

GOOD ORDER AND DISCIPLINE

Third and Fourth 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 third and fourth 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 CWO4 was convicted by General Court-Martial for wrongfully using a government vehicle for personal use, using official government charge cards that did not belong to the member, with intent to deceive signing an official record, making false official statements, disposing of government property valued at \$4998 without proper authority, selling government property valued at \$2245, feigning an injury to avoid duty, stealing a government laptop valued at more than \$500, stealing military property valued at over \$500 and public funds valued

at over \$500. The court-martial sentenced the accused to a \$5,000 fine and a dismissal from the service.

- b. An E-6 was convicted by General Court-Martial for making a false official statement, placing a camera in the female berthing area of a Coast Guard Cutter and recording unsuspecting shipmates. The member was sentenced to reduction to pay grade E-1, confinement for 4 months and a bad-conduct discharge.
- c. An E-5 was convicted by General Court-Martial for stealing property valued under \$500, assault, and communicating multiple threats. The member was sentenced to reduction to pay grade E-1, confinement for 3 months, and a bad-conduct discharge.
- d. An E-5 was convicted by General Court-Martial for exposing his genitalia while operating a motor vehicle in a place and a manner where he could be observed by others and exposing his genitalia in an indecent manner from a barracks window. The member was sentenced to reduction to pay grade E-1, confinement for 30 months and, a bad-conduct discharge.
- e. An E-4 was convicted by General Court-Martial for providing alcoholic beverages to a shipmate under the age of 21, assault by unlawfully penetrating the genitalia of a shipmate with his finger and placing his genitalia in the hand of a shipmate, and committing oral sodomy while the victim was asleep. The member was sentenced to a total forfeiture of pay and allowances, reduction to pay grade E-1, confinement for 15 months, and a dishonorable discharge.
- f. An E-3 was convicted by General Court-Martial for engaging in a sexual act with someone who was substantially incapacitated, photographing and recording the genitalia and buttocks of that person without consent, electronically sending a nude picture as well as showing the pictures to another member without the consent of the victim, and for using indecent language which was of a nature to bring discredit upon the armed forces. The member was sentenced to reduction to pay grade E-1, 621 days of confinement and a bad-conduct discharge.
- g. An E-3 was convicted by General Court-Martial for wrongfully and knowingly possessing child pornography and attempting to receive child pornography. The member was sentenced to reduction to pay grade E-1, and a bad-conduct discharge.
- h. An E-2 was convicted by General Court-Martial for wrongfully using marijuana, oxymorphone, cocaine, and heroin, distribution of

hydrocodone, wrongfully using methamphetamines while on duty as a sentinel or lookout, wrongfully introducing an unknown amount of methamphetamines onto a military installation, and wrongfully distributing methamphetamines to a shipmate. The member was sentenced to reduction to pay grade E-1, total forfeitures of pay and allowances, and a bad-conduct discharge.

2. Special Courts-Martial.

- a. An E-7 was convicted by Special Court-Martial for signing false lodging claims, false certification of travel claims, presenting falsified receipts, presenting a falsified lease agreement, larceny of money of a value in excess of \$500 which was property of the Coast Guard, forgery of lodging receipts, utterance of forged lodging receipts, forgery of a lease agreement and utterance of a forged lease agreement. The member was sentenced to reduction to E-6, confinement for 30 days and a bad-conduct discharge.
- b. An E-6 was convicted by Special Court-Martial for unlawfully grabbing the upper chest area of another shipmate and being drunk and disorderly which was conduct to the prejudice of good order and discipline. The member was sentenced to reduction to pay grade E-5 and forfeiture of \$1757 for two months.
- c. An E-6 was convicted by Special Court-Martial for failing to safeguard classified information as it was his duty to do so. The member was sentenced to reduction to pay grade E-3.
- d. An E-5 was convicted by Special Court-Martial for making false official statements to CGIS, wrongfully committing indecent conduct, persuading a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and receiving material that contained child pornography via cellular phone. The member was sentenced to reduction to pay grade E-1, confinement for 10 months and a bad-conduct discharge.
- e. An E-5 was convicted by Special Court-Martial for intentionally exposing his genitalia in an indecent manner while aboard a Coast Guard Cutter, drunk and disorderly conduct, and communicating indecent language. The member was sentenced to reduction to pay grade E-1, forfeiture of \$990 for 7 months, confinement for 7 months and a bad-conduct discharge.
- f. An E-4 was convicted by Special Court-Martial for making a false official statement with intent to deceive a CGIS agent. The member

was sentenced to reduction to pay grade E-3, 30 days of restriction to his unit, 15 days hard labor, and a reprimand.

- g. An E-3 was convicted at Special Court-Martial for wrongfully using ecstasy, cocaine, marijuana, and psilocybin (magic mushrooms), distributing an unknown amount of cocaine to a shipmate, and making false official statements to a CGIS agent. The member was sentenced to reduction to pay grade E-1, confinement for 3 months and a bad-conduct discharge.
- d. An E-1 was convicted by Special Court-Martial for wrongfully importing alprazolam, zolpidem, a schedule IV controlled substance, into the customs territory of the U.S. and wrongfully possessing multiple tablets of zolpidem, alprazolam and flunitrazepam. The member was sentenced to confinement for 12 months and a bad-conduct discharge.

3. Summary Courts-Martial.

- a. An E-7 was convicted at Summary Court-Martial for violation of a general order by using an official government charge card for personal use, making a false official statement, larceny of military property of a value of more than \$500, wrongful appropriation of \$60, and presenting false travel claims totaling more than \$500. The member was sentenced to a forfeiture of \$2000 for one month and a letter of reprimand.
- b. An E-7 was convicted at Summary Court-Martial for sexually harassing a shipmate. The member was sentenced to reduction to pay grade E-6.
- c. An E-5 was convicted at Summary Court-Martial for being derelict in the performance of duties by not adhering to the Coast Guard's prohibition on hazing, participating in hazing rituals, maltreatment to a person subject to orders, assault, and impeding an investigation. The member was sentenced to reduction to pay grade E-4 and forfeiture of \$1550 and restriction for 2 months.
- d. An E-5 was convicted at Summary Court-Martial for wrongfully appropriating money of a value of less than \$500 from another member on diverse occasions and with the intent to defraud signing the name of another member on checks. The member was sentenced to reduction to pay grade E-4 and 45 days of restriction to the unit.
- e. An E-4 was convicted by Summary Court-Martial for making himself absent from his place of duty at which he was required to be,

wrongfully engaging in sexual contact, being drunk and disorderly, and wrongfully pandering a prostitute to engage in sexual acts for money. The member was sentenced to reduction to pay grade E-1, forfeiture of \$994 for one month, and confinement for 30 days.

- f. An E-3 was convicted at Summary Court-Martial for being drunk and disorderly, which was conduct of a nature to bring discredit upon the armed forces, and making false official statements. The member was sentenced to reduction to pay grade E-1.
- g. An E-4 was convicted at Summary Court-Martial for sexually harassing other shipmates and engaging in wrongful sexual contact with other shipmates without permission. The member was sentenced to reduction to pay grade E-2 and 60 days restriction to the unit.

B. Non-Judicial Punishment:

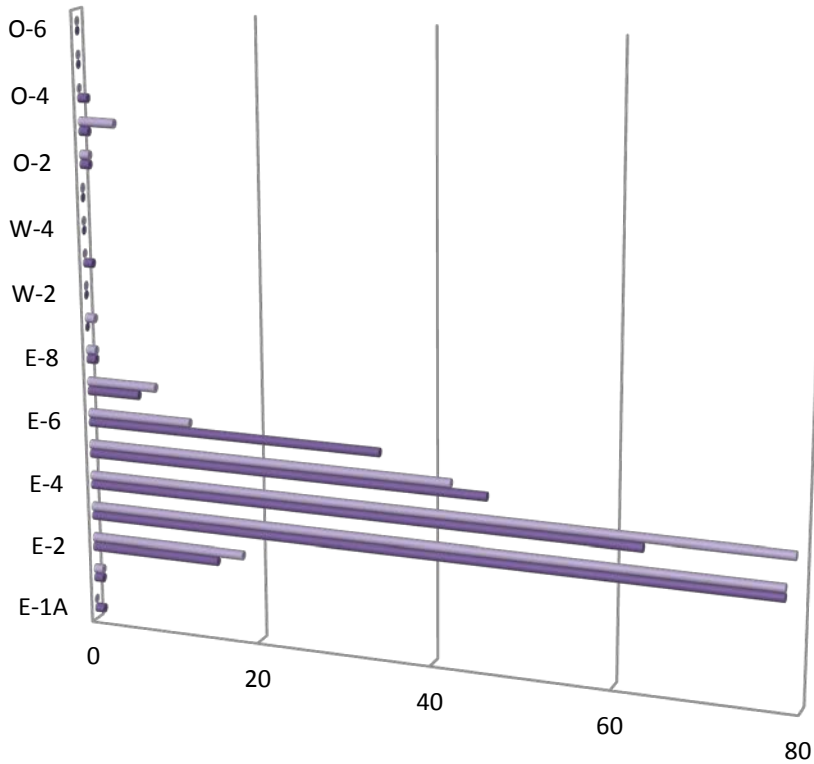
(FY12 3rd Quarter)

NJP was imposed 249 times accounting for 375 charges covering a wide range of UCMJ offenses. The total punishments included reduction in pay grade imposed in 85 cases; 3575 days of restriction imposed in 151 cases; 3905 days of extra duty imposed in 174 cases; forfeitures totaling \$131,785 in pay imposed in 100 cases; and admonition or reprimand imposed in 23 cases.

(FY12 4th Quarter)

NJP was imposed 245 times accounting for 368 charges covering a wide range of UCMJ offenses. The total punishments included reduction in pay grade imposed in 85 cases; 3936 days of restriction imposed in 156 cases; 3757 days of extra duty imposed in 159 cases; forfeitures totaling \$117,101 in pay imposed in 99 cases; and admonition or reprimand imposed in 15 cases.

NJP Offenses by Paygrade



	E-1A	E-1C	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	W-2	W-3	W-4	O-1	O-2	O-3	O-4	O-5	O-6
■ 4th QTR	0	1	18	78	79	42	12	8	1	1	0	0	0	0	1	4	0	0	0
■ 3rd QTR	1	1	15	78	63	46	34	6	1	0	0	1	0	0	1	1	1	0	0

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 3rd Quarter

Offense Code	Offense Description	Count
80	ATTEMPTS	4
86	UNAUTHORIZED ABSENCE - FROM UNIT, ETC.	27
87	MISSING MOVEMENT - THROUGH NEGLIGENCE	1
89	DISRESPECT TO SUPERIOR OFFICER	2
90	STRIKING, ETC., SUPERIOR	1
91	STRIKING, ETC., WARRANT OR PETTY OFFICER	14
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	143

93	CRUELTY OR MALTREATMENT	4
95	RESISTING APPREHENSION	1
98	UNNECESSARY DELAY IN COURT-MARTIAL	1
107	SIGNING FALSE RECORD, ETC.	34
108	SELLING OR DISPOSING OF MILITARY PROPERTY	8
109	WASTING, ETC., OTHER PROPERTY	2
111	OPERATING VEHICLE WHILE DRUNK	5
112	DRUNK ON DUTY	17
113	SENTINAL OR LOOKOUT DRUNK	1
115	MALINGERING	1
116	RIOT	1
117	USING PROVOKING, ETC., WORDS OR GESTURES	2
121	LARCENY, VALUE MORE THAN \$50	7
123	FORGERY	1
128	ASSAULT, SIMPLE	10
129	BURGLARY	1
132	FALSE STATEMENT, ETC., ON CLAIM, ETC.	2
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	2
1204	AGGRAVATED SEXUAL CONDUCT	1
1210	INDECENT ACT	2
1213	INDECENT EXPOSURE	1
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	37
1341	CARRYING CONCEALED WEAPON	32
1342	FALSE PASS OR PERMIT	5
1343	MISBEHAVIOUR AS SENTRY	1
1344	REFUSAL TO TESTIFY	4
9999	__ MASTS 2012-04-01 TO 2012-06-30	375

NJP STATS BY OFFENSE CODE
4th Quarter

Offense Code	Offense Description	Count
78	ACCESSORY AFTER THE FACT	2
80	ATTEMPTS	1
81	CONSPIRACY	3
82	SOLICITATION	1
86	UNAUTHORIZED ABSENCE - FROM UNIT, ETC.	33
89	DISRESPECT TO SUPERIOR OFFICER	2
90	STRIKING, ETC., SUPERIOR	1
91	STRIKING, ETC., WARRANT OR PETTY OFFICER	8
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	139

93	CRUELTY OR MALTREATMENT	3
107	SIGNING FALSE RECORD, ETC.	43
108	SELLING OR DISPOSING OF MILITARY PROPERTY	2
109	WASTING, ETC., OTHER PROPERTY	2
111	OPERATING VEHICLE WHILE DRUNK	9
112	DRUNK ON DUTY	26
113	SENTINAL OR LOOKOUT DRUNK	2
115	MALINGERING	1
117	USING PROVOKING, ETC., WORDS OR GESTURES	2
121	LARCENY, VALUE MORE THAN \$50	5
128	ASSAULT, SIMPLE	9
132	FALSE STATMENT, ETC., ON CLAIM, ETC.	4
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	3
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	33
1341	CARRYING CONCEALED WEAPON	23
1342	FALSE PASS OR PERMIT	8
1344	REFUSAL TO TESTIFY	3
9999	__ MASTS 2012-07-01 TO 2012-09-30	368

C. Military Administrative Action:

(FY12 3rd Quarter)

1. An O-3 was separated for cause due to non-compliance with the Coast Guard weight and body fat standards.
2. An O-3 resigned in lieu of adverse administrative action after the officer was found to be drunk on duty as the Commanding Officer of a 110' WPB. The officer was found in violation of: Article 92 (dereliction of duty), 107 (false official statement), 111 (operating a vehicle while drunk), 112 (drunk on duty), 133 (conduct unbecoming an officer and gentleman/lady) at NJP.
3. An O-2 was removed from the LT [O-3] promotion list after being relieved for cause as the Commanding Officer of an 87' CPB for causing violations of the speed restrictions related to the North Atlantic Right Whale critical habitat area.
4. An O-1's commission was revoked and the officer removed from the LTJG [O-2] promotion list for involvement in an extended prohibited relationship with an E-5 stationed at the same afloat unit.

5. An O-1 was removed from the LTJG [O-2] promotion list following an alcohol incident in a foreign liberty port and was found in violation of Article 116 (breach of peace) and Article 128 (simple assault) at NJP.

(FY12 4th Quarter)

1. An O-3 was dropped from the rolls as a Coast Guard officer after pleading guilty in federal district court to one count of felony wire fraud for involvement in a scheme to illegally obtain \$150,000 from the U.S. Government. The officer was sentenced to twenty-one months imprisonment and ordered to pay \$98,658.50 in restitution.

D. Reliefs for Cause:

(FY12 3rd Quarter)

1. An O-3 CO of a 110' WPB was permanently relieved for cause by reason of loss of confidence.

(FY12 4th Quarter)

1. Two (2) O-2 COs of 87' CPBs were permanently relieved for cause by reason of loss of confidence.

E. Civilian Administrative Action:

1. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the 3rd and 4th quarter of FY12:

[view document](#)