

## GOOD ORDER AND DISCIPLINE

First Quarter, Fiscal Year 2014

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 service-wide during the first quarter of Fiscal Year 2014. 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. An O-3 was convicted by General Court-Martial for causing a breach of the peace by breaking a glass door, kicking a trash can, causing a person to vacate their residence and call 911, trespassing onto a person's property and breaking into the apartment, causing that person to scream loudly and call 911, waking residents of the neighborhood between the hours of 0100 to 0300 in the morning, and unlawfully entering the dwelling house of a person, which conduct was of a nature to bring discredit upon the armed forces. The member was sentenced to forfeitures of \$2500.00 per month for two months and a reprimand.
- b. Military Administrative Action. None to report.
- c. Relief for Cause. An O-4 was permanently relieved for cause as the Commanding Officer of a cutter due to a poor command climate. While in command, the climate

onboard deteriorated to an extent that members of the command cadre felt unable to raise safety concerns and were routinely excluded from management activities involving their respective divisions. Overall, the command climate was one that jeopardized safety, impaired unit morale, and gradually eroded good order and discipline.

- d. State / Federal Actions. None to report.
- e. Non-Judicial Punishment. NJP was imposed 2 times accounting for 4 charges, covering the following UCMJ offenses; failure to obey a lawful general order, conduct unbecoming an officer and gentleman /lady charged in two cases, and drunk and disorderly. The total punishments included 60 days of restriction and admonishment or reprimand was imposed in both cases.

## **2. Senior Enlisted.**

### **a. Courts-martial.**

- (1) An E-7 was convicted by Special Court-Martial for violating a lawful general regulation by wrongfully maintaining two personal revolvers and ammunition in the berthing area without prior permission of the Commanding Officer, willfully failing to store two private revolvers and ammunition in the armory, maltreating three subordinates subject to orders, making false official statements, unlawfully striking another member on the shoulder, assaulting two members, and orally communicating indecent language to two members, which language was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces. The member was sentenced to reduction to pay grade E-4, confinement for three months, and a bad conduct discharge.
- (2) An E-7 was convicted by Special Court-Martial for failing to obey a lawful general order prohibiting the use of the travel charge card for point of sale transactions while not in an official travel status, failing to obey a lawful general order by using the travel charge card for an ATM cash withdrawal while not in an official travel status on two occasions, submitting a travel claim in the amount of \$5217.84 which was fraudulent in the amount of \$2528.40 by creating a hotel receipt and submitting said receipt for reimbursement as a temporary lodging expense connected with permanent change-of-station travel and was then known to be fraudulent. The member was sentenced to reduction to paygrade E-6.

- b. Military Administrative Actions. An E-7 pled guilty in a civilian court to a charge of Attempted Sexual Battery. The member was sentenced to be incarcerated for 25 years in a correctional facility. The member was discharged under Other Than Honorable Conditions in lieu of trial by Court-Martial.

c. Relief for Cause.

- (1) An E-7 was relieved for cause as an Executive Petty Officer of a patrol boat for loss of confidence due to a failure to qualify as a Deck Watch Officer.
- (2) An E7 was relieved for cause as an Executive Petty Officer of a patrol boat for loss of confidence due to ineffective leadership and administration.

d. State / Federal Actions. See 5.B. above.

e. Non-Judicial Punishment. NJP was imposed 8 times accounting for 11 charges covering a wide range of UCMJ offenses. The total punishments included 171 days of restriction imposed in 4 cases, forfeitures totaling \$27,449.00 in pay imposed in 8 cases, and admonishment or reprimand imposed in 2 cases.

**3. Junior Enlisted.**

a. Courts-martial.

- (1) An E-6 was convicted by Special Court-Martial for maltreating two subordinates and unlawfully grabbing three member's breasts. The member was sentenced to 3 months confinement and reduction to paygrade E-4.
- (2) An E-5 was convicted by General Court-Martial for making false official statements, knowingly and wrongfully attempting to possess child pornography, and wrongfully and knowingly possessing one or more visual depictions of what appears to be a minor engaging in sexual conduct. The member was sentenced to total forfeitures of pay, reduction to E-1, confinement for 9 months, and a bad conduct discharge.
- (3) An E-5 was convicted by Special Court-Martial for wrongfully using heroin on diverse occasions while on duty as a sentinel or lookout, wrongfully possessing approximately .01 grams of heroin, wrongfully introducing an unknown quantity of Buprenorphine ("Suboxone") onto a vessel, aircraft, vehicle or installation used by the armed forces or under control of the armed forces, wrongfully using Buprenorphine ("suboxone") while onboard the unit, wrongfully introducing an unknown quantity of heroin onto a vessel, aircraft, vehicle or installation used by the armed forces or under control of the armed forces, and wrongfully using heroin. The member was sentenced to reduction to paygrade E-1, confinement for 2 months, and a bad conduct discharge.
- (4) An E-5 was convicted by Special Court-Martial for unlawfully touching another member on the leg and back, drunk and disorderly conduct, and unlawfully entering the berthing of the opposite sex, such conduct being to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit

upon the armed forces. The member was sentenced to reduction to pay grade E-3 and confinement for 60 days.

- (5) An E-4 was convicted by Special Court-Martial for threatening to kill the Commanding Officer, Executive Officer, and Command Master Chief. The member was sentenced to reduction to paygrade E-2 and a bad conduct discharge.
- (6) An E-3 was convicted by General Court-Martial for making false official statements, wrongfully engaging in a course of conduct directed at a person thereby inducing a reasonable fear of bodily harm, unlawfully striking that person on the thigh, unlawfully grabbing them by the shoulders and pulling them backwards, wrongfully communicating a threat to injure the person, and engaging in sexual contact without legal justification or lawful authorization and without the persons permission. The member was sentenced to a reprimand, forfeitures of all pay and allowances, reduction to pay grade E-1, confinement for 9 months, and a bad conduct discharge.
- (7) An E-3 was convicted by Summary Court-Martial for conspiring with another member to wrongfully interfere with an adverse administrative proceeding by replacing, concealing, and diluting another member's urine sample during a command-directed urinalysis, signing an official record affirming the urine was their own with the intent to deceive, wrongfully using marijuana, wrongfully endeavoring to impede an administrative proceeding by using the urine sample from another member to replace, conceal, and dilute the urine sample during a command-directed urinalysis, and wrongfully endeavoring to impede the continued pretrial confinement of another member with false official statements, which conduct, being to the prejudice of good order and discipline and of a nature to bring discredit upon the armed forces. The member was sentenced to a reprimand, forfeiture of \$750.00 for 1 month, and reduction to E-2.

b. Military Administrative Action.

- (1) An E-5 having knowledge of a lawful order, failed to obey the same by wrongfully engaging in sexual intercourse in a Coast Guard controlled workspace, wrongfully having sexual intercourse with a married civilian, not the member's spouse, and making a false official statement. The member was discharged under Other Than Honorable Conditions in lieu of trial by Court-Martial.
- (2) An E-4 knowingly and wrongfully distributed visual depictions of a minor engaging in sexually explicit conduct, and knowingly and wrongfully possessed one or more computer hard drives containing images a prepubescent minor engaging in sexually explicit conduct. The member was convicted in a federal court for this conduct and was sentenced to imprisonment for a term of 78

months in a civilian court. The member was discharged under Other Than Honorable Conditions in lieu of trial by Court-Martial.

c. Relief for Cause.

- (1) An E-6 was relieved for cause as an Executive Petty Officer of a station for loss of confidence due to fostering a poor command climate.
- (2) An E-6 was relieved for cause as an Engineer Petty Officer of a station for loss of confidence due to ineffective leadership and administration.

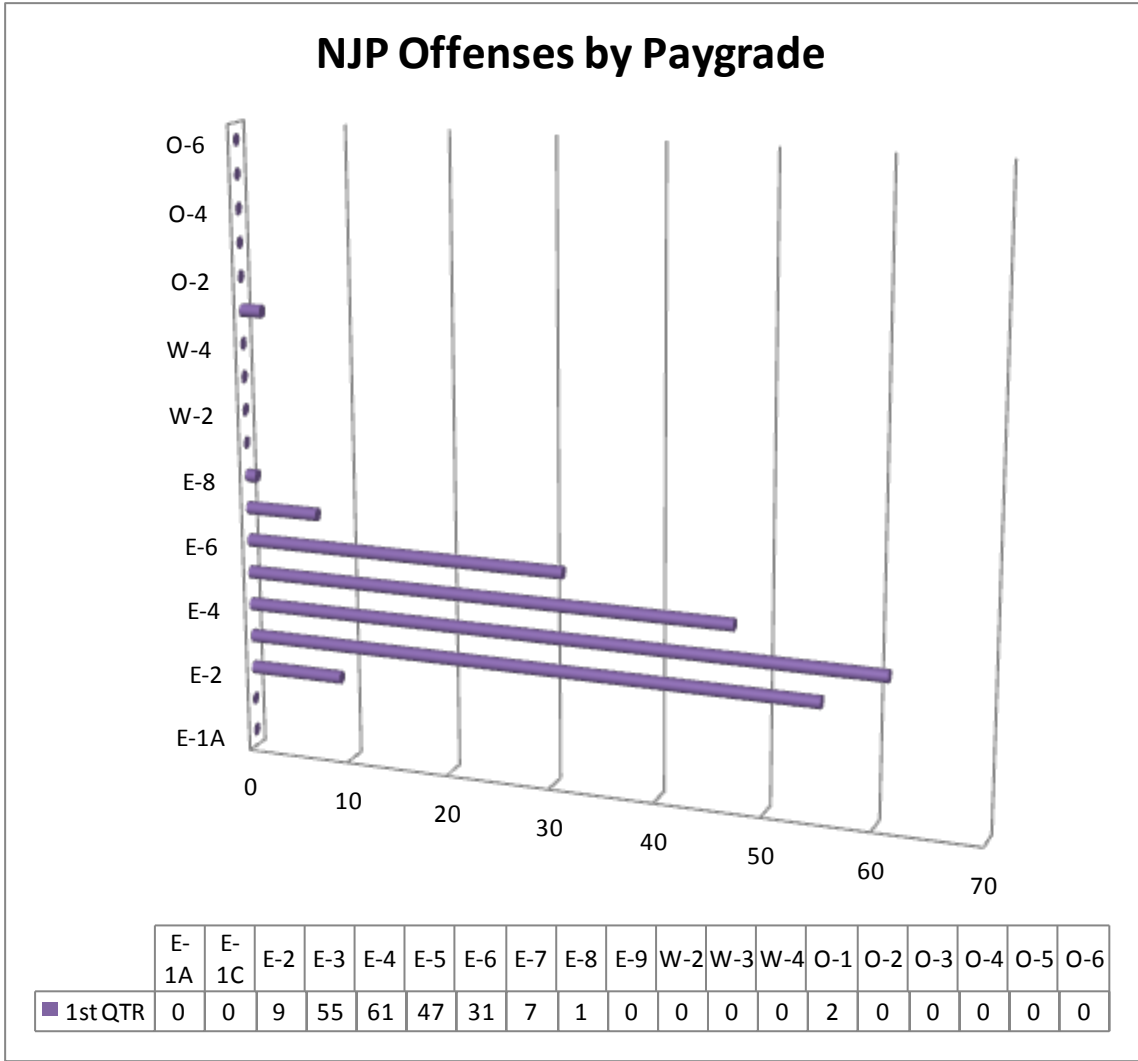
d. State / Federal Actions. An E-5 pled guilty to using a government issued credit card to purchase items for personal benefit. The member was sentenced in FY13 Q3 to \$617,441.64 in restitution and 37 months in a federal prison followed by three years of supervised release. See also 3.b.(2) above.

e. Non-Judicial Punishment. NJP was imposed 203 times accounting for 313 charges covering a wide range of UCMJ offenses. The total punishments included 7 days of arrest in quarters imposed in one case, 14 days corrective custody imposed in one case, 49 extra duty days imposed in 5 cases, 3163 days of restriction imposed in 137 cases, forfeitures totaling 88,978 dollars in pay imposed in 75 cases, and admonishment or reprimand imposed in 15 cases.

**4. Civilian Administrative Action.**

a. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the 1st quarter of FY14:

[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 1<sup>st</sup> Quarter

Offense Code	Offense Description	Count
80	ATTEMPTS	1
81	CONSPIRACY	4
86	UNAUTHORIZED ABSENCE - FROM UNIT, ETC.	32
89	DISRESPECT TO SUPERIOR OFFICER	3

91	STRIKING, ETC., WARRANT OR PETTY OFFICER	16
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	97
93	CRUELTY OR MALTREATMENT	6
107	SIGNING FALSE RECORD, ETC.	38
108	SELLING OR DISPOSING OF MILITARY PROPERTY	5
109	WASTING, ETC., OTHER PROPERTY	3
110	HAZARDING, ETC., VESSEL	2
111	OPERATING VEHICLE WHILE DRUNK	7
112	DRUNK ON DUTY	7
115	MALINGERING	2
117	USING PROVOKING, ETC., WORDS OR GESTURES	6
121	LARCENY, VALUE MORE THAN \$50	5
123	FORGERY	1
128	ASSAULT, SIMPLE	15
132	FALSE STATMENT, ETC., ON CLAIM, ETC.	1
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	2
1341	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	24
13401	ADULTERY OR FORNICATION	7
13412	DESTROYING, ALTERING, ETC., PUBLIC RECORD	1
13415	DISORDER, DISORDERLY	4
13417	DRUNK	1
13418	DRUNK AND DISORDERLY	18
13421	FALSE SWEARING	1
13428	INDECENT LANGUAGE	5
13444	THREATS	1
13445	UNAUTHORIZED INSIGNIA, ETC.	1