

GOOD ORDER AND DISCIPLINE

Second 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 second 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. None to report.
- b. Military Administrative Action.
 - (1) An O-3 resigned in lieu of involuntary board action as a result of a prohibited relationship with a junior enlisted member assigned to the same unit, which degraded the unit's workplace climate.
 - (2) An O-2's temporary appointment was vacated in lieu of involuntary board action after receiving two alcohol incidents. Both incidents occurred on separate occasions when the consumption of alcohol was determined to be a causative factor for the officer failing to appear at the appointed place of duty. Furthermore, the officer lied about the cause of absence to the command. The

officer went to Captain's Mast and was found to have violated Article 86, UCMJ (Absence without leave), Article 92, UCMJ (Failure to obey order or regulation), Article 107, UCMJ (False official statement), and Article 134, UCMJ (Drunkness).

- (3) An O-1 resigned in lieu of involuntary board action after losing the trust and confidence of the command due to unsatisfactory behavior when placed in stressful situations resulting in an alcohol incident and revocation of authorization to carry a personal defense weapon.
- (4) An O-1 resigned in lieu of involuntary board action after engaging in an extended prohibited relationship with an enlisted member assigned to the same unit. After receiving formal counseling and given a lawful cease and desist order, the officer continued to secret the relationship from the command. The officer went to Captain's Mast and was found to have violated Article 92, UCMJ (Failure to obey order or regulation) and Article 134, UCMJ (Fraternization).
- (5) A CWO2's appointment was terminated as a result of the officer allegedly assaulting three people while out at a local bar. The officer's conduct was reported to the local police as well as the Coast Guard by one of the victims. The officer went to Admiral's Mast where the member was found to have violated three specifications of Article 133, UCMJ (Conduct unbecoming an officer and a gentleman). The officer admitted to the charges and was sentenced to restriction for sixty days, forfeiture of a half month's pay for two months, and a letter of reprimand. In addition, the officer received an alcohol incident as it was determined to be a significant and causative factor of the behavior.
- (6) A CWO2 was removed from the promotion list to CWO3 as a result of special board action. The officer was permanently relieved for cause as the Commanding Officer of a small boat station due to a command climate investigation which found the officer to have mistreated the crew and displayed conduct that was unbecoming of an officer.
- (7) A CWO3 retired in lieu of involuntary board action as a result of an arrest for driving while intoxicated, which resulted in the member's second documented alcohol incident.
- (8) A CWO3 retired in lieu of involuntary board action as a result of a prohibited relationship with a junior enlisted member.
- (9) A The Secretary of Homeland Security approved and executed the dismissal of a CWO4 who was previously convicted at a General Court-Martial for stealing unit funds and property and lying in order to keep critical fiscal information hidden from subordinates and supervisors.

- c. Relief for Cause. An O-6 was permanently relieved for cause as the Commanding Officer of an operational unit after showing up to work on at least two occasions smelling of alcohol and demonstrating behavior indicative of someone who is intoxicated.
- d. State / Federal Actions. None to report.
- e. Non-Judicial Punishment. NJP was imposed ten times, accounting for twenty-one charges, covering a wide range of UCMJ offenses. The total punishments included admonishment or reprimand in all ten cases, eighty days of restriction imposed in two cases, and forfeitures totaling \$8,337 in pay imposed in two cases.

2. Senior Enlisted.

- a. Courts-martial.
 - (1) An E-8 was convicted by General Court-Martial for receiving a purchased firearm without being licensed to deal, import, manufacture, or collect firearms, knowingly possessing a large capacity weapon and a large capacity feeding device without a valid Class A or Class B license to carry firearms, and owning or possessing ammunition without a firearm identification card. The member was sentenced to forfeiture of \$150 per month for four years and reduction to paygrade E-7.
 - (2) An E-7 was convicted by Summary Court-Martial for cruelty and maltreatment of subordinates and assault and battery of two members. The member was sentenced to reduction to paygrade E-6.
- b. Military Administrative Actions. One senior enlisted member received an administrative discharge for misconduct, conduct which was of a discreditable nature.
- c. Relief for Cause. An E-7 Officer in Charge of a Station was relieved for cause for loss of confidence due to fostering a poor command climate.
- d. State / Federal Actions. None to report.
- e. Non-Judicial Punishment. NJP was imposed five times accounting for seven charges, covering a wide range of UCMJ offenses. The total punishments included admonishment or reprimand imposed in one case, sixty days of restriction imposed in one case, and forfeitures totaling \$9,798 in pay imposed in all five cases.

3. Junior Enlisted.

a. Courts-martial.

- (1) An E-6 was convicted by Summary Court-Martial for making false official statements, wrongfully sending sexually explicit text messages and photos to a subordinate, engaging in sexually explicit conversation with a subordinate, slapping a subordinate's rear end, such conduct being to the prejudice of good order and discipline in the armed forces, and unlawfully assaulting another member. The member was sentenced to a reprimand, forfeiture of \$2,061 per month for one month, and reduction to paygrade E-5.
- (2) An E-5 was convicted by Special Court-Martial for maltreating five subordinates and unlawfully hugging and touching the face of another member. The member was sentenced to reduction to paygrade E-1 and confinement for thirty days.
- (3) An E-5 was convicted by Summary Court-Martial for wrongful appropriation of military property of a value of \$400, committing an assault upon another member, and drunk and disorderly conduct, which conduct was to the prejudice of good order and discipline in the armed forces. The member was sentenced to a reprimand, sixty days of restriction, forfeiture of \$1000 per month for one month, and reduction to paygrade E-4.
- (4) An E-4 was convicted by General Court-Martial for conspiring with another member to wrongfully interfere with an adverse administrative proceeding, wrongfully endeavoring to impede an administrative proceeding by providing a urine sample to another member, making false official statements, committing sexual acts upon a person incapable of consenting to the acts due to impairment by an intoxicant, using their military identification card to gain sole control and responsibility for a person who was severely intoxicated, which was to the prejudice of good order and discipline, and willfully allowing another person to have their military identification card. The member was sentenced to forfeiture of all pay and allowances, reduction to paygrade E-1, ten years of confinement, and a bad-conduct discharge.
- (5) An E-4 was convicted by Special Court-Martial for wrongfully using marijuana, wrongfully using cocaine, and wrongfully distributing one pound or more of marijuana. The member was sentenced to forfeiture of \$1,010 per month for eight months, reduction to paygrade E-1, confinement for eight months, and a bad-conduct discharge.
- (6) An E-4 was convicted by Special Court-Martial for unlawfully touching the shoulder and waistline of another member and communicating indecent language to another member in writing. The member was sentenced to sixty

days of restriction, forfeiture of \$700 per month for three months, and reduction to paygrade E-3.

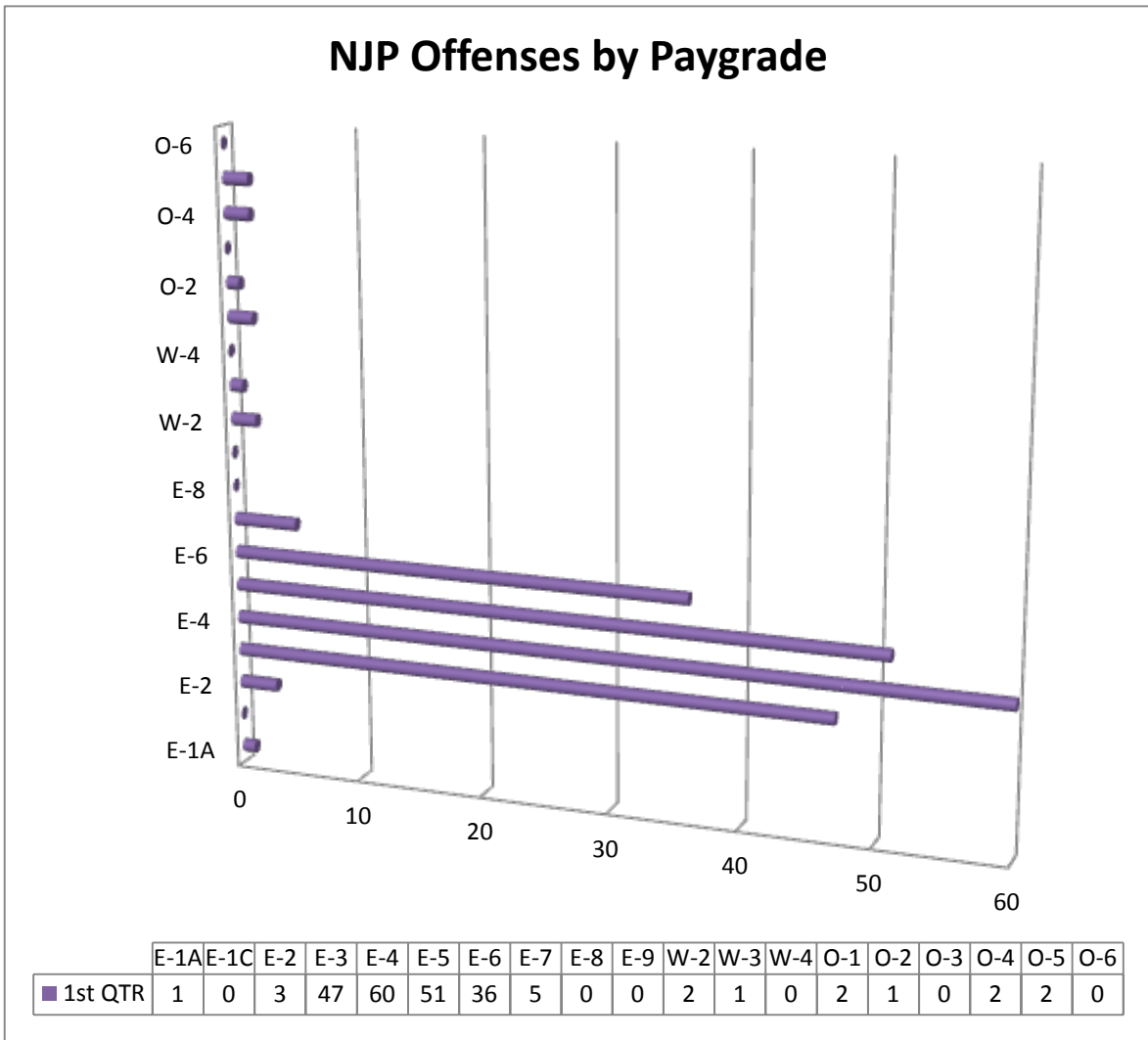
- (7) An E-4 was convicted by Summary Court-Martial for cruelty and maltreatment of four members subject to orders. The member was sentenced to restriction for twenty-one days and reduction to paygrade E-3.
 - (8) An E-4 was convicted by Summary Court-Martial for falsely signing official documents, stealing a recurring maintenance allowance of a value of \$600, stealing a portion of Overseas Housing Allowance of a value of \$600, and making false official statements. The member was sentenced to forfeiture of \$1010 per month for one month, reduction to paygrade E-1, and thirty days of confinement.
 - (9) An E-3 was convicted by General Court-Martial for false official statements, wrongfully committing indecent conduct, wrongfully and knowingly possessing child pornography, wrongfully and knowingly attempting to receive child pornography on his personal computer, and wrongfully agreeing to engage in sexual conduct for a fee. The member was sentenced to reduction to paygrade E-1, eighteen months of confinement, and a bad-conduct discharge.
 - (10) An E-2 was convicted by General Court-Martial for wrongfully and knowingly possessing child pornography and soliciting sexually explicit material from a minor. The member was sentenced to reduction to paygrade E-1, total forfeiture of all pay and allowances, confinement for seven years, and a bad-conduct discharge.
- b. Military Administrative Action. Six enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. Forty-five enlisted members received administrative discharges for misconduct: one for bad conduct, nineteen for conduct of a discreditable nature, one for fraudulent enlistment, and twenty-four for involvement with drugs.
 - c. Relief for Cause. An E-6 Engineering Petty Officer of a Station was relieved for cause due to inappropriate use of alcohol.
 - d. State / Federal Actions. None to report.
 - e. Non-Judicial Punishment. NJP was imposed 198 times accounting for 318 charges, covering a wide range of UCMJ offenses. The total punishments included admonishment or reprimand imposed in eleven cases, 2,943 days of restriction imposed in 119 cases, and forfeitures totaling \$103,895 in pay imposed in eighty-two cases.

4. Civilian Administrative Action.

- a. The following website contains a summary of disciplinary/adverse actions taken involving civilian Coast Guard employees for the 2nd quarter of FY14:

[view document](#)

The following tables provide 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
2nd Quarter

Offense Code	Offense Description	Count
80	ATTEMPTS	1
86	UNAUTHORIZED ABSENCE - FROM UNIT, ETC.	19
87	MISSING MOVEMENT - THROUGH NEGLECT	2
89	DISRESPECT TO SUPERIOR OFFICER	2
90	STRIKING, ETC., SUPERIOR	4
91	STRIKING, ETC., WARRANT OR PETTY OFFICER	5
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	117
93	CRUELTY OR MALTREATMENT	7
107	SIGNING FALSE RECORD, ETC.	48
108	SELLING OR DISPOSING OF MILITARY PROPERTY	3
111	OPERATING VEHICLE WHILE DRUNK	6
112	DRUNK ON DUTY	19
113	SENTINAL OR LOOKOUT DRUNK	2
115	MALINGERING	1
117	USING PROVOKING, ETC., WORDS OR GESTURES	6
121	LARCENY, VALUE MORE THAN \$50	3
123	FORGERY	1
128	ASSAULT, SIMPLE	15
132	FALSE STATMENT, ETC., ON CLAIM, ETC.	2
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	3
1212	WRONGFUL SEXUAL CONTACT	1
1213	INDECENT EXPOSURE	1
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	46
13401	ADULTERY OR FORNICATION	6
13413	DISCHARGING FIREARM	1
13415	DISORDER, DISORDERLY	2
13417	DRUNK	4
13418	DRUNK AND DISORDERLY	14
13421	FALSE SWEARING	1
13428	INDECENT LANGUAGE	6
13430	MISBEHAVIOUR AS SENTRY	1
13444	THREATS	2
13447	UNLAWFUL ENTRY	1