

GOOD ORDER AND DISCIPLINE

Second Quarter, Fiscal Year 2008

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 2008. 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 failure to obey a lawful order, making false official statements, willfully stealing military property, and wrongfully selling transit benefit tickets. The member was sentenced to a bad conduct discharge, confinement for 4 months, forfeiture of all pay and allowances, and reduction to pay grade E-3.

b. An E-5 was convicted by a general court-martial of failure to obey lawful orders, making false official statements to command, making false official statements to CGIS agents, willfully losing government property, willfully stealing military property, and wrongfully making unauthorized personal charges to a government credit card. The member was sentenced to a bad conduct discharge, confinement for 9 months, and reduction to pay grade E-1.

c. An E-3 was convicted by a general court-martial of wrongfully appropriating property and wrongfully using a computer to knowingly receive and unlawfully possess material containing child pornography. The member was sentenced to a bad conduct discharge, confinement for 36 months, forfeiture of all pay and allowances, and reduction to pay grade E-1.

d. An E-2 was convicted by a general court-martial of indecent assault and wrongfully using a computer to knowingly receive and unlawfully possess material containing 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.

2. Special courts-martial.

a. An E-8 was convicted by a special court-martial of dereliction in performance of duties and wrongfully soliciting crewmembers to be derelict in performance of their duties. The member was sentenced to restriction and reprimand.

b. An E-6 was convicted by a special court-martial of absence without leave, violating a lawful general order, derelict in performance of duties, presenting a fraudulent travel claim, and making a false official statement. The member was sentenced to confinement for 60 days, forfeiture of \$1152.00 per month for 2 months, and reduction to pay grade E-3.

c. An E-6 was convicted by a special court-martial of maltreatment of subordinates, making a false official statement, and wrongfully using reproachful words. The member was sentenced to confinement for 1 month, forfeiture of \$1152.00 per month for 2 months, reprimand, and reduction to pay grade E-3.

d. An E-5 was convicted by a special court-martial of violating a lawful general order, maltreatment of subordinates, willfully and wrongfully exposing himself, assault consummated by a battery, wrongfully having sexual intercourse, and wrongfully providing alcohol to a person under the age of 21. The member was sentenced to a bad conduct discharge, confinement for 200 days, and reduction to pay grade E-1.

3. Summary courts-martial.

a. An E-7 was convicted by a summary court-martial of violating a lawful general order, derelict in performance of duties, wrongful appropriation, and writing worthless checks. The member was sentenced to reduction to pay grade E-6.

b. An E-3 was convicted by a summary court-martial of being drunk on duty. The member was sentenced to forfeiture of \$486.00 per month for 1 month, reprimand, and reduction to pay grade E-2.

c. An E-3 was convicted by a summary court-martial of being drunk on duty. The member was sentenced to forfeiture of \$486.00 per month for 1 month, a reprimand, and reduction to pay grade E-2.

d. An E-3 was convicted by a summary court-martial of assault consummated by a battery. The member was sentenced to confinement for 15 days, restriction for 30 days, forfeiture of \$500.00 per month for 1 month, and reduction to pay grade E-1.

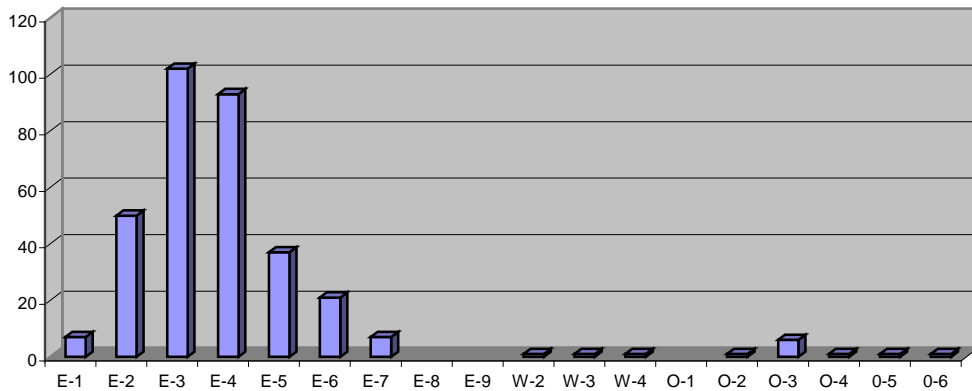
e. An E-3 was convicted by a summary court-martial of violating a lawful general order and indecent exposure. The member was sentenced to restriction for 30 days and reduction to pay grade E-1.

f. An E-3 was convicted by a summary court-martial of violating a lawful general order. The member was sentenced to restriction for 20 days and reduction to pay grade E-2.

g. An E-2 was convicted by a summary court-martial of wrongful appropriation. The member was sentenced to confinement for 30 days.

B. Nonjudicial Punishment: NJP was imposed 330 times accounting for 529 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 172 cases; 120 days correctional custody imposed in 4 cases; 5,860 days of restriction imposed in 213 cases; 5,752 days extra duty imposed in 221 cases; forfeitures of \$184,658 in pay imposed in 144 cases; and admonition or reprimand imposed in 30 cases.

NJP Offenses by Paygrade



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	2 nd Qtr FY 2008
86	Unauthorized absence.	54
87	Missing movement.	5
89	Disrespect toward a superior commissioned officer.	1
90	Assaulting or willfully disobeying superior commissioned officer.	3
91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	14
92	Failure to obey order or regulation.	193
93	Cruelty or Maltreatment.	1
98	Noncompliance with procedural rules.	1
107	False official statements.	42
108	Military property - sale, loss, damage, destruction, or wrongful disposition.	4
110	Hazarding Vessel.	1
111	Drunken or reckless operation of vehicle, aircraft, or vessel.	19
112	Drunk on duty.	14
112a	Wrongful use, possession, etc., of controlled substances.	17
113	Misbehavior of sentinel or lookout.	4
115	Malingering.	4
116	Riot.	3
117	Provoking speeches or gestures.	1
120	Rape and carnal knowledge.	3
121	Larceny and wrongful appropriation.	6
123	Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.	7
128	Assault.	10
132	Frauds against the United States.	5
133	Conduct unbecoming an officer and gentleman/lady.	6
134	General article.	111

C. Military Administrative Action:

1. An O-3 was awarded NJP for a second alcohol offense. First alcohol offense occurred 16 years earlier. Member resigned in lieu of further board action.

2. An O-2 was relieved of command for loss of confidence. Member involved previously in several situations which illustrated poor judgment and maturity. Member was removed from the O-3 selection list.

3. An O-2 was relieved for cause for engaging in a prohibited relationship with an E-7 crewmember. Member was awarded NJP and received a punitive letter of reprimand. Member was removed from the O-3 selection list.

4. Five enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 79 enlisted members received administrative discharges for misconduct, including 41 for pattern of misconduct, 29 for involvement with illegal drugs, 5 for fraudulent enlistment, and 4 for civilian conviction.

D. Civilian Administrative Action:

1. The following hyperlink contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the second quarter of FY08:

[View Document](#)