

GOOD ORDER AND DISCIPLINE

Third Quarter, Fiscal Year 2009

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 2009. 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 CAPT was convicted by general court-martial of use of cocaine. The member was sentenced to a reprimand and a \$5000 fine.

2. Special courts-martial.

a. An E-6 was convicted by a special court-martial of maltreatment and indecent exposure. The member was sentenced to confinement for 90 days, forfeiture of \$400.00 per month for 5 months, and reduction to pay grade E-5.

b. An E-6 was convicted by a special court-martial of stealing government property, selling government property, and making a false official statement to CGIS agents. The member was sentenced to a bad conduct discharge, confinement for

8 months, and reduction to pay grade E-1.

c. An E-2 was convicted by a special court-martial of absence without leave, attempting to steal, conspiracy, larceny, housebreaking, and wrongfully endeavor to impede an investigation. The member was sentenced to a bad conduct discharge, confinement for 59 days, and reduction to pay grade E-1.

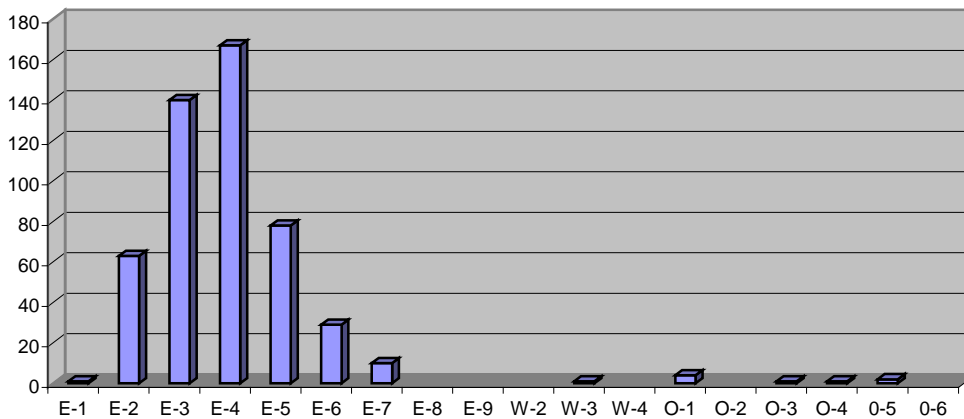
d. An E-2 was convicted by a special court-martial of absence without leave, attempting to steal, conspiracy, and making a false official statement to a CGIS agent. The member was sentenced to a bad conduct discharge, confinement for 59 days, and reduction to pay grade E-1.

3. Summary courts-martial.

a. An E-3 was convicted by a summary court-martial of absence without leave, failure to obey lawful orders, and writing worthless checks. The member was sentenced to 1 month confinement, forfeiture of \$933.00 per month for 1 month, and reduction to pay grade E-1.

B. Nonjudicial Punishment: NJP was imposed 497 times accounting for 771 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 217 cases; 172 days correctional custody imposed in 6 cases; 8,404 days of restriction imposed in 331 cases; 8,608 days extra duty imposed in 361 cases; forfeitures of \$179,480 in pay imposed in 161 cases; and admonition or reprimand imposed in 30 cases.

**NJP Offenses by Paygrade
(3rd Qtr FY09)**



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	3rd Qtr FY2009
80	Attempts.	3
81	Conspiracy.	3
86	Unauthorized absence.	81
87	Missing movement.	3
89	Disrespect toward a superior commissioned officer.	5
90	Assaulting or willfully disobeying superior commissioned officer.	5
91	Insubordinate conduct toward warr. off., noncommissioned officer, or petty off.	25
92	Failure to obey order or regulation.	281
93	Cruelty and maltreatment.	2
98	Noncompliance with procedural rules.	1
107	False official statements.	48
108	Military property - sale, loss, damage, destruction, or wrongful disposition.	10
109	Wasting other property.	4
111	Drunken or reckless operation of vehicle, aircraft, or vessel.	20
112	Drunk on duty.	9
112a	Wrongful use, possession, etc., of controlled substances.	23
113	Misbehavior of sentinel or lookout.	9
115	Malingering.	2
116	Riot.	3
117	Provoking speeches or gestures.	6
120	Rape	3
121	Larceny and wrongful appropriation.	19
122	Robbery	1
123	Forgery/Making, drawing, or uttering check, draft, or order w/o sufficient funds.	5
128	Assault.	15
130	Housebreaking	2
132	Frauds against the United States.	2
133	Conduct unbecoming an officer and gentleman/lady	4
134	General article.	177

C. Military Administrative Action:

1. An O-3 was separated for substandard performance.
2. An O-1 was permanently removed from the promotion list for engaging in a prohibited romantic relationship with an enlisted crewmember and an inappropriate personal relationship with another enlisted crewmember.
3. Two enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 76 enlisted members received administrative discharges for misconduct, including 27 for discreditable nature, 36 for involvement with illegal drugs, 10 for other misconduct, and 2 for fraudulent enlistment.

D. Civilian Administrative Action:

1. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the third quarter of FY09:

[View Document](#)