

GOOD ORDER AND DISCIPLINE

Third and Fourth Quarters, Fiscal Year 2013

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 quarters of Fiscal Year 2013. 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.

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.

1. Commissioned Officers.

a. Courts-martial.

(1) None to report.

b. Military Administrative Action.

(1) An O-3 was removed from the PY12 LCDR Selection List after being relieved as XO of a WLB and found in violation of Conduct Unbecoming an Officer and Disorderly Conduct (drunkenness). The officer infiltrated a security barrier at a U.S. Army base abroad and removed alcoholic beverages that had been previously confiscated from him by security forces.

- (2) An O-3 was removed from the PY12 LCDR Selection List after historical documentation revealed an abrasive and negative command climate aboard the WPB that the officer previously commanded. The officer berated crewmembers and condoned horseplay on the bridge of the cutter during operational risk assessments, jeopardizing ship and crew safety. Further, the officer compromised an End of Course Test by allowing a crewmember to use an active exam as a study aid.
- (3) An O-3 was removed from the PY12 LCDR Selection List due to the officer's involvement with a fatal helicopter crash.
- (4) An O-3 was removed from the PY13 LCDR Selection List after receiving punishment at Flag Mast for False Official Statements, Conduct Unbecoming an Officer, and Soliciting Another to Commit an Offense under the Code at Flag Mast. The officer persuaded an E-7 to create fraudulent small arms training documents and submitted these falsified documents to the U.S. Embassy in a foreign country in order to obtain authorization to carry firearms.
- (5) An O-3 resigned for the good of the Service with an other than honorable discharge in lieu of trial by general court martial proceedings after allegedly sexually harassing and assaulting another O-3 and falsifying official statements relating to the matter during an official investigation.
- (6) An O-2's commission was revoked after being relieved from command of a WPB and found in violation of Failure to Obey Order or Regulation, Conduct Unbecoming an Officer, and Fraternalization. The officer engaged in an extended, prohibited relationship with a junior enlisted member while in command.
- (7) An O-1's commission was revoked after engaging in an extended prohibited relationship with a married enlisted member assigned to the same unit while serving in a command cadre position. The officer attempted to conceal the relationship from the command and was charged with Violating a Lawful General Order, Conduct Unbecoming an Officer, Adultery, and Fraternalization.

c. Relief for Cause.

- (1) An O-4 was permanently relieved for cause as the Commanding Officer of a Maritime Safety and Security Team by reason of loss of confidence. The officer exhibited extremely poor professional conduct and judgment in the workplace and at a social function attended by members of his command, which significantly degraded the command climate at the unit.
- (2) A CWO4 was permanently relieved for cause as the Commanding Officer of a small boat station by creating a command climate that permitted senior

members to haze junior enlisted personnel and create a hostile work environment.

- (3) A CWO2 was permanently relieved for cause of a small boat station after a command climate investigation revealed an abrasive and hostile work environment. In addition, the officer intentionally failed to comply with the Sector's incident reporting standards for small boat aground procedures.

d. State / Federal Actions.

- (1) An O-4 was convicted in state court on four counts of using a computer to solicit the parent of a child for sex and one count of traveling to carry out those actions. The member was sentenced to twelve years in prison followed by 18 years of sex offender probation.

e. Non-Judicial Punishment.

- (1) NJP was imposed 12 times accounting for 19 charges covering a wide range of UCMJ offenses. The total punishments included 180 days of restriction imposed in 4 cases, forfeitures totaling \$11,854 in pay imposed in 4 cases, and admonition or reprimand imposed in 9 cases.

2. Senior Enlisted.

a. Courts-martial.

- (1) An E-8 was convicted by Summary Court-Martial for wrongfully participating as part of the member's official duties in purchasing transactions in which the member's spouse had a financial interest and having a direct and predictable effect on that interest, willfully making unauthorized purchases on two member's purchase cards, failing to order the required 70% of all subsistence procurement where available from the prime vendor, and willfully making unauthorized split purchases. The member was sentenced to forfeiture of two-thirds pay for one month, 30 days restriction, and reduction to paygrade E-7.
- (2) An E-7 was convicted by Summary Court-Martial for violation of a lawful order after engaging in romantic relationships with four recent graduates of recruit training. The member was sentenced to reduction to paygrade E-6.
- (3) An E-7 was convicted by Summary Court-Martial for maltreating persons by subjecting them to deliberate and repeated offensive comments, gestures, and touching of a sexual nature, and unlawfully striking two members. The member was sentenced to reduction to paygrade E-6.
- (4) An E-7 was convicted by Summary Court-Martial for willfully failing to follow regulations prohibiting sexual relationships between Coast Guard

Recruiters and Applicants as promulgated in the CG Recruiting Manual, COMDTINST M1100.2E. The member was sentenced to reduction to paygrade E-6.

- (5) An E-7 was convicted by Summary Court-Martial for making a claim against the United States for \$3,921.10 associated with a Permanent Change of Station accompanied by dependents which claim was fraudulent, and making a claim against the United States for \$2191.09 for performing a Personally Procured Move with dependents which claim was fraudulent. The member was sentenced to reduction to paygrade E-6.

b. Military Administrative Actions.

- (1) None to report.

c. Relief for Cause.

- (1) An E-9 Command Master Chief at a Sector was relieved for cause for misconduct due to misuse of the Government Travel Credit Card.
- (2) An E-9 Officer in Charge of a cutter was relieved for loss of confidence due to fostering a poor command climate.
- (3) An E-8 Executive Petty Officer of a Station was relieved for cause for misconduct due to fostering a poor command climate.
- (4) An E-8 Executive Petty Officer of a Station was relieved for cause for misconduct due to fostering a poor command climate.
- (5) An E-8 Engineering Petty Officer of a cutter was relieved for cause for loss of confidence due to ineffective leadership.
- (6) An E-7 Engineering Petty Officer of a cutter was relieved for cause for loss of confidence due to ineffective leadership.
- (7) An E-7 Engineering Petty Officer of a Patrol Boat was relieved for cause for loss of confidence due to ineffective leadership.
- (8) An E-7 Engineering Petty Officer of a Station was relieved for cause for misconduct due to arrest for a domestic issue and misuse of alcohol.
- (9) An E-7 Engineering Petty Officer of a Station was relieved for cause for misconduct due to fostering a poor command climate.

(10) An E-7 Engineer Petty Officer of a station was relieved for loss of confidence due to an inability to qualify and effectively perform the required duties of the position.

d. State / Federal Actions.

(1) None to report.

e. Non-Judicial Punishment.

(2) NJP was imposed 17 times accounting for 25 charges covering a wide range of UCMJ offenses. The total punishments included 238 days of restriction imposed in 6 cases, forfeitures totaling \$24,624 in pay imposed in 9 cases, and admonition or reprimand imposed in 7 cases.

3. Junior Enlisted.

a. Courts-martial.

- (1) An E-6 was convicted by General Court-Martial for wrongfully and knowingly possessing child pornography. The member was sentenced to 3 months confinement and reduction to paygrade E-5.
- (2) An E-6 was convicted by Special Court-Martial for desertion, and wrongfully using marijuana. The member was sentenced to confinement for 10 months, reduction to paygrade E-3, and a bad -conduct discharge.
- (3) An E-6 was convicted by Summary Court-Martial for committing adultery and wrongfully dating and engaging in a romantic relationship with a recent graduate of recruit training. The member was sentenced to reduction to paygrade E-5.
- (4) An E-6 was convicted by Summary Court-Martial for violating a lawful general order by wrongfully socializing with a military applicant. The member was sentenced to 14 days restriction and forfeiture of 7 days pay.
- (5) An E-5 was convicted by General Court-Martial for being absent from his unit without authority, wrongfully using marijuana, wrongfully using cocaine, discussing the desire to purchase marijuana and his position in the Coast Guard, wrongfully possessing drug paraphernalia and materials indicating an intent to adulterate a urinalysis specimen, wrongfully using the synthetic cannabinoid Spice, and wrongfully possessing marijuana. The member was sentenced to 350 days confinement, reduction to paygrade E-1, and a bad-conduct discharge.

- (6) An E-5 was convicted by Special Court-Martial for not returning unauthorized items purchased with the issued Government Credit Card for Food Purchase after being ordered to do so, willfully failing to purchase only authorized food items with the assigned Government Credit Card for Food Purchase, not maintaining accurate purchasing receipts made with the Government Credit Card for Food Purchase, failing to report purchases made with the Government Credit Card for Food Purchase, providing fabricated documents, stealing kitchenware valued at \$589.05, wrongfully appropriating kitchen appliances of a combined value greater than \$500.00, and committing fraud by obtaining the approval, allowance, and payment of \$2969.97 with fabricated receipts. The member was sentenced to 45 days confinement and reduction to paygrade E-1.
- (7) An E-5 was convicted by Special Court-Martial for wrongfully possessing an unauthorized firearm aboard a federal facility. The member was sentenced to 15 days restriction and a reprimand.
- (8) An E-5 was convicted by Special Court-Martial for wrongfully and knowingly viewing images of child pornography and knowingly possessing images of child pornography. The member was sentenced to 5 months confinement, forfeitures of \$1010.00 per month for 5 months, and reduction to paygrade E-1.
- (9) An E-5 was convicted by Summary Court-Martial for making false official statements, wrongfully using heroin, and stealing \$200.00 from the wardroom. The member was sentenced to forfeiture of \$1410.00 pay per month for one month, a fine of \$200.00, and reduction to paygrade E-4.
- (10) An E-5 was convicted by Summary Court-Martial for wrongfully propositioning a recent graduate of recruit training, willfully disobeying an order by contacting a recent graduate of recruit training, wrongfully dating five recent graduates of recruit training, and committing adultery. The member was sentenced to 45 days restriction, forfeiture of \$1602.04 pay per month for one month, and reduction to E-4.
- (11) An E-4 was convicted by General Court-Martial for committing adultery and providing false official statements to a police officer with the intent to deceive. The member was sentenced to reduction to paygrade E-1 and a bad-conduct discharge.
- (12) An E-4 was convicted by Summary Court-Martial for assault consummated by a battery. The member was sentenced to 18 days confinement and reduction to paygrade E-3.
- (13) An E-4 was convicted by Summary Court-Martial for making false official statements. The member was sentenced to 15 days confinement and reduction to paygrade E-3.

- (14) An E-4 was convicted by Summary Court-Martial for remaining absent without authority for four days, not contacting Red Cross before departing on Emergency Leave, not providing contact information before departing on Emergency Leave, not turning on the Out of Office Assistant feature before departing on Emergency Leave, and providing false official statements. The member was sentenced to one month confinement and reduction to paygrade E-2.
- (15) An E-3 was convicted by Summary Court-Martial for wrongful possession and use of marijuana and making false official statements. The member was sentenced to one month restriction and reduction to paygrade E-2.
- (16) An E-2 was convicted by Special Court-Martial for unlawfully placing his hands on another member's knee and being drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces. The member was sentenced to 45 days confinement, forfeiture of \$1000.00 pay per month for one month, and reduction to paygrade E-1.

b. Military Administrative Action.

- (1) Twelve enlisted members were discharged under other-than-honorable conditions in lieu of trial by Court-Martial. 92 enlisted members received an administrative discharge for misconduct; 3 for bad conduct; 41 for conduct of a discreditable nature; 5 for fraudulent enlistment, and 43 for involvement with drugs.

c. Relief for Cause.

- (1) An E-6 Executive Petty Officer of a station was relieved for loss of confidence due to an inability to qualify and effectively perform the required duties of the position.
- (2) An E-6 Executive Petty Officer of an Aids to Navigation Team was relieved for cause for loss of confidence due to fostering a poor command climate.

d. State / Federal Actions.

- (1) None to report.

e. Non-Judicial Punishment.

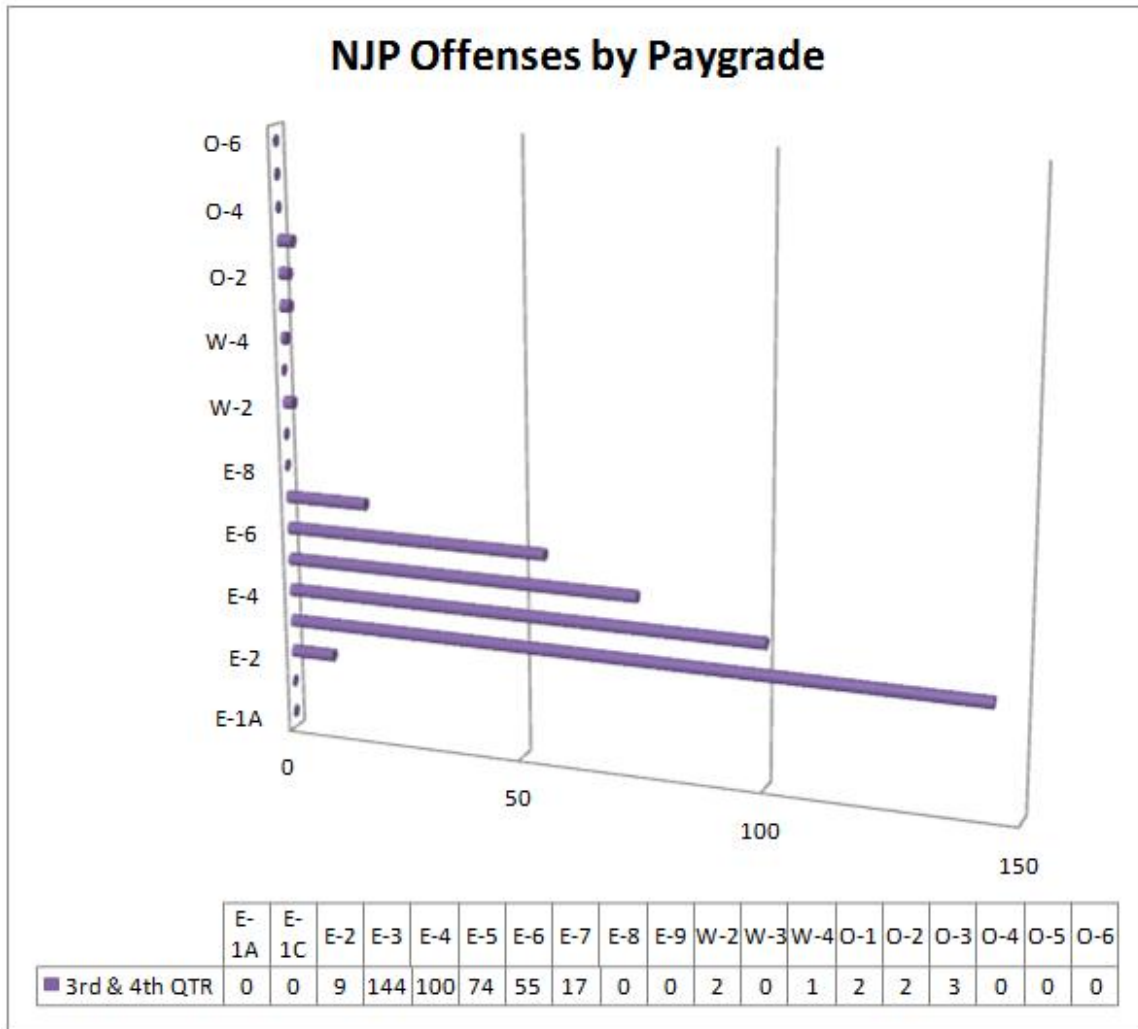
- (1) NJP was imposed 388 times accounting for 618 charges covering a wide range of UCMJ offenses. The total punishments included reduction in pay grade imposed in 50 cases, 5873 days of restriction imposed in 268 cases, forfeitures totaling \$126,785 in pay imposed in 109 cases, 120 days arrested in quarters

imposed in 3 cases, 37 days corrective custody imposed in 2 cases, and admonition or reprimand imposed in 20 cases.

4. Civilian Administrative Action.

- a. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the 3rd and 4th quarter of FY13:

[view document](#)



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 and 4th Quarter

Offense Code	Offense Description	Count
80	ATTEMPTS	1
83	FRAUDULENT ENLISTMENT	1
86	UNAUTHORIZED ABSENCE - FROM UNIT, ETC.	52
87	MISSING MOVEMENT - THROUGH NEGLIGENCE	2
89	DISRESPECT TO SUPERIOR OFFICER	4
90	STRIKING, ETC., SUPERIOR	3
91	STRIKING, ETC., WARRANT OR PETTY OFFICER	21

92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	234
93	CRUELTY OR MALTREATMENT	10
107	SIGNING FALSE RECORD, ETC.	65
108	SELLING OR DISPOSING OF MILITARY PROPERTY	3
109	WASTING, ETC., OTHER PROPERTY	4
111	OPERATING VEHICLE WHILE DRUNK	16
112	DRUNK ON DUTY	24
113	SENTINAL OR LOOKOUT DRUNK	6
115	MALINGERING	1
117	USING PROVOKING, ETC., WORDS OR GESTURES	2
121	LARCENY, VALUE MORE THAN \$50	15
123	FORGERY	4
128	ASSAULT, SIMPLE	18
130	HOUSEBREAKING	1
132	FALSE STATMENT, ETC., ON CLAIM, ETC.	6
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	7
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	96
1341	CARRYING CONCEALED WEAPON	44
1342	FALSE PASS OR PERMIT	8
1344	REFUSAL TO TESTIFY	9
13401	ADULTERY OR FORNICATION	12
13405	ASSAULT, OTHER UNDER ART. 134	1
13406	BAD CHECK OFFENSE	1
13414	DISLOYAL STATEMENT	1
13415	DISORDER, DISORDERLY	4
13417	DRUNK	10
13418	DRUNK AND DISORDERLY	29
13419	FAILURE TO PAY DEBTS	3
13420	FALSE PASS OR PERMIT	1
13425	INDECENT ACT OR LIBERTIES WITH CHILD	1
13427	INDECENT EXPOSURE	1
13428	INDECENT LANGUAGE	6
13444	THREATS	5
13447	UNLAWFUL ENTRY	6

13449	WRONGFUL USE GOVERNMENT PROPERTY	1
9999	_ MASTS 2013-04-01 TO 2013-09-30	557