

GOOD ORDER AND DISCIPLINE

Fiscal Year 2011

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 Fiscal Year 2011. 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-4 was convicted by a general court-martial by having the intent to deceive a CGIS Agent that the O-4 had never engaged in sexual acts with a person not his wife or words to that effect, wrongfully having unprotected sexual intercourse with a means like to produce death or grievous bodily harm while knowing he was infected with a sexual transmitted disease. The member also submitted a fraudulent travel claim in the amount of about \$1779.00 which was known to be false. The member was sentenced to 30 days confinement and a letter of reprimand.

BASS 0277

- b. An LT. was convicted by a general court-martial of stealing a cash value of about \$4704.43 from other active duty members, absent himself without authority for approx 30 days, fail to appear before a superior court, failed to pay Approx \$5940.00 for a leased vehicle. The member was sentenced to 12 months confinement, and a letter of reprimand.

ALVAREZ 0273

- c. An CWO was convicted by a general court-martial on several occasions, with the intent to falsified official documents that were know to be false, stealing cash value of about \$500.00 on 5 different occasions from the U. S. government, submit fraudulent claims in the amount of \$1178.00, \$983.00, \$1330.00, 1406.00, and 2601.67 and used the personal identification of another member to approved their own travel claim. The member was sentenced to be confined for 90 days, forfeit \$3000.00 dollars per month for 3 months and dismissed from the service.

HAYES 0276

- d. An E-7 was convicted by a general court-martial for touching the genitalia of another member while they were substantially incapable of appraising the nature of the sexual contact. The member was sentenced to a reduction to pay grade E-5, restriction for 60 days hard labor for 60 days forfeiture of \$1462.00 for three months and a fine of \$5000.00.

GUILMARTIN

- e. An E-3 was convicted by a general court-martial for making sexual contact without legal justification or lawful authorization and without permission of on two different occasions, engage in a sexual act with another member while they were substantially incapacitated and unlawfully kiss another member without consent. The member was sentenced to 90 days confinement, reduction to pay grade E-1, and a dishonorable discharge.

MURPHY 0274

2. Special courts-martial.

- a. An E-7 was tried by a special court-martial for striking a petty officer in the face with his hand, and being drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. The member was sentenced to reduction to pay grade E-6, confinement for 20 days and forfeiture of \$750.00 per month for 2 months.

HAMEL 24448

- b. An E-7 was tried by a special court-martial for being derelict in the performance of duties by willfully failing to avoid engaging in an inappropriate relationship with another member. Making false statements with the intent to deceive and having wrongful sexual relationship with a person not their spouse. The member was sentenced to reduction in pay grade to E-6 and thirty day confinement.
GRIMMET 24461

- c. An E-7 was tried by a special court-martial for wrongfully possessing firearms and not having them registered, failing to properly secure his firearm, wrongfully having a knife with a blade over 4 inches, and wrongfully possessing an expandable baton, brass knuckles or pepper spray. Also the E-7 wrongfully manufactured approximately five marijuana plants, on divers' occasions possess marijuana, Alprazolam and Benzodiazepine. The E-7 produced a false signed sick-in-quarters slip with the intent to deceive. The member was sentenced to a reduction to pay grade E-1, confinement for 1 year and dismissed from the service with a bad conduct discharge.
CANWELL 24464

- d. An E-6 was tried by a special court-martial for failing to go to the appointed place of duty on three separate occasions. The member was sentenced to reduction to pay grade E-5.
HVINDEN 24470

- e. An E-6 was tried by a special court-martial for making a false statement with the intent to deceive that a sexual relationship had never occurred to a woman not his spouse or words to that effect. The member was sentenced to reduction to pay grade E-5, 30 days restriction and a forfeiture of \$450.00 per months for one month.
VANDELAC 24447

- f. An E-6 was tried by a special court-martial for striking and behaving disrespectfully toward a Chief Warrant Officer, making a false statement to a CGIS agent, striking a Petty Officer in the face with his closed fist, being drunk and disorderly in a public place and unlawfully enter the dwelling of another Petty Officer with the intent to commit the criminal offense of assault. The member was sentenced to 30 days of confinement, reduction to pay grade E-1.
NOLAN 24441

- g. An E-6 was tried by a special court-martial for using the private information of another to open a joint bank account, steal U.S. currency of \$2000.00 from another member, and having wrongful sexual intercourse with a person not their spouse. The member was sentenced to reduction of pay grade of E-3 and discharged with a bad conduct discharge.
MATAKO 24454
- h. An E-6 was tried by a special court-martial for being derelict if duty in that he willfully caused discharge and bilge waste in navigable waters, failed to log the discharge of bilge waste, and oily waste into navigable waters. The member was sentenced to a forfeiture of \$511.00 for 12 months.
ANDER 24444
- i. An E-5 was tried by a special court-martial for stealing government property and receiving funds in the amount of \$2200.00, \$3607.00 from the sale of government property. The member was sentenced to a reduction of pay grade to E-2 confinement for 60 days and a fine of \$2900.00.
HENRY 24443
- j. An E-5 was tried by a special court-martial on divers occasion for the wrongful use of oxycodone, wrongful use of cocaine, wrongful use of marijuana. The member was sentenced to reduction to pay grade E-1, confinement for 7 months and discharged with a bad conduct discharge.
MARANJE 24460
- k. An E-5 was tried by special court-martial for failing to adhere to the Coast Guards prohibition of hazing and making falsified statements. The member was sentenced to reduction to pay grade of E-2 and 75 days confinement.
COLVIN 24450
- l. An E-5 was sentenced by a special court-martial for divers occasions being derelict in duties for failing to adhere to the Coast Guards policy on hazing by putting his genitals and buttock in the face of 2 other members. The member was sentenced to reduction to pay grade E-3.
REDWINE 24471
- m. An E-5 was tried by a special court-martial for the wrongful use of a control substance, Oxycodone; using a government vehicle for an unauthorized purpose of purchasing Oxycodone. The member was sentenced to reduction in pay grade to E-1, confinement for 120 days and a discharge from the service with a bad conduct discharge.

DEZOTELL24458

- n. An E-4 was tried by a special court-martial for making false statement, wrongfully using a government vehicle to and unauthorized purpose of committing larceny of military property, steal a 46 inch television, military property of a value of about \$2335.20. The member was sentenced to reduction of pay grade to E-1, confinement of 5 months, and forfeiture of \$950.00 for 5 months.

GARCIA24462

- o. An E-4 was tried by a special court-martial for striking a Petty Officer in the stomach and being drunk and disorderly, which conduct was of a nature to bring discredit upon the armed force. The member was sentenced to reduction of pay grade to E-3, restriction for 30 days, perform hard labor without confinement for 30 days, and forfeit \$500.00 per month for 2 months.

CLOUTIER 24472

- p. An E-3 was tried by special court-martial for making false statements, willfully and wrongfully damage property not his own. Wrongfully possess, distribute, and use cocaine, marijuana. Wrongfully use anabolic steroids, steal property from several public facilities, and unlawfully carry a concealed weapon. The member was sentenced to 90 days confinement, reduction to pay grade E-1, pay a fine of \$2,000.00 and be discharged from the service with a bad conduct discharge.

ZOBITZ 24442

- q. An E-3 was tried by a special court-martial for stealing merchandise from General Nutrition Centers (GNC) and Safeway Inc, Advance Auto Parts, Wal-Mart, Bass Pro Shop, Inc, Sunglass Hut, Macy's, Inc, and Juicy Couture, Inc, Also, the member wrongfully possessed some amount of marijuana, anabolic steroids. The member was sentenced to reduction to pay grade E-1, five months confinement, two-thirds pay forfeiture for five months and to be discharged with a bad conduct discharge.

SNOW 24452

- r. An E-3 was tried by a special court-martial for the wrongful possession of cocaine, conspired with two other members to purchase marijuana, cocaine. Also, steal merchandise from Bass Pro Shops, Advance Auto, and unlawfully carried a concealed weapon. The member was sentenced to reduction to pay grade E-1, confined for thirty days and fined \$200.00.

SMITH24453

- s. An E-3 was tried by a special court-martial for destruction of property by breaking the window of another persons car, steal property from various retail stores, steal a GPS and satellite radio form another person, wrongfully allow others to use a military pass or permit, wrongfully use cocaine, wrongfully use marijuana, wrongfully possession and use of anabolic steroids. The member was sentenced to a reduction to pay grade E-1, confined for five months and discharged from the service with a bad conduct discharge.

SMITH J. 24455

- t. An E-3 was tried by a special court-martial for failing to adhere to the Coast Guards prohibition of hazing, making a false statements . The member was sentenced to reduction to pay grade E-1, confined for five months and discharged from the service with a bad conduct discharge.

MICHAELS24449

- u. An E-3 was tried by a special court-martial for wrongful use of marijuana, wrongful use of methamphetamine, and the wrongful use of amphetamine. The member was sentenced to reduction to pay grade E-1 and confined for 120 days.

JOHNSON 24457

- v. An E -3 was tried by a special court-martial on divers occasion by engaging in a sexual act by using strength sufficient that the victim could not avoid or escape. The member was sentenced to reduction of pay grade E-1, forfeiture of \$961.00 per month for eight months and a discharge from the service with a bad conduct discharge.

PRATHER24456

- w. An E-3 was tried by a special court-martial for the wrongful use of cocaine, wrongful possession of marijuana and cocaine, wrongful purchase of illegal firearms and unlawful carrying of a concealed weapon. The member was sentenced to reduction to pay grade E-1, confined for 10 months and discharged from the service with a bad conduct discharge.

MORALES 24459

- x. An E-3 was tried by a special court-martial for committing larceny, wrongful possession of cocaine and steal property from Walmart. The member was sentenced to reduction to pay grade E-1, confined for 60 days and fined \$500.00.

PEREZ 24467

- y. An E-3 was tried by a special court-martial for making false statements, wrongfully using and distributing spice and ecstasy, and wrongfully possess with the intent to deceive a military identification card which was not his own. The member was sentenced reduction of pay grade E-1, confinement of 90 days, and a bad conduct discharge.
TEVELEIN 24465
- z. An E-3 was tried by a special court-martial for intentionally exposing himself in an indecent manner and striking a Petty Officer on the head with means to likely produce death or grievous bodily harm. The member was sentenced to reduction to pay grade E-2.
PADILLA 24468
- aa. An E-2 was tried by a special court-martial for striking, shoving, biting and squeezing another person on the face and torso with his hands, mouth and teeth by means or force likely to produce death or grievous bodily harm and being drunk and disorderly in which conduct was of a nature to bring discredit upon the armed force. Also prevents someone from calling 9-1-1. The member was sentenced to confinement for 5 months reduction to pay grade E-1 and a bad conduct discharge.
CASH 24445

3. Summary courts-martial.

- a. An E-9 was convicted of a summary court-martial for striking several members on the head with his hand. The member was sentenced a forfeiture in the amount of \$4086 and a letter of reprimand.
MCMINN 11-04
- b. An E-8 was convicted of a summary court-martial for dereliction of duty and making false statements. The member was sentenced to a reduction of pay grade to E-7 and a fine of \$2000.00.
KACZMAREK 11-02
- c. An E-7 was convicted of a summary court-martial for wrongfully having sexual intercourse with a married woman not his wife. The member was sentenced to reduction to pay grade E-6.
TALLEY 11-06
- d. An E-7 was convicted of a summary court-martial for wrongfully drinking alcoholic beverages in a private vehicle onboard a military installation, being drunk and disorderly, and purchasing alcoholic beverages to an individual under the age of 21. The member was sentenced to two month restriction and a forfeiture of \$1000.00.
VAKSELIS 11-08

- e. An E-7 was convicted of a summary court-martial for failing to obey a lawful order, making false statements, and having sexual intercourse with a subordinate, not his wife, which was prejudicial to the good order and discipline of the armed forces. The member was sentenced to a reduction of pay grade to E-6 and 30 days restriction.

PARKS 11-10

- f. An E-6 was convicted of a summary court-martial for wrongful sexual contact. The member was sentenced to a reduction of pay grade to E-5, 60 days of restriction and a forfeiture of \$1000.00 for one month.

MACKIE 11-03

- g. An E-4 was convicted of a summary court-martial on divers occasions for derelict of duty by negligently or willfully failing to perform clinical duties as required to do so. The member was sentenced to reduction of pay grade to E-2 and confinement of 25 days

HART 11-05

- h. An E-4 was convicted of a summary court-martial on divers occasion for failing to self report himself when required upon receiving medication from outpatient services, make false statements, wrongfully possess three pills known as a controlled substance, and make a threat to another petty officer. The member was sentenced to reduction of pay grade to E-1, confinement of 30 days and forfeiture of \$964.00 for one month.

JOHNS11-07

- i. An E-4 was convicted of a summary court-martial for making false statements and stealing government property valued at approx. \$2332.20 and provide said item to another member. The member was sentenced to a reduction to pay grade E-4, restriction for 60 days and a fine of \$1300.00.

BUTTS11-11

- j. An E-3 was convicted of a summary court-martial for conspiracy by assisting another member steal multiple objects valuing over \$500.00 dollars and wrongful use of marijuana. The member was sentenced to reduction of pay grade to E-1, confinement for 25 days and a letter of reprimand.

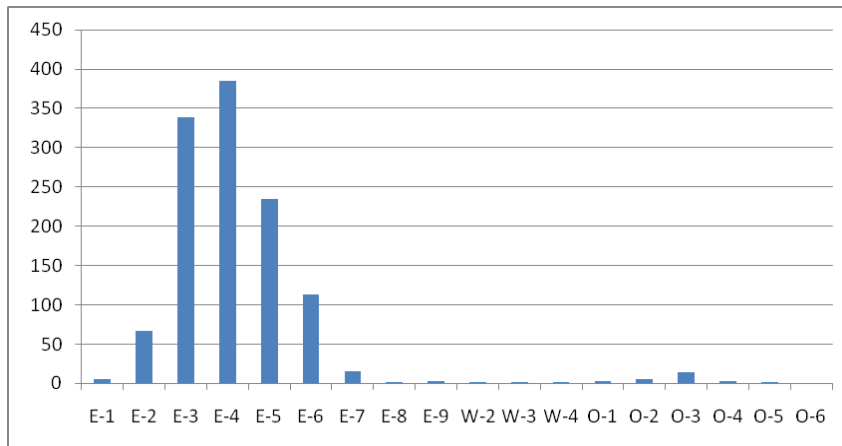
BOYCE11-09

- k. An E-3 was convicted of a summary court-martial for dereliction of duty, making false statements, wrongful use of a controlled substance. The member was sentenced to 24 days confinement, reduction of pay grade to E-1, and a forfeiture of \$950.00 for one month.

STOUT 11-01

B. NonJudicial Punishment: NJP was imposed 1,194 times accounting for 121 charges covering a wide variety of UCMJ offenses. The total punishments imposed included reduction in pay grade imposed in 585 cases; 20,441 days of restriction imposed in 781 cases; 20,299 days of extra duty imposed in 823 cases; forfeitures of \$602,671 in pay imposed in 461 cases; and, admonition or reprimand imposed in 96 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
FOURTH 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
80	ATTEMPTS	1
81	CONSPIRACY	7
86	UNAUTHORIZED ABSENCE - FROM UNIT, ETC.	2
90	STRIKING, ETC., SUPERIOR	2
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	15
93	CRUELTY OR MALTREATMENT	6
107	SIGNING FALSE RECORD, ETC.	16
108	SELLING OR DISPOSING OF MILITARY PROPERTY	2
111	OPERATING VEHICLE WHILE DRUNK	1
112	DRUNK ON DUTY	16
120	RAPE	4
121	LARCENY, VALUE MORE THAN \$50	8
128	ASSAULT, SIMPLE	13
130	HOUSEBREAKING	1
132	FALSE STATMENT, ETC., ON CLAIM, ETC.	3
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	1
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	15
1341	CARRYING CONCEALED WEAPON	5
1342	FALSE PASS OR PERMIT	1
1344	REFUSAL TO TESTIFY	2
9999	___ INCLUDED 2010-10-01 THRU 2011-09-30	121

C. Military Administrative Action:

1. An O-3 was removed from the Lieutenant promotion list after permanent relief for cause as the Commanding Officer of a 87' CPB for improperly hazarding the vessel on multiple occasions.
2. An O2 resigned their commission in lieu of further board action due to receipt of tow documented alcohol incidents.
3. An E-7 was removed from the Final Eligibility list for Appointment to Chief Warrant Officer for contributing to a hostile work environment, using inappropriate language and committing acts of sexual harassment.
4. An E-7 was removed for the Final Eligibility list for Appointment to Chief Warrant Officer for receipt of an alcohol incident following a DUI arrest coupled with a traffic ticket.
5. Four enlisted member was discharged under other than honorable conditions in lieu of trial by court-martial. 46 enlisted members received administrative discharges for misconduct, including 0 for bad conduct, 1 for discreditable nature, 0for fraudulent enlistment and 45 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 fiscal year 2011:

[view document](#)