

GOOD ORDER AND DISCIPLINE

Fourth 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 fourth 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 O-3 was convicted by a general court-martial of wrongfully and dishonorably engaging in sexual activity without informing his partner that he was infected with the Human Immunodeficiency Virus (HIV). The member was sentenced to a dismissal, confinement for 90 days, and forfeiture of all pay and allowances.

b. An E-5 was convicted by a general court-martial of knowingly using a computer service to receive obscene materials and knowingly receiving and possessing images of minors engaged in sexually explicit conduct. The member was sentenced to a bad conduct discharge, confinement for 29 months, and reduction to pay grade E-1.

c. An E-4 was convicted by a general court-martial of assault. The member was sentenced to confinement for 2 months and reduction to pay grade E-2.

d. An E-4 was convicted by a general court-martial of making a false official statement to a commissioned officer, unlawfully carrying a concealed weapon, and absence without leave. The member was sentenced to confinement for 151 days, hard labor without confinement for 2 months, and reduction to pay grade E-3.

e. An E-4 was convicted by a general court-martial of involuntary manslaughter and wrongfully using cocaine. The member was sentenced to a dishonorable discharge, confinement for six years, and reduction to pay grade E-1.

2. Special courts-martial.

a. An E-7 was convicted by a special court-martial of sodomy and willfully failing to maintain an acceptable supervisor and subordinate relationship. The member was sentenced to reduction to pay grade E-6.

b. An E-3 was convicted by a special court-martial of wrongfully introducing marijuana onto a installation under the control of the armed forces, wrongfully using marijuana, wrongfully possessing cocaine, wrongfully appropriating a government vehicle, and breaking restriction. The member was sentenced to confinement for 9 months and reduction to pay grade E-1.

c. An E-2 was convicted by a special court-martial of fraudulent enlistment, making false official statements, wrongfully using cocaine, wrongfully distributing cocaine, wrongfully using marijuana, and wrongfully soliciting a fellow Coast Guardsman to use marijuana. The member was sentenced to confinement for 185 days, forfeiture of \$800.00 per month for 12 months, and reduction to pay grade E-1.

d. An E-2 was convicted by a special court-martial of being absent without leave, wrongfully using marijuana, and wrongfully using cocaine. The member was sentenced to a bad conduct discharge and confinement for 70 days.

e. An E-2 was convicted by a special court-martial of being absent without leave, wrongfully using cocaine, and wrongfully using marijuana. The member was sentenced to a bad conduct discharge, confinement for 60 days, and reduction to pay grade E-1.

f. An E-2 was convicted by a special court-martial of wrongfully introducing ecstasy onto a vessel used by the armed forces. The member was sentenced to confinement for 3 months, forfeiture of \$750.00 per month for 3 months, and reduction to pay grade E-1.

3. Summary courts-martial.

a. An E-7 was convicted by a summary court-martial of disobeying a lawful order and making a false official statement to a CGIS agent. The member was sentenced to forfeiture of 1/2 pay per month for 1 month.

b. An E-7 was convicted by a summary court-martial of disobeying a commissioned officer, dereliction of duty, and making false official statements on documents. The member was sentenced to a reprimand and reduction to pay grade E-6.

c. An E-7 was convicted by a summary court-martial of being absent without leave, making a false official statement, stealing government property, and conduct of a nature to bring discredit upon the armed forces. The member was sentenced to restriction for 30 days and reduction to pay grade E-6.

d. An E-5 was convicted by a summary court-martial of violating a lawful general order by using government property to transmit inappropriate personal emails and files. The member was sentenced to restriction for 15 days and reduction to pay grade E-4.

e. An E-4 was convicted by a summary court-martial of assault by unlawfully striking a fellow Coast Guardsman on the head and arm with a closed fist, being drunk and disorderly, willfully disobeying a Chief Petty Officer, and violating written lawful orders. The member was sentenced to confinement for 28 days, a fine of \$500.00, and reduction to pay grade E-2.

f. An E-4 was convicted by a summary court-martial of failing to obey a written lawful order and writing worthless checks. The member was sentenced to confinement for 14 days, restriction for 32 days, and reduction to pay grade E-3.

g. An E-2 was convicted by a summary court-martial of wrongfully using cocaine and marijuana. The member was sentenced to confinement for 30 days and forfeiture of \$500.00 per month for 1 month.

h. An E-2 was convicted by a summary court-martial of being absent without leave. The member was sentenced to confinement for 30 days and reduction to pay grade E-1.

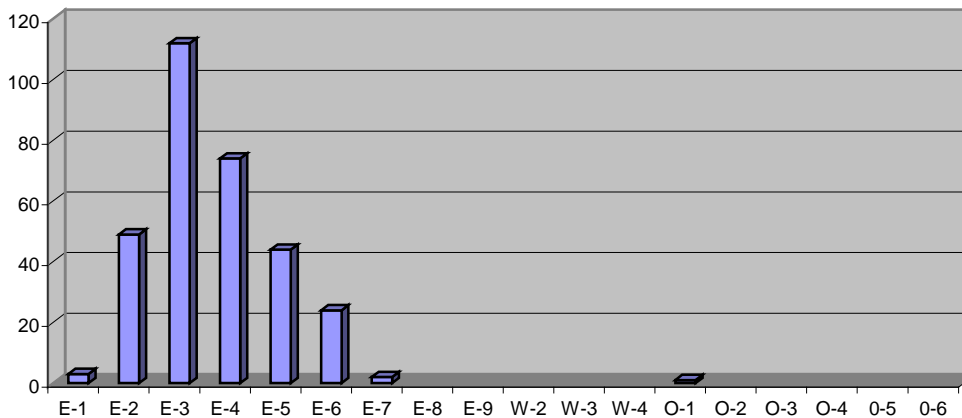
i. An E-2 was convicted by a summary court-martial of failing to obey a lawful order and making false official statements to CGIS agents. The member was sentenced to confinement for 15 days, forfeiture of \$600.00 per month for 1 month, and reduction to pay grade E-1.

j. An E-1 was convicted by a summary court-martial of wrongfully altering a military identification card. The member was sentenced to restriction for 14 days.

k. An E-1 was convicted by a summary court-martial of assault by unlawfully striking a fellow Coast Guardsman on the side of the face with a closed fist. The member was sentenced to confinement for 1 month and forfeiture of \$849.00 per month for 1 month.

B. Nonjudicial Punishment: NJP was imposed 309 times accounting for 497 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 139 cases; 320 days correctional custody imposed in 11 cases; 5,713 days of restriction imposed in 213 cases; 4,678 days extra duty imposed in 206 cases; forfeitures of \$100,656 in pay imposed in 116 cases; and admonition or reprimand imposed in 8 cases.

**NJP Offenses by Paygrade
(4th 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	4th Qtr FY2006
86	Unauthorized absence.	55
87	Missing movement.	2
88	Contempt toward officials	1
89	Disrespect toward a superior commissioned officer.	1
90	Assaulting or willfully disobeying superior commissioned officer.	6
91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	10
92	Failure to obey order or regulation.	178
93	Cruelty or maltreatment	2
95	Resistance, breach of arrest, and escape.	1
107	False official statements.	37
108	Military property - sale, loss, damage, destruction, or wrongful	9
109	Property other than military property of the U.S. - waste, spoilage, or destruct.	2
110	Hazarding of vessel	1
111	Drunken or reckless operation of vehicle, aircraft, or vessel.	23
112	Drunk on duty.	10
112a	Wrongful use, possession, etc., of controlled substances.	21
113	Misbehavior of sentinel or lookout.	8
115	Malingering	4
116	Riot	2

117	Provoking speeches or gestures.	5
121	Larceny and wrongful appropriation.	11
123	Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.	4
128	Assault.	14
132	Frauds against the United States.	2
133	Conduct unbecoming an officer and gentleman.	2
134	General article.	86

C. Military Administrative Action:

1. An O-3's temporary commission was revoked for violating the Commandant's Sexual Harassment Policy.

2. An O-2 resigned in lieu of further board action for violating the Coast Guard's fraternization policy.

3. An O-1 resigned in lieu of further board action for violating the Coast Guard's core values.

4. Two enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 53 enlisted members received administrative discharges for misconduct, including 37 for involvement with illegal drugs, 5 for drugs (board), 1 for fraudulent enlistment, 5 for frequent involvement, 2 for sexual perversion, 2 for unauthorized absence, and 1 for trial and conviction.

5. Forty enlisted members received unsuitability discharges for alcohol abuse.

D. Civilian Administrative Action:

1. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the 4th quarter of FY06:

<http://cgcentral.uscg.mil/mycg/portal/ep/programView.do?pageTypeld=1610622433&channelId=-1610644581&programId=1619596287>