

GOOD ORDER AND DISCIPLINE

First Quarter, Fiscal Year 2012

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 forwarded for review and selected military and civilian disciplinary actions taken Coast Guard-wide during the first quarter of Fiscal Year 2012. General and special courts-martial findings of guilt are federal criminal convictions; other disciplinary actions are non-judicial or 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 summary 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 are different and disciplinary or remedial action taken is 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 non-judicial 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 for maltreating three shipmates; causing sexual contact with another shipmate by force causing nonconsensual sexual contact with three shipmates; entering a berthing area with the intent to commit a criminal offense; making verbal threats; and being drunk and disorderly. The member was sentenced to reduction to paygrade E-3, confinement for 60 days, a Bad Conduct Discharge with forfeiture of pay and allowances during confinement IAW Article 58(b) of the UCMJ.
- b. An E-7 was convicted by a general court-martial for hazing and; maltreating shipmates; making false statements; indecent exposure in a

public place; and unlawfully striking other Petty Officers. The panel members (jury) awarded no punishment.

- c. An E-6 was convicted by a general court-martial for maltreating two shipmates subject to orders; striking two Petty Officers; providing alcohol to a minor; and causing sexual contact with a person who was substantially incapacitated. The member was sentenced to a reduction to paygrade E-3 and a Bad Conduct Discharge.

Special courts-martial.

- a. An E-6 was convicted by a special court-martial for attempting to sell property of the Coast Guard with an approximate value of \$5642.00. The member was sentenced to reduction to paygrade E-1, confinement for 100 days, fined \$1000.00, a Bad Conduct Discharge with forfeiture of pay and allowances during confinement IAW Article 58(b) of the UCMJ.
- b. An E-5 was convicted by a special court-martial for being absent from duty; possessing alcoholic beverages in Coast Guard barracks; operating a vehicle while drunk; wrongful use of cocaine; wrongfully providing an adulterated urine sample during a random unit urinalysis; breaking restriction; and selling property of the United States on diverse occasions with an approximate value of \$10,643. The member was sentenced to reduction to paygrade E-1, confinement for 7 months, a Bad Conduct Discharge with forfeiture of pay and allowances during confinement IAW Article 58(b) of the UCMJ.
- c. An E-4 was convicted by a special court-martial for making false official statements; falsifying official documents; stealing BAH and COLA approximately valued at \$18,933.50; and wrongfully impeding an investigation by advising a witness to remain silent if contacted by CGIS. The member was sentenced to reduction to paygrade E-1, confinement for 5 months, a Bad Conduct Discharge with forfeiture of pay and allowances during confinement IAW Article 58(b) of the UCMJ.
- d. An E-3 was convicted by a special court-martial for making false official statements to CGIS; wrongful use of controlled substances: ecstasy, cocaine, psilocin (magic mushrooms), and marijuana; wrongful distribution of psilocin, marijuana, and ecstasy. The member was sentenced to reduction to E-1, confinement for 90 days, a Bad Conduct Discharge with forfeiture of pay and allowances during confinement IAW Article 58(b) of the UCMJ.

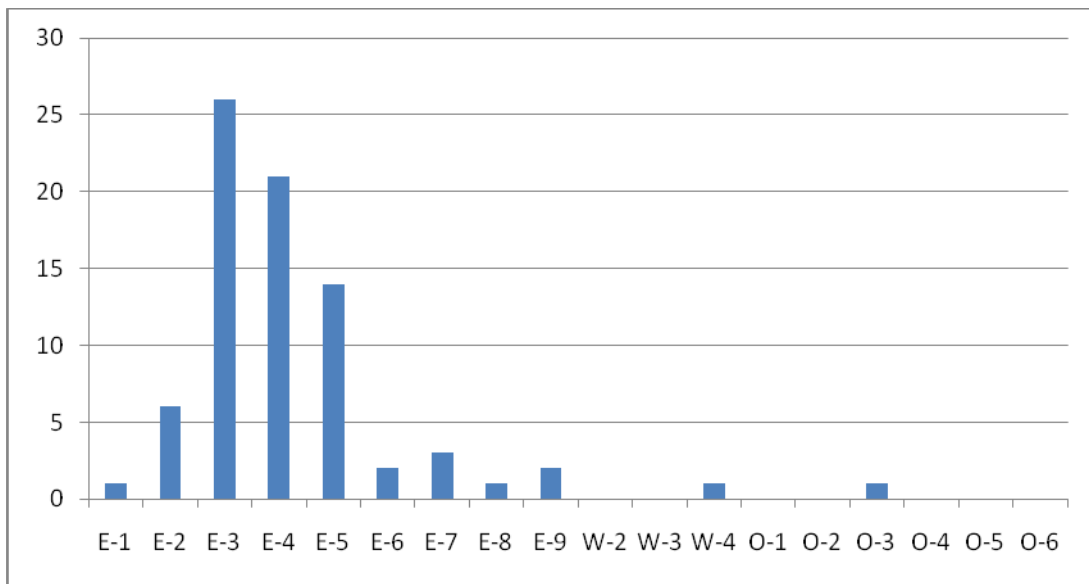
- e. An E-3 was convicted by a special court-martial for wrongful use of controlled substances: ecstasy, cocaine, spice, psilocin (magic mushrooms), and marijuana; wrongful distribution of psilocin, and ecstasy. The member was sentenced to reduction to paygrade E-2, confinement for 60 days, a Bad Conduct Discharge with forfeiture of pay and allowances during confinement IAW Article 58(b) of the UCMJ.

3. Summary courts-martial.

- a. An E-8 was convicted at summary court-martial for adultery; making false official statements; and dereliction of duty by failing to report the rape of a subordinate. The member was sentenced to be reduced in paygrade to E-7 and a reprimand.
- b. An E-6 was convicted at summary court-martial for willfully disobeying a superior commissioned officer; maltreatment of others; and assault consummated by a battery. The member was sentenced to reduction to paygrade E-5, restriction for 40 days, and forfeiture of \$1,482.00 for one month.
- c. An E-5 was convicted at summary court-martial for being derelict in the performance of duties by failing to enforce the requirement for the coxswain to conduct a risk assessment or designate lookouts prior to getting underway. The member was sentenced to be reduced to paygrade E-4, restriction for 30 days and forfeiture of \$1,550.60 for one month.
- d. An E-5 was convicted at summary court-martial for being derelict in the performance of duties by hazing and maltreatment of shipmates; assaulting other Coast Guard members; and attempting to impede an investigation. The member was sentenced to reduction to paygrade E-4, restriction for two months and forfeiture of \$1,486.00 for one month.
- e. An E-5 was convicted at summary court-martial for adultery; engaging in nonconsensual sexual contact by means the victim could not escape the contact. The member was sentenced to reduction to paygrade E-4, restriction for 2 months and forfeiture of \$1550.00 for one month.
- f. An E-3 was convicted at summary court-martial for dereliction of duty by failing to perform the duties of a lookout by not informing the coxswain of an obstructed view. The member was awarded a letter of reprimand.

B. Non-Judicial Punishment: NJP was imposed 205 times accounting for 328 charges covering a wide range of UCMJ offenses. The total punishments included reduction in pay grade imposed in 95 cases; 3281 days of restriction imposed in 131 cases; 3553 days of extra duty imposed in 145 cases; forfeitures totaling \$97,543 in pay imposed in 78 cases; and admonition or reprimand imposed in 19 cases. Of note, the Department of Defense has closed down all of its correctional custody units – as such, no correctional custody info is provided.

**NJP OFFENSES BY PAYGRADE
FIRST QTR FY 12**



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
86	UNAUTHORIZED ABSENCE - FROM UNIT, ETC.	28
87	MISSING MOVEMENT - THROUGH NEGLIGENCE	2
91	STRIKING, WARRANT OR PETTY OFFICER, ETC	6
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	120
93	CRUELTY OR MALTREATMENT	3
98	NONCOMPLIANCE WITH PROCEDURAL RULES	2
107	SIGNING FALSE RECORD, ETC.	36
108	SELLING OR DISPOSING OF MILITARY PROPERTY	1
110	HAZARDING VESSEL, ETC	1
111	OPERATING VEHICLE WHILE DRUNK	11
112	DRUNK ON DUTY	14
113	SENTINAL OR LOOKOUT DRUNK	3
117	USING PROVOKING WORDS OR GESTURES, ETC	2
121	LARCENY, VALUE MORE THAN \$50	11
123	FORGERY	2
127	EXTORTION	1
128	ASSAULT, SIMPLE	9
132	FALSE STATEMENT ON CLAIM, ETC.	1
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	1
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	39
1341	CARRYING CONCEALED WEAPON	30
1342	FALSE PASS OR PERMIT	1
1344	REFUSAL TO TESTIFY	4
9999	__ MASTS 2011-10-01 TO 2011-12-31	328

C. Military Administrative Action:

1. An O-2 had their commission revoked for involvement in an extended prohibited relationship with a non-rate stationed at the same afloat unit.
2. An E-7 was removed from the 2011 Final Eligibility list for appointment to Chief Warrant Officer for involvement in a prohibited relationship with a non-rate stationed at the same afloat unit; contributing to a hostile work environment; using inappropriate language and committing sexual harassment.
3. Three enlisted members were discharged under other than honorable conditions (OTH) in lieu of trial by court-martial. 58 enlisted members received administrative discharges for misconduct: 22 for conduct of a discreditable nature, 2 for fraudulent enlistment, and 34 for involvement with drugs.

Drug Breakdown is as follows:

Occurrences	Drug Type
1	Amphetamine
6	Cocaine
1	Morphine
1	Heroin
2	Methadone
1	Opioid
2	Oxycodone
9	Spice
1	Steroids
8	THC
2	Vicodin

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 FY12:

[view document](#)