

GOOD ORDER AND DISCIPLINE

Second 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 second 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. A CWO2 was convicted by a general court-martial for providing a false official statement to CGIS. The member received no punishment.
- b. An E-7 was convicted by a general court-martial for providing a false official statement; stealing military property (money) of a value more than 500.00 dollars on divers occasions from 2006 through 2007 and 2007 through 2010. The member was sentenced to reduction in paygrade to E-5, confinement for 6 months, and a 25,000 dollar fine, which if unpaid, would result in an additional 6 months of confinement.

2. **Special courts-martial.**

- a. A CWO2 was convicted by a special court-martial for dereliction of duty by willful and deliberate failure to provide accurate and complete information to CGIS. The member received no punishment.
- b. An E-7 was convicted by a special court-martial for providing false official statements to CGIS and engaging in wrongful sexual intercourse which conduct was to the prejudice of good order and discipline in the armed forces. The member was sentenced to reduction to paygrade E-6 and forfeiture of 417.30 dollars per month for two months.
- c. An E-6 was convicted by a special court-martial for assaulting two different military members by spraying them in the face with a chemical irritant. The member was sentenced to reduction in paygrade to E-4.
- d. An E-5 was convicted by a special court-martial for two specifications of assault consummated by a battery. The member was sentenced to reduction in paygrade to E-3, confinement for 60 days, and forfeiture of 1,250 dollars per month for two months.
- e. An E-5 was convicted by a special court-martial for conspiring with another member to commit larceny of a value more than 500 dollars by using a government fuel purchase card for personal use on divers occasions; for theft of more than 500 dollars by wrongfully using the government fuel purchase card for personal use, and for providing false official statements to CGIS.. The member was sentenced to reduction in paygrade to E-3, confinement for 4 months, and a Bad Conduct Discharge.
- f. An E-4 was convicted by a special court-martial for wrongfully possessing Oxycodone, a Schedule II controlled substance with the intent to distribute; conspiracy to possess Oxycodone, a Schedule II controlled substance with the intent to distribute; wrongful use of a government travel card for cash advances unrelated to official government travel; wrongful use of cocaine; and failing to pay government travel card debts in the amount of 848 dollars. The member was sentenced to reduction in paygrade to E-3, confinement for 45 days, and a Bad Conduct Discharge.

- g. An E-4 was convicted by a special court-martial for conspiring with another member to commit larceny of a value more than 500 dollars by using a government fuel purchase card for personal use on divers occasions; and for theft of more than 500 dollars by wrongfully using the government fuel purchase card for personal use. The member was sentenced to reduction in paygrade to E-1, confinement for 4 months, forfeiture of 968 dollars per month for four months, and a Bad Conduct Discharge.

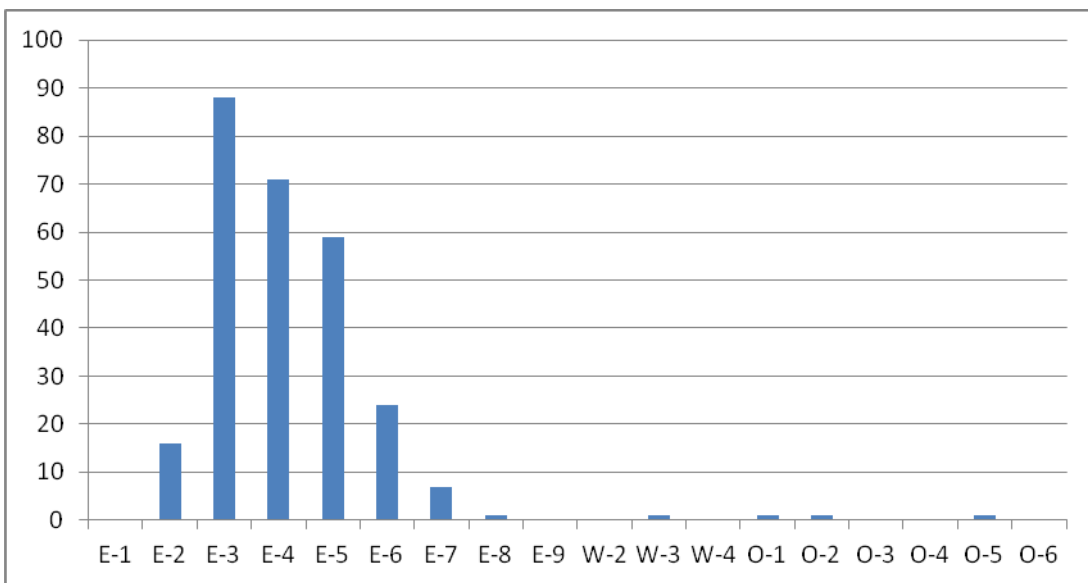
3. Summary courts-martial.

- a. An E-6 was convicted at summary court-martial for maltreatment by sexual harassment of two subordinates subject to orders. The member was sentenced to reduction in paygrade to E-5, 30 days restriction, and a reprimand.
- b. An E-5 was convicted at summary court-martial for willfully disobeying a superior commissioned officer on several occasions by failing to pay just debts as ordered. The member was sentenced to reduction in paygrade to E-4, 30 days restriction, and a reprimand.
- c. An E-5 was convicted at summary court-martial for wrongful possession and use of cocaine and for providing alcohol to a minor. The member was sentenced to reduction in paygrade to E-4, restriction for 60 days, and forfeiture of 1705.27 dollars for one month.
- d. An E-5 was convicted at summary court-martial for making false official statements; wrongful introduction onto a military installation of JWH-018 – a Schedule I controlled substance; stealing Coast Guard money orders valued at 1332.87 dollars by cashing the Coast Guard money orders and retaining the cash; and for falsely altering Coast Guard money orders with the intent to defraud by changing the “pay to the order of” line. The member was sentenced to reduction in paygrade to E-4, restriction for two months, and a letter of reprimand.

- e. An E-5 was convicted at summary court-martial for stealing various items procured with unit funds in excess of 500 dollars; attempt to steal a 9mm pistol, the property of the U. S. government; conspiracy to steal various items procured with unit funds – military property of a value in excess of 500 dollars; failure to obey a lawful general order by wrongful possession of a personal firearm with ammunition, two fixed blade knives and an expandable baton onboard a U.S. Coast Guard vessel; and failure to follow procurement policies and procedures. The member was sentenced to reduction in paygrade to E-4, restriction for 2 months, and forfeiture of 1550.60 dollars for one month.
- f. An E-4 was convicted at summary court-martial for being drunk and disorderly and committing an unlawful entry. The member was sentenced to reduction in paygrade to E-3 and confinement for 18 days.
- g. An E-4 was convicted at summary court-martial for striking a shipmate in the face. The member was sentenced to reduction in paygrade to E-3 and 45 days restriction.
- h. An E-3 was convicted at summary court-martial for making false official statements with the intent to deceive and engaging in disorderly conduct of a nature to bring discredit upon the armed forces. The member was sentenced to reduction in paygrade to E-1, confinement for one month, and forfeitures of 1096.60 dollars.

B. Non-Judicial Punishment: NJP was imposed 270 times accounting for 443 charges covering a wide range of UCMJ offenses. The total punishments included reduction in pay grade imposed in 120 cases; 4981 days of restriction imposed in 188 cases; 4859 days of extra duty imposed in 196 cases; forfeitures totaling \$151,901 in pay imposed in 93 cases; and admonition or reprimand imposed in 24 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
SECOND 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
80	ATTEMPTS	2
81	CONSPIRACY	6
86	UNAUTHORIZED ABSENCE - FROM UNIT, ETC.	44
87	MISSING MOVEMENT - THROUGH NEGLIGENCE	1
89	DISRESPECT TO SUPERIOR OFFICER	3
90	STRIKING, ETC., SUPERIOR	4
91	STRIKING, ETC., WARRANT OR PETTY OFFICER	13
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	154
93	CRUELTY OR MALTREATMENT	4
107	SIGNING FALSE RECORD, ETC.	42
108	SELLING OR DISPOSING OF MILITARY PROPERTY	1
111	OPERATING VEHICLE WHILE DRUNK	9
112	DRUNK ON DUTY	15
113	SENTINAL OR LOOKOUT DRUNK	2
117	USING PROVOKING, ETC., WORDS OR GESTURES	3
121	LARCENY, VALUE MORE THAN \$50	11
123	FORGERY	4
128	ASSAULT, SIMPLE	11
132	FALSE STATMENT, ETC., ON CLAIM, ETC.	2
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	1
1210	INDECENT ACT	1
1212	WRONGFUL SEXUAL CONTACT	3
1213	INDECENT EXPOSURE	1
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	76
1341	CARRYING CONCEALED WEAPON	25
1342	FALSE PASS OR PERMIT	3
1343	MISBEHAVIOUR AS SENTRY	1
1344	REFUSAL TO TESTIFY	1
9999	__ MASTS 2012-01-01 TO 2012-03-31	443

C. Military Administrative Action:

1. An O-3 was removed from the LCDR Selection list when, as Pilot in Charge, the member conducted a non-urgent ferry/training flight without filing a flight plan, a radio guard, and landed the helicopter with less than the mandated 20-minutes fuel reserves.
2. An O-4 was retired in the grade of O-3 after being found at NJP to be in violation of Article 92 (Failure to obey an order) and two specifications of Article 134 (Fraternization). The Officer had engaged in sexually suggestive/explicit personal computer communications over the CGDN with a non-rate and a petty officer.
3. Two enlisted members were discharged under other than honorable conditions (OTH) in lieu of trial by court-martial. 65 enlisted members received administrative discharges for misconduct: 27 for conduct of a discreditable nature, 2 for fraudulent enlistment, and 36 for involvement with drugs.

Drug Breakdown is as follows:

Occurrences	Drug Type
1	Amphetamine
5	Cocaine
1	Ecstasy
1	Heroin
1	Opioid
1	Oxycodone
9	Spice
17	THC

D. Reliefs for Cause.

1. An O-6, CO of a Base Support Unit, was relieved for cause by reason of loss of confidence.
2. An O-6, CO of a 378 WHEC was relieved for cause by reason of loss of confidence.
3. A CWO4, CO of a 175 WLM was relieved for cause by reason of loss of confidence.
4. An E-7, Officer in Charge, was relieved for cause for multiple instances of misusing a government charge card.

5. An E-7, Officer in Charge, was relieved for cause for wrongfully shooting deer, hunting from a Coast Guard small boat and falsifying hunting reports to local Department of Fish and Game officials.
6. An E-7, Executive Petty Officer, was relieved for cause for failing to qualify as Deck Watch Officer.
7. An E-7, Officer in Charge, was relieved for cause for failing to follow through on reported sexual harassment allegations and for fostering a hostile work environment.
8. An E-7, Engineering Petty Officer was relieved for cause for failing to correct engineering casualties, not following prescribed engineering responsibilities and allowing the cutter to sail without operational damage control/firefighting equipment.
9. An E-6, Executive Petty Officer was relieved for cause for allowing instances of inappropriate relationships onboard the unit, failing to take measures after receiving reports of inappropriate behaviors and wrongful sexual contact with junior personnel.
10. An E-6, Executive Petty Officer was relieved for cause for making inappropriate verbal outbursts to crew and displaying erratic and combative behavior with command cadre.

D. Civilian Administrative Action:

1. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the second quarter of FY12:

[view document](#)