

GOOD ORDER AND DISCIPLINE

Fourth 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 fourth 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. An E-7 was convicted by a general court-martial of committing an indecent act on a female under the ages of 16 with the intent to gratify his sexual desires. The member was sentenced to 45 months confinement, reduced to E-1, and received a dishonorable discharge.

b. An E-6 was convicted by general court-martial of committing sodomy and assault consummated by battery. The member was sentenced to 13 months confinement, reduced to E-1, and received a bad conduct discharge.

c. An E-3 was convicted by a general court-martial of having sexual intercourse with a minor and providing false information to a CGIS agent. The member

was sentenced to a dishonorable discharge, confinement for 15 months, and reduction to pay grade E-1.

2. Special courts-martial.

a. An E-6 was convicted by a special court-martial of engaging in sexually intimate conduct with two subordinates in an controlled work place and communicating indecent language to a child under the age of 16. The member was sentenced to confinement for 6 months, reduction to pay grade E-3 and a bad conduct discharge.

b. An E-3 was convicted by a special court-martial of wrongfully using government provided internet technology to access prohibited sexually explicit materials and dating services websites. The member was sentenced to confinement for 30 days, forfeiture of \$100.00 per month for 3 months, and reduction to pay grade E-2.

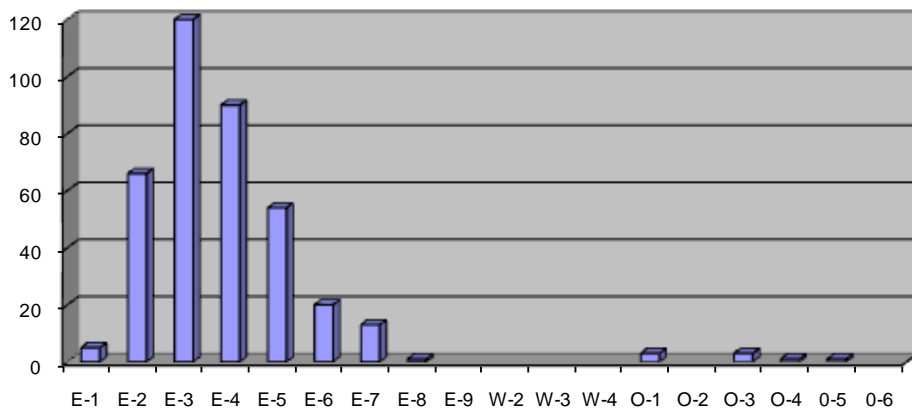
c. An E-2 was convicted by a special court-martial of absence without leave, attempt to steal, conspiracy, larceny, housebreaking, and wrongfully endeavoring to impede an investigation. The member was sentenced to a bad conduct discharge, confinement for 50 days, and reduction to pay grade E-1.

3. Summary courts-martial.

a. An E-3 was convicted by a summary court-martial of Dereliction of duty, making a false official statement, and wrongful use of marijuana. The member was sentenced to forfeit \$923.00 per month for 1 month, reduction to pay grade E-1, and restriction for 30 days.

b. Nonjudicial Punishment: NJP was imposed 254 times accounting for 577 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 115 cases; 75 days correctional custody imposed in 3 cases; 6,817 days of restriction imposed in 254 cases; 102 days of extra duty imposed in 5 cases; forfeitures of \$151,695 in pay imposed in 132 cases; and admonition or reprimand imposed in 28 cases.

**NJP Offenses by Paygrade
(4th 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 numbers of NJPs because any one NJP may involve more than one offense:

NJP STATS BY OFFENSE CODE

Offense Code	Offense Description	4th Qtr FY2009
86	UNAUTHORIZED ABSENCE - FROM UNIT, ETC.	57
89	DISRESPECT TO SUPERIOR OFFICER	4
90	STRIKING, ETC., SUPERIOR	2
91	STRIKING, ETC., WARRANT OR PETTY OFFICER	13
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	211
93	CRUELTY OR MALTREATMENT	2
98	UNNECESSARY DELAY IN COURT-MARTIAL	2
107	SIGNING FALSE RECORD, ETC.	48
108	SELLING OR DISPOSING OF MILITARY PROPERTY	4
109	WASTING, ETC., OTHER PROPERTY	2
110	HAZARDING, ETC., VESSEL	2
111	OPERATING VEHICLE WHILE DRUNK	19
112	DRUNK ON DUTY	27
113	SENTINAL OR LOOKOUT DRUNK	7
115	MALINGERING	2
117	USING PROVOKING, ETC., WORDS OR GESTURES	1
120	RAPE	1
121	LARCENY, VALUE MORE THAN \$50	16
122	ROBBERY	1
123	FORGERY	2
128	ASSAULT, SIMPLE	14
132	FALSE STATMENT, ETC., ON CLAIM, ETC.	1
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	5
1340	General Article	134

C. Military Administrative Action:

1. An O-4 retired in lieu of further adverse administrative action.
2. An O-3 resigned their commission for the good of the Service.
3. An O-3 retired in lieu of further involuntary board action.
4. An O-2's commission was revoked for engaging in a prohibited romantic relationship with at least one enlisted member.
5. An O-1's commission was revoked for engaging in a prohibited romantic relationship with an enlisted crewmember.
6. An O-1's commission was revoked for substandard performance.
7. An O-1's commission was revoked for engaging in a prohibited romantic relationship with an enlisted crewmember.
8. An O-1's commission was revoked for substandard performance.
9. An O-1's commission was revoked for engaging in a prohibited romantic relationship with an enlisted crewmember and an inappropriate personal relationship with another enlisted crewmember.
10. An O-1 was permanently removed from the promotion list for failing to maintain weight standards.
11. An O-1 was permanently removed from the promotion list for substandard performance.
12. A W-4's appointment was terminated for involvement in a second alcohol incident.
13. A W-3's appointment was terminated for involvement in a second alcohol incident.
14. A W-2 retired in lieu of further adverse administrative action.
15. One enlisted member was discharged under other than honorable conditions in lieu of trial by court-martial. 59 enlisted members received administrative discharges for misconduct, including 34 for conduct of discreditable nature, 4 for fraudulent enlistment, 19 for involvement with drugs and 2 other misconduct related discharges.

D. Civilian Administrative Action:

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

[view document](#)

FY 09, Quarter 04

A GS-12 was suspended for screaming, cursing and threatening supervisor.

A GS-12 was suspended for telling and perpetuating jokes and making comments of a sexual nature offensive to co-workers.

A GS-11 was suspended as a result of disrespectful behavior exhibited towards second level supervisor.

A GS-9 was terminated during probation for misuse of a government vehicle.

A GS-5 was suspended for inappropriate/dishonest behavior.

A GS-5 was terminated for unauthorized absence.

A WG-10 was terminated during probation as a result of attendance issues and disrespectful conduct.

A WG-10 was removed for physical inability to perform the duties of the position.

A WG-10 was suspended for disrespectful/rude comments to co-worker and second level supervisor.

A WG-10 was removed by direction of the Office of Personnel Management for intentional, material falsification.

A WG-8 was removed for failure to follow leave procedures and excessive unauthorized absence.

A WG-8 was suspended for sleeping on duty.

A WG-6 was suspended for unexcused tardiness.

A WG-5 was suspended for unexcused tardiness.

A WG-4 was terminated for unauthorized possession of government property.