

## GOOD ORDER AND DISCIPLINE

First Quarter, Fiscal Year 2010

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 first quarter of Fiscal Year 2010. 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-7 was convicted by a general court-martial of wrongfully using cocaine, and wrongfully attempting to implicate a subordinate . The members was sentenced to a fine in the amount of \$5000.00 and a punitive written reprimand. **SULLIVAN 0264.**

b. An E-6 was convicted by general court-martial by intentionally touching the genitalia of an SN without his consent and committing sodomy with same SN by force without consent. The member was sentenced to confinement for 13 months, reduced to paygrade E-1, and received a bad conduct discharge. **MEDINA 0261**

c. An E-5 was convicted by general court-martial by committing assault, indecent assault, indecent language and wrongful sexual contact. The member was sentenced to restriction for 60 days, reduced to pay grade E-3, and received a bad conduct discharge. **BERNARD 0262**

d. An E-3 was convicted by a general court-martial of possession of child pornography, receiving child pornography, attempting to induce minors to travel interstate commerce for purpose of illegal sexual activity, attempting to transmit obscene material to a minor, and soliciting another to induce minors to produce and distribute in interstate commerce child pornography. The member was sentenced to a dishonorable discharge, confinement for 15 months, and reduction to pay grade E-1. **NETZEL 0263**

e. An E-3 was convicted by general court-martial of communicating indecent language to a minor, enticing a minor to produce and distribute child pornography, possession of child pornography, and attempting to engage a minor in sexual activity. The member was sentenced to confinement for 65 months, reduction to paygrade E-1, and a dishonorable discharge. **KOWALSKI 0265**

## 2. Special courts-martial.

a. An E-6 was convicted by a special court-martial wrongfully using government office equipment to download sexual explicit material. The member was sentenced to confinement for 15 days, reduction to pay grade E-5, and forfeiture of \$500.00 per month for three months. **GROSE 24423**

b. An E-6 was convicted by a special court-martial of derelict of duty by failure to verify the authenticity of a Federal On-Scene Coordinator Representative's qualification letter that was not properly issued to the member prior to it being submitted as true and correct. The member was sentenced to receive a written reprimand, reduced to pay grade E-3, fined \$12,000 and to be discharged from the Coast Guard with a bad conduct discharge. **MACK 24426**

c. An E-6 was convicted by special court-martial making false claims for housing allowances, preparing false and fraudulent DD Form 1351-2 for dependent travel, and providing false address for dependents. The member was sentenced to confinement of 5 months, forfeit of \$932.00 for 5 months, and sentenced to reduction of paygrade to E-1. **CARTER 24428**

d. An E-5 was convicted by a special court-martial of committing assault consummated by battery by grabbing another members genital. The member was sentence to confinement for 100 days, reduction to paygrade E-1, and forfeiture of \$500.00 per month for six months. (**HAMMERMEISTER 24427**)

e. An E-4 was convicted by a special court-martial by failing to obey an order or regulation, making false official statement, Larceny of military property,

communicating a threat, impersonation with intent to defraud, unauthorized absence, and disrespect towards a superior petty officer. The member was sentenced to confinement for 70 days, reduction to pay grade E-2, fine of \$1500.00 and a bad conduct discharge.

**CUDJOE 24422**

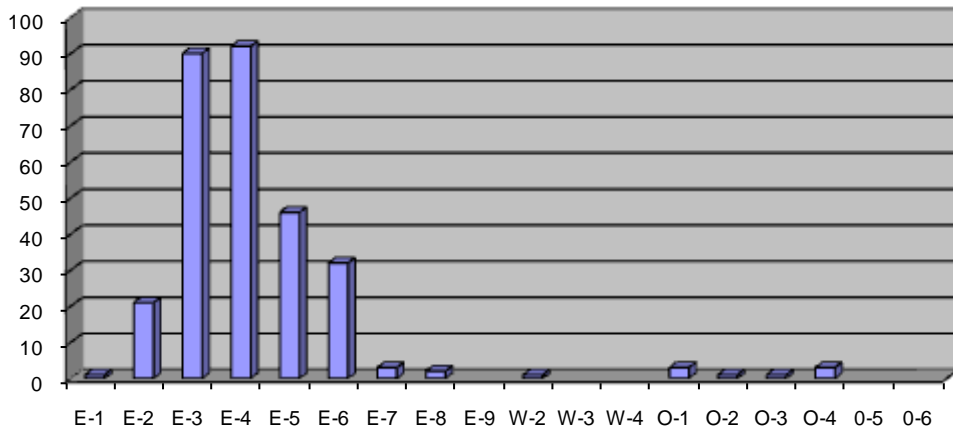
f. An E-3 was convicted by a special court-martial of absence without leave, physically controlling a vehicle, while drunk and striking a parked vehicle, wrongfully consume alcoholic beverages while under the age of 21 years, wrongfully use with the intent to deceive, a military identification card with a false birth date and wrongfully leave the scene of an accident. The member was sentenced to a bad conduct discharge, confinement for 5 months, and reduction to pay grade E-1. **GUBITOSI 24424**

3. Summary courts-martial.

None

B. Nonjudicial Punishment: NJP was imposed 296 times accounting for 464 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 192 cases. Department of Defense has closed down correctional custody, no information to provide. 4,562 days of restriction imposed in 184 cases; 4,639 days of extra duty imposed in 203 cases; forfeitures of \$116,803 in pay imposed in 95 cases; and admonition or reprimand imposed in 12 cases.

**NJP Offenses by Paygrade  
(1st Qtr FY10)**



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:

<b>Article</b>	<b>Offenses</b>	<b>1<sup>st</sup> QTR FY 2010</b>
80	ATTEMPTS	4
81	CONSPIRACY	2
83	FRAUDULENT ENLISTMENT	1
86	UNAUTHORIZED ABSENCE -FROM UNIT, ETC.	44
87	MISSING MOVEMENT -THROUGH NEGLECT	3
90	STRIKING, ETC., SUPERIOR	2
91	STRIKING, ETC., WARRANT OR PETTY OFFICER	11
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	176
107	SIGNING FALSE RECORD, ETC.	37
108	SELLING OR DISPOSING OF MILITARY PROPERTY	8
109	WASTING, ETC., OTHER PROPERTY	1
110	HAZARDING, ETC., VESSEL	3
111	OPERATING VEHICLE WHILE DRUNK	17
112	DRUNK ON DUTY	17
113	SENTINAL OR LOOKOUT DRUNK	4
115	MALINGERING	1
117	USING PROVOKING, ETC., WORDS OR GESTURES	3
120	RAPE	1
121	LARCENY, VALUE MORE THAN \$50	7
123	FORGERY	2
128	ASSAULT, SIMPLE	8
132	FALSE STATEMENT, ETC., ON CLAIM, ETC.	3
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	2
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	64
1341	CARRYING CONCEALED WEAPON	31
1342	FALSE PASS OR PERMIT	8
1344	REFUSAL TO TESTIFY	4

C. Military Administrative Action:

1. An 0-3's commission was revoked for substandard performance.
2. An 0-1's commission was revoked for failing to maintain weight standards.
3. An 0-1's commissions was revoked for substandard performance.
4. An E-6 was removed from the 2008 Active Duty Chief Warrant Officer Final Eligibility List for substandard performance.

D. Civilian Administrative Action:

1. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the first quarter of FY10:  
[view document](#)