GOOD ORDER AND DISCIPLINE

Second Quarter, Fiscal Year 2007

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 second quarter of Fiscal Year 2007. 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. A CWO2 was convicted by a general court-martial of making false official statements to CGIS agents and stealing military property. The member was sentenced to a dismissal and confinement for 30 days. **ROAN 0226**
- b. An E-4 was convicted by a general court-martial of wrongfully using a government computer to view sexually explicit material, knowingly receive visual depictions of minors engaged in sexually explicit conduct, wrongfully endeavor to impede an investigation, and absence without leave. The member was sentenced to a bad conduct discharge, confinement for 2 years, forfeiture of all pay and allowances, and reduction to pay grade E-1. **GOMEZ 0225**

- c. An E-4 was convicted by a general court-martial of assault with an unloaded fireman and assault and battery. The member was sentenced to a fine of \$5000.00 and reduction to pay grade E-1. **LAPALM 0227**
- d. An E-3 was convicted by a general court-martial of wrongfully using a government computer to view, download, and store sexually explicit materials, and knowingly receive and possess material of 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. **MARTIN 0212**

2. Special courts-martial.

- a. An E-7 was convicted by a special court-martial of assault and stealing government property. The member was sentenced to confinement for 60 days, fine of \$100.00, and reduction to pay grade E-6. **GRIJALVA 24365**
- b. An E-4 was convicted by a special court-martial of absence without leave, disobeying a lawful order, derelict in performance of his duties, and conduct of a nature to bring discredit upon the armed forces. The member was sentenced to confinement for 161 days, forfeiture of \$500.00 per month for 1 month, and reduction to pay grade E-2. **YAEGER 24364**
- c. An E-4 was convicted by a special court-martial of dereliction of duty by willfully failing to provide a urine sample. The member was sentenced to confinement for 3 months, restriction for 2 months, forfeiture of \$848.00 per month for 3 months, and reduction to pay grade E-1. **SPENCE 24366**
- d. An E-4 was convicted by a special court-martial of wrongfully using cocaine, wrongfully using marijuana, and willfully failing to provide a urine sample. The member was sentenced to a bad conduct discharge, confinement for 120 days, and reduction to pay grade E-1. **LAYTON 24367**

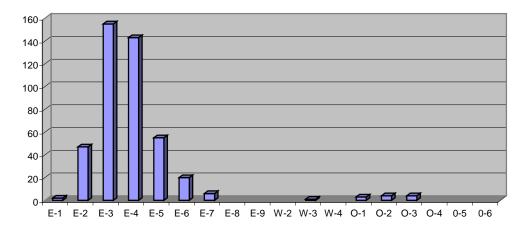
3. Summary courts-martial.

- a. An E-7 was convicted by a summary court-martial of violating lawful general orders, making false official statements, and adultery. The member was sentenced to restriction for 60 days and reduction to pay grade E-6. **LOPEZ 07-14**
- b. An E-4 was convicted by a summary court-martial of wrongfully using ecstasy and making a false official statement to a CGIS agent. The member was sentenced to confinement for 25 days, restriction for 10 days, and reduction to pay grade E-3. **KERR 07-07**
- c. An E-4 was convicted by a summary court-martial of making a false official statement to a Chief Petty Officer and a bomb hoax. The member was sentenced

to confinement for 20 days, forfeiture of \$850.00 per month for 1 month, reprimand, and reduction to pay grade E-1. **SHUMPERT 07-10**

- d. An E-4 was convicted by a summary court-martial of disrespect to a superior commissioned officer, willfully disobeying a lawful order from a superior commissioned officer, disrespectful in language toward a Chief Petty Officer, assaulting a Coast Guard crew member, threatening Coast Guard crew members, and being drunk and disorderly aboard a Coast Guard Cutter. The member was sentenced to confinement for 4 days, restriction for 52 days, forfeiture of \$922.00 per month for 2 months, letter of reprimand, and reduction to pay grade E-2. **GERSZEWSKI 07-11**
- e. An E-4 was convicted by a summary court-martial of violating a lawful general regulation, assault and battery, indecent exposure, and impersonating a commissioned officer. The member was sentenced to confinement for 30 days, forfeiture of \$700.00 per month for 1 month, reprimand, and reduction to pay grade E-1. **LEITCH 07-13**
- f. An E-3 was convicted by a summary court-martial of absence without leave, making false official statements, and assault. The member was sentenced to confinement for 25 days, forfeiture of \$700.00 per month for 1 month, fine of \$300.00, and reduction to pay grade E-2. **ST LAURENT 07-12**
- B. Nonjudicial Punishment: NJP was imposed 440 times accounting for 711 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 198 cases; 300 days correctional custody imposed in 10 cases; 7,849 days of restriction imposed in 296 cases; 8,073 days extra duty imposed in 320 cases; forfeitures of \$158,807 in pay imposed in 164 cases; and admonition or reprimand imposed in 22 cases.

NJP Offenses by Paygrade (2nd Qtr FY 2007)



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:

| <u>Article</u> | <u>Offenses</u> | 2 nd Qtr FY2007 |
|----------------|---|----------------------------|
| 86 | Unauthorized absence. | 71 |
| 87 | Missing movement. | 5 |
| 89 | Disrespect toward a superior commissioned officer. | 6 |
| 90 | Assaulting or willfully disobeying superior commissioned officer. | 2 |
| 91 | Insubordinate conduct toward warr. off., noncommissioned officer, or petty off. | 19 |
| 92 | Failure to obey order or regulation. | 257 |
| 93 | Cruelty and Maltreatment. | 4 |
| 95 | Resistance, breach of arrest, and escape. | 1 |
| 98 | Noncompliance with procedural rules. | 1 |
| 107 | False official statements. | 45 |
| 108 | Military property - sale, loss, damage, destruction, or wrongful disposition | 11 |
| 109 | Property other than military property of the U.S waste, spoilage, or destruct. | 5 |
| 110 | Hazarding of vessel. | 1 |
| 111 | Drunken or reckless operation of vehicle, aircraft, or vessel. | 17 |
| 112 | Drunk on duty. | 13 |
| 112a | Wrongful use, possession, etc., of controlled substances. | 35 |
| 113 | Misbehavior of sentinel or lookout. | 6 |
| 117 | Provoking speeches or gestures. | 6 |
| 121 | Larceny and wrongful appropriation. | 16 |
| 123 | Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds. | 4 |
| 124 | Maiming. | 1 |
| 128 | Assault. | 20 |
| 132 | Frauds against the United States. | 3 |
| 133 | Conduct unbecoming an officer and gentleman. | 3 |
| 134 | General article. | 159 |

C. Military Administrative Action:

- 1. Five enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 26 enlisted members received administrative discharges for misconduct, including 19 for involvement with illegal drugs, 2 for frequent involvement, 3 for fraudulent enlistment, 1 for sexual perversion, and 1 for trial and conviction.
- 2. Twenty six 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 second quarter of FY07:

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