

## GOOD ORDER AND DISCIPLINE

Second/Third 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 third 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 E-7 was convicted by a general court-martial of engaging in several sexual acts upon an E-3 while she was substantially incapacitated. The E-7 also kissed a PO2 and intentionally exposed himself in the presence of crewmembers of different ranks and genders. The member was sentenced to 60 days confinement, 60 days hard labor without confinement, reduction to pay grade E-5, and a bad conduct discharge.

b. An E-6 was convicted by general court-martial of wrongfully accepting monies for not charging personnel annual leave, falsifying official travel claims, having sexual intercourse with someone who was not his wife, and failing to obey a lawful general order by wrongfully using his public office to provide benefits to himself on numerous occasions. The member was sentenced to 80 days confinement, reduction to pay grade E-4 and fined \$750.00.

c. An E-4 was convicted by a general court-martial for being UA for 4 months, failing to stay awake during watch, wrongfully possessing a controlled substance, and wrongfully possessing methamphetamine with the intent to distribute. The member was sentenced to 330 days confinement, reduction to pay grade E-1 and a dishonorable discharge.

2. Special courts-martial.

a. An E-7 was convicted by a special court-martial for wrongfully using cocaine. The member was sentenced to reduction to pay grade E-2, and a bad conduct discharge.

b. An E-6 was convicted by a special court-martial for committing larceny of a vehicle, of conspiracy to make it appear as if the vehicle was stolen, stealing the property of an insurance company, wrongfully soliciting another to steal a vehicle and accepting two vehicles while knowing they belonged to someone else. The member was sentenced to reduction of pay grade to E-3, confinement for 120 days and a bad conduct discharge.

c. An E-6 was convicted by a special court-martial for committing larceny of a vehicle, of conspiracy to make it appear as if the vehicle was stolen, making false statements to law enforcement officials on numerous occasions, and submitting a false insurance claim. The member was sentenced to reduction of pay grade to E-1, confinement for 5 months and a bad conduct discharge.

d. An E-6 was convicted by a special court-martial of presenting false claims to the Coast Guard for reimbursement for the use of their personal vehicle for official travel. The member was sentenced to reduction of pay grade E-3, confinement for 60 days and a fine of \$3,500.00.

e. An E-5 was convicted by a special court-martial of wrongfully stealing American Express Traveler's Cheques, military property, in amount of \$3000.00. The member was sentenced to reduction to pay grade E-3, confinement for 30 days and a bad conduct discharge.

f. An E-5 was convicted by special court-martial of wrongfully engaging in sexually intimate behavior with 2 subordinates in a CG controlled workspace, and violating an order concerning alcohol. The member was sentenced to 5 months confinement, reduction to pay grade E-1 and discharged with a bad conduct discharge.

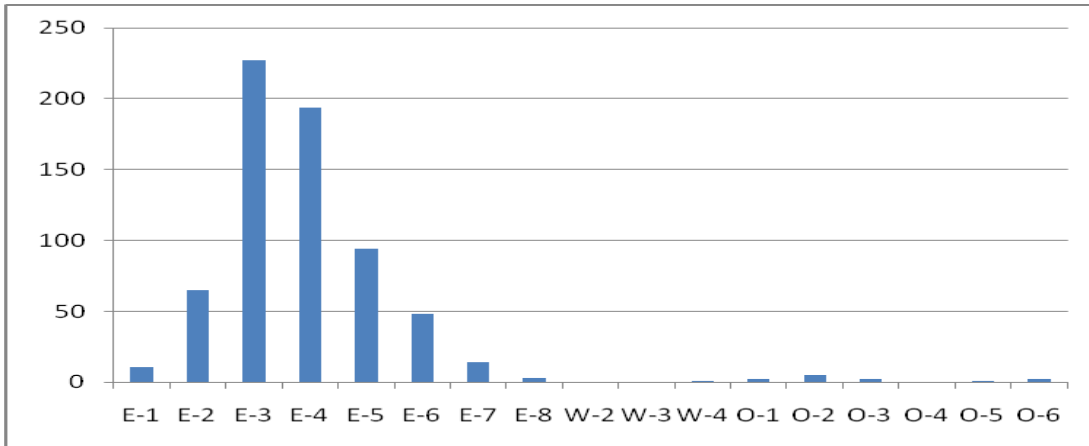
g. An E-3 was convicted by a special court-martial of wrongfully stealing three credit cards from other shipmates and seventeen items from various establishments. The member was sentenced to reduction to pay grade E-1, confinement for 120 days, \$2500.00 fine, and a bad conduct discharge.

3. Summary courts-martial.

a. An E-7 was convicted by summary court-martial for engaging in sexually intimate conduct with a subordinate, making a false statement and having sexual intercourse with someone other than his wife. The member was sentenced to reduction to pay grade E-6, 45 days restriction, and forfeiture of 2/3 pay for 1 month.

B. NonJudicial Punishment: NJP was imposed 669 times accounting for 1111 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 430 cases; 11,371 days of restriction imposed in 440 cases; 10,520 days of extra duty imposed in 460 cases; forfeitures of \$307,425 in pay imposed in 215 cases; and, admonition or reprimand imposed in 51 cases. Of note, the Department of Defense has closed down all of its correctional custody units and therefore there is no correctional custody info to provide.

**NJP BY OFFENSES BY PAYGRADE  
2<sup>ND</sup>/3<sup>RD</sup> QTR FY 10**



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	Count
78	ACCESSORY AFTER THE FACT	3
80	ATTEMPTS	4
81	CONSPIRACY	2
86	UNAUTHORIZED ABSENCE - FROM UNIT, ETC.	102
87	MISSING MOVEMENT - THROUGH NEGLIGENCE	5
89	DISRESPECT TO SUPERIOR OFFICER	9
90	STRIKING, ETC., SUPERIOR	8
91	STRIKING, ETC., WARRANT OR PETTY OFFICER	32
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	401
93	CRUELTY OR MALTREATMENT	4
95	RESISTING APPREHENSION	3
98	UNNECESSARY DELAY IN COURT-MARTIAL	3
107	SIGNING FALSE RECORD, ETC.	108
108	SELLING OR DISPOSING OF MILITARY PROPERTY	13
109	WASTING, ETC., OTHER PROPERTY	7
111	OPERATING VEHICLE WHILE DRUNK	28
112	DRUNK ON DUTY	48
113	SENTINAL OR LOOKOUT DRUNK	18
115	MALINGERING	8
116	RIOT	3
117	USING PROVOKING, ETC., WORDS OR GESTURES	10
120	RAPE	3
121	LARCENY, VALUE MORE THAN \$50	24
123	FORGERY	3
125	SODOMY	3
126	ARSON, SIMPLE	1
128	ASSAULT, SIMPLE	23
132	FALSE STATEMENT, ETC., ON CLAIM, ETC.	10
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	5
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	128
1341	CARRYING CONCEALED WEAPON	66
1342	FALSE PASS OR PERMIT	15
1343	MISBEHAVIOUR AS SENTRY	2
1344	REFUSAL TO TESTIFY	9
9999	__ MASTS 2010-01-01 TO 2010-06-30	1111

C. Military Administrative Action:

1. One enlisted member was discharged under other than honorable conditions in lieu of trial by court-martial. 85 enlisted members received administrative discharges for misconduct, including 11 for bad conduct, 40 for conduct of a discreditable nature, 4 for fraudulent enlistment and 30 for involvement with drugs.

D. Civilian Administrative Action:

1. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the second/third quarter of FY10:

[view document](#)