12 months, and reduction to pay grade E-1.

e. An E-3 was convicted by a special court-martial of committing indecent assault and wrongfully consuming liquor while being under the legal age of 21. The member was sentenced to confinement for 4 months, forfeiture of \$854.00 per month for 12 months, and reduction to pay grade E-1.

f. An E-2 was convicted by a special court-martial of being absent without leave, disobeying a lawful order, making a false official statement to a commissioned officer, wrongfully using marijuana, and breaking restriction. The member was sentenced to a bad conduct discharge, confinement for 5 months, forfeiture of \$200.00 per month for 5 months, and reduction to pay grade E-1.

g. An E-2 was convicted by a special court-martial of being absent without leave and wrongfully using marijuana. The member was sentenced to a bad

conduct discharge, confinement for 120 days, forfeiture of \$800.00 per month for 4 months, and reduction to pay grade E-1.

h. An E-2 was convicted by a special court-martial of making a false official statement to CGIS agents and falsely testifying in a court-martial trial. The member was sentenced to a bad conduct discharge, confinement for 200 days, forfeiture of \$800.00 per month for 6 months, and reduction to pay grade E-1.

3. Summary courts-martial.

a. An E-7 was convicted by a summary court-martial of unauthorized access to federal law enforcement databases. The member was sentenced to restriction for 30 days, reprimand, and reduction to pay grade E-6.

b. An E-5 was convicted by a summary court-martial of assault. The member was sentenced to restriction for 2 months, forfeiture of 1/2 pay per month for 1 month, reprimand, and reduction to pay grade E-4.

c. An E-4 was convicted by a summary court-martial of fraudulent enlistment and stealing military property. The member was sentenced to confinement for 30 days and reduction to pay grade E-3.

d. An E-4 was convicted by a summary court-martial of making false official statements to CGIS agents. The member was sentenced to restriction for 45 days, forfeiture of \$645.30 per month for 1 month, and reduction to pay grade E-2.

e. An E-3 was convicted by a summary court-martial of assault. The member was sentenced to confinement for 30 days and reduction to pay grade E-2.

f. An E-3 was convicted by a summary court-martial of wrongfully using marijuana and submitting an altered urine sample. The member was sentenced to confinement for 30 days and reduction to pay grade E-1.

g. An E-3 was convicted by a summary court-martial of wrongfully using ecstasy and wrongfully distributing ecstasy on military property. The member was sentenced to confinement for 25 days, forfeiture of \$800.00 per month for 1 month, and reduction to pay grade E-1.

h. An E-3 was convicted by a summary court-martial of wrongfully committing indecent acts. The member was sentenced to confinement for 15 days, forfeiture of 2/3 pay per month for 1 month, and reduction to pay grade E-2.

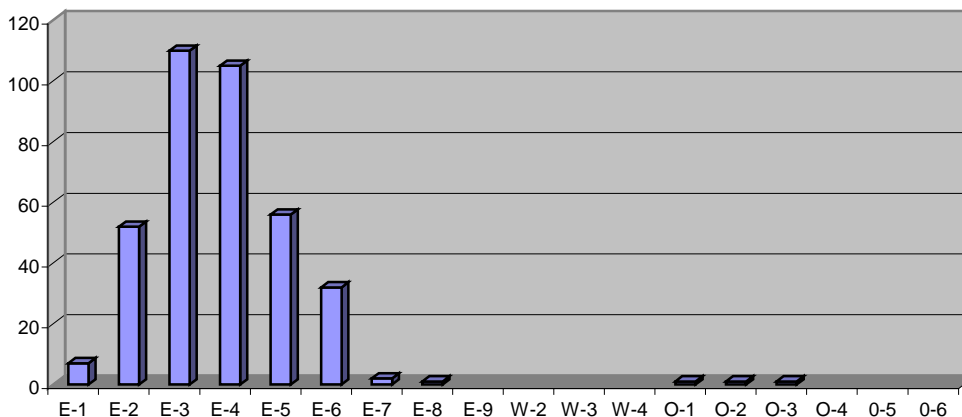
i. An E-2 was convicted by a summary court-martial of absence without leave and disobeying a lawful order. The member was sentenced to confinement for 20 days and forfeiture of \$951.00 per month for 1 month.

j. An E-2 was convicted by a summary court-martial of wrongfully using marijuana and stealing government property. The member was sentenced to confinement for 15 days, forfeiture of 2/3 pay per month for 1 month, and reduction to pay grade E-1.

k. An E-2 was convicted by a summary court-martial of wrongfully committing indecent acts. The member was sentenced to confinement for 20 days, forfeiture of 2/3 pay per month for 1 month, and reduction to pay grade E-1.

B. Nonjudicial Punishment: NJP was imposed 368 times accounting for 579 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 153 cases; 132 days correctional custody imposed in 6 cases; 7,370 days of restriction imposed in 251 cases; 6,710 days extra duty imposed in 251 cases; forfeitures of \$169,193 in pay imposed in 145 cases; and admonition or reprimand imposed in 23 cases.

**NJP Offenses by Paygrade
(3rd Qtr FY 2006)**



The following table provides a breakout of the most common UCMJ Articles for which members received NJP. The total number of NJP offenses is greater than the total number of NJPs because any one NJP may involve more than one offense:

Article	Offenses	3 rd Qtr FY2006
83	Fraudulent Enlistment	1
85	Desertion	1
86	Unauthorized absence.	60
87	Missing movement.	5
89	Disrespect toward a superior commissioned officer.	5
90	Assaulting or willfully disobeying superior commissioned officer.	1
91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	19
92	Failure to obey order or regulation.	199
95	Resistance, breach of arrest, and escape.	1
98	Noncompliance with procedural rules.	2
107	False official statements.	38

108	Military property - sale, loss, damage, destruction, or wrongful	2
109	Property other than military property of the U.S. - waste, spoilage, or destruct.	2
110	Hazarding of vessel	4
111	Drunken or reckless operation of vehicle, aircraft, or vessel.	14
112	Drunk on duty.	13
112a	Wrongful use, possession, etc., of controlled substances.	55
113	Misbehavior of sentinel or lookout.	10
115	Malingering	3
117	Provoking speeches or gestures.	7
121	Larceny and wrongful appropriation.	9
123	Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.	8
125	Sodomy	1
128	Assault.	11
132	Frauds against the United States.	8
133	Conduct unbecoming an officer and gentleman.	3
134	General article.	60

C. Military Administrative Action:

1. An O-6 was relieved of command due to concerns over leadership and command climate.
2. An O-1's commission was revoked for engaging in multiple prohibited relationships with enlisted personnel.
3. A CWO2's commission was revoked for receiving a second alcohol incident.
4. A CWO2 retired in lieu of further board action due to substandard performance.
5. An E-7 was removed from the CWO final eligibility list for engaging in a prohibited relationship with an officer.
6. An E-7 was removed from the CWO final eligibility list for substandard performance.
7. Eight enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 56 enlisted members received administrative discharges for misconduct, including 46 for involvement with illegal drugs, 2 for fraudulent enlistment, 4 for frequent involvement, 2 for sexual perversion, 1 for sexual harassment, and 1 for trial and conviction.
8. Twenty-nine enlisted members received unsuitability discharges for alcohol abuse.

D. Civilian Administrative Action:

1. The following web site contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the 3rd quarter of FY06:

<http://cgcentral.uscg.mil/mycg/portal/ep/contentView.do?pageTypeId=1610622433&channelId=-1610644581&programId=1619596287&contentId=1621470800&contentType=EDITORIAL>