

## GOOD ORDER AND DISCIPLINE

First and Second Quarter, Fiscal Year 2015

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 and selected military and civilian disciplinary actions taken service-wide during the first and second quarters of Fiscal Year 2015. 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. Court-martial.

- (1) An O-3 was convicted by a general court-martial of committing sexual contact upon a civilian whom the officer knew or should have known was asleep or otherwise incapacitated. (Violation of Article 120, UCMJ). The officer was sentenced to thirteen months' confinement and dismissal from the service.
- (2) An O-3 was convicted by a special court-martial of maltreatment of persons subject to the officer's orders by, using deliberate and repeated offensive comments of a sexual nature, fraternization with multiple enlisted personnel, conduct unbecoming an officer and a gentleman for indecently dancing with a subordinate in a public place, drunk and disorderly conduct, and assault for grabbing the swimsuit of a subordinate. (Violations of Articles 93, 128, 133, and 134, UCMJ). The officer was sentenced to a letter of reprimand, a fine of

1,000 dollars per month for twelve months, and restriction for 60 days.

b. Military Administrative Action

- (1) An O-3 received a general discharge for the good of the service in lieu of a court-martial for using positional power to carry on wrongful romantic and sexual relationships with multiple junior enlisted personnel. In addition to breaching policies of the service, such actions negatively impacted the careers of impressionable junior members, over whom the officer had a duty to exercise leadership and serve as a role model.
- (2) An O-3 was separated from the service as a result of administrative board action due to apathetic behavior and lackluster performance. The officer was relieved of primary duties at two separate units. The officer was absent without leave, failed to follow a lawful order from a superior commissioned officer, and failed to follow a lawful general order.
- (3) An O-3 resigned in lieu of involuntary board action as a result of engaging in sexual intercourse with a subordinate in the workplace, and committing adultery.
- (4) An O-3 retired in lieu of involuntary board action as a result of unauthorized use of the government travel credit card on 174 separate occasions, accumulating 8,400 dollars in unauthorized debt.
- (5) An O-3 resigned in lieu of an involuntary board action as a result of engaging in a prohibited and adulterous relationship with a subordinate.
- (6) An O-2 resigned in lieu of involuntary board action with a general characterization of service after committing adultery and manipulating official records in an attempt to hide a medical diagnosis.
- (7) A CWO retired in lieu of involuntary board action as a result of committing indecent sexual acts with the spouse of a subordinate in a public location.
- (8) A CWO retired in lieu of involuntary board action as a result of unauthorized use of the government travel credit card on 90 separate occasions, accumulating 18,270 dollars in unauthorized debt.

c. Relief for Cause. None to report.

d. State / Federal Actions. None to report.

e. Non-Judicial Punishment. Non-Judicial Punishment. NJP was imposed eighteen times, accounting for forty charges, covering a wide range of UCMJ offenses. The total punishments included, admonishment or reprimand imposed in fourteen

cases, 205 days of restriction imposed in seven cases, and forfeitures totaling 15,626 dollars in pay imposed in six cases

## **2. Senior Enlisted.**

### a. Court-martial.

- (1) An E-7 was convicted by a summary court-martial of failure to obey an order or regulation by not adhering to the curfew set aboard the cutter while in a foreign port, failure to adhere to the cutter's buddy system while in a foreign port, and dereliction of duty by failing to protect sensitive information, by revealing the existence and location of drugs seized by the cutter to an unknown person while in a foreign port. (Violation of Article 92, UCMJ). The member was sentenced to a reduction in rank to E-6 and a reprimand.

- ### b. Military Administrative Action.
- An E-7 was discharged under other than honorable conditions in lieu of trial by court-martial for striking the buttocks of a subordinate, wrapping their arms around a subordinate, and kissing a subordinate on the cheek. One senior enlisted member received an administrative discharge for misconduct of a discreditable nature.

### c. Relief for Cause.

- (1) An E-9 Command Master Chief was relieved due to loss of confidence based on unsatisfactory performance relating to members ability to complete the duties and responsibilities of a Command Master Chief.
- (2) An E-7 Engineering Petty Officer was relieved due to significant misconduct including assault, assaulting or willfully disobeying a superior commissioned officer, and failing to comply with an alcohol treatment plan.
- (3) An E-7 Officer in Charge was relieved for misconduct due to the inappropriate use of alcohol.
- (4) An E-7 Officer in Charge was relieved for misconduct due to falsifying mission logs.

### d. State / Federal Court Actions. None to report.

- ### e. Non- Judicial Punishment.
- NJP was imposed seven times accounting for nine charges, covering a wide range of UCMJ offenses. The total punishments included admonishment or reprimand imposed in three cases, fifty eight days of restriction imposed in three cases, and forfeitures totaling 14,963 dollars in pay imposed in six cases.

### **3. Junior Enlisted.**

#### **a. Court-martial.**

- (1) An E-6 was convicted by a general court-martial of making false official statements, indecent conduct by viewing and making digital records of the private parts of persons without their consent, abusive sexual contact by wrongfully touching the private parts of multiple persons, and assault consummated by battery. (Violations of Articles 80, 92, 107, 120, and 128, UCMJ). The member was sentenced to a reduction in rank to E-1, 5 years confinement, and a dishonorable discharge.
- (2) An E-6 was convicted by a general court-martial of engaging in a lewd act with a minor who had not attained the age of sixteen years old, and making a false official statement. (Violations of Articles 107 and 120, UCMJ). The member was sentenced to a reduction in rank to E-1, forfeiture of all pay and allowances, confinement for twelve years, and a dishonorable discharge.
- (3) An E-6 was convicted by a general court-martial of the maltreatment of five subordinates by sexually harassing them and making repeated offensive communications of a sexual nature to them, abusive sexual contact against five individuals, and intentionally touching the genitals of another person. (Violations of Articles 93 and 128, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for six months, and a bad conduct discharge.
- (4) An E-6 was convicted by a general court-martial of making false official statements, wrongful distribution of marijuana, wrongful use and possession of marijuana on diverse occasions, touching the genitals of a minor child not yet twelve years old, and communicating a threat to the child to maintain the child's silence. (Violations of Articles 107, 120, and 134, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for 5 years and a dishonorable discharge.
- (5) An E-6 was convicted by a special court-martial of conspiracy to manufacture and distribute marijuana, making false official statements, and wrongful possession of marijuana with intent to distribute. (Violations of Articles 81, 107, and 112, UCMJ). The member was sentenced to a reduction in rank to E-3, confinement for 90 days, and a bad conduct discharge.
- (6) An E-6 was convicted by a special court-martial of desertion by remaining absent from the unit until apprehended, and for making a false official statement. (Violations of Articles 85 and 107, UCMJ). The member was sentenced to a reduction in rank to E-3, confinement for 180 days, and a bad conduct discharge.

- (7) An E-6 was convicted by a general court-martial for unlawfully striking a person in the face, and assaulting another individual by throwing a phone in their presence. (Violation of Article 128, UCMJ). The member was sentenced to forfeiture of pay in the amount of 500 dollars per month for two months.
- (8) An E-5 was convicted by a general court-martial of wrongful sexual contact by grabbing the buttocks of another member. (Violation of Article 120, UCMJ). The member was sentenced to no punishment.
- (9) An E-5 was convicted by a general court-martial of making false official statements, conspiring with another member to commit larceny against the United States by receiving goods purchased in excess of 500 dollars with the government purchase card of the other member in order to sell them privately, stealing about 41,643 dollars which was the property of the Coast Guard, and stealing groceries with a value of about 1,000 dollars which was also the property of the Coast Guard. (Violations of Articles 81, 107, and 121, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for eighteen months, fine of 40,000 dollars and a bad conduct discharge.
- (10) An E-5 was convicted by a general court-martial of assault upon another member by shooting at the person with a loaded firearm in a manner likely to produce death or grievous bodily harm, and being absent without leave. (Violations of Articles 86 and 128, UCMJ). The member was sentenced to a reduction in rank to E-1, four years confinement, and a bad conduct discharge.
- (11) An E-5 was convicted by a special court-martial of the wrongful appropriation of military property with a value of about 8,440 dollars. (Violation of Article 121, UCMJ). The member was sentenced to one month restriction, forfeiture of 1,600 dollars a month for one month, and a reduction in rank to E-4.
- (12) An E-5 was convicted by a summary court-martial of unlawfully striking the buttocks of another member's spouse, and drunk and disorderly conduct. (Violations of Articles 128, 134, UCMJ). The member was sentenced to twenty days restriction, and a reduction in rank to E-4.
- (13) An E-5 was convicted by a summary court-martial of violating a lawful general order by engaging in sexual harassment of a subordinate by making repeated unwanted and offensive communications of a sexual nature, solicitation of sexual intercourse from a subordinate, and attempting to pressure the subordinate to not report the behavior. (Violations of Articles 92, 93, and 134, UCMJ). The member was sentenced to twenty one days restriction, a reduction in rank to E-4 and a reprimand.
- (14) An E-4 was convicted by a general court-martial of the rape of a civilian. (Violation of Article 120, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for twenty four months, and a dishonorable

discharge.

- (15) An E-4 was convicted by a special court-martial of unlawfully causing the victim to touch the member's genitals and unlawfully touching the buttocks of the victim. (Violation of Article 128, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for eight months, and a bad conduct discharge.
- (16) An E-4 was convicted by a special court-martial of violating a general order by wrongfully sending and seeking receipt of sexually explicit or sexually oriented materials through the Microsoft Office Communicator, by making repeated offensive comments of a sexual nature to a subordinate and demanding nude or semi-nude photos or videos be sent by the subordinate while the subordinate was on duty, threatening a subordinate's career in exchange for sexual favors and offering monetary compensation to perform such acts, and failure to file an accurate travel claim. (Violations of Articles 92, 93, and 134, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for three months, and a bad conduct discharge.
- (17) An E-4 was convicted by a general court-martial of the wrongful disposition of military property with a value of about 1,666 dollars, knowingly and wrongfully possessing, receiving and viewing child pornography, willfully disobeying a direct order to cease contact with a minor from a superior commissioned officer, and adultery. (Violations of Articles 90, 108, 134, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for 13 months, and a dishonorable discharge.
- (18) An E-4 was convicted by a summary court-martial of the wrongful use and possession of marijuana, making false official statements, and trying to impede an investigation by asking another member to assist with passing a urinalysis. (Violations of Articles 107, 112a, and 134, UCMJ). The member was sentenced to a forfeiture of pay in the amount of 678 dollars for one month, a reduction of rank to E-3, and a reprimand.
- (19) An E-3 was convicted during a general court-martial for making false official statements with the intent to deceive, sexual assault of another USCG member in the berthing area of the unit, and the unlawful entry into the berthing area of the opposite gender with intent to commit a criminal offense. (Violations of Articles 107, 120, and 130, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for seven years, and a dishonorable discharge.
- (20) An E-3 was convicted by a special court-martial of the unlawful touching of multiple members' buttocks, breast, and genitals. (Violation of Article 128, UCMJ). The member was sentenced to a reduction in rank to E-1 and confinement for ninety days.

(21) An E-3 was convicted by a summary court-martial of the wrongful use and possession of cocaine, and the wrongful use of marijuana. (Violation of Article 112a, UCMJ). The member was sentenced to a reduction in rank to E-1 and confinement for twenty one days.

(22) An E-3 was convicted by a summary court-martial of unlawfully entering the dwelling of and unlawfully touching another member. (Violations of Articles 128 and 134, UCMJ). The member was sentenced to forfeiture of 2/3 pay for one month and 60 days restriction.

b. Military Administrative Action. Eight junior enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. Ninety two enlisted members received administrative discharges for misconduct: five for bad conduct, forty eight for conduct of a discreditable nature, four for fraudulent enlistment, and thirty five for involvement with drugs.

c. Relief for Cause.

(1) An E-6 Executive Petty Officer was relieved for misconduct due to engaging in a prohibited relationship.

(2) An E-6 Executive Petty Officer was relieved for misconduct due to engaging in a prohibited relationship.

(3) An E-6 Engineering Petty Officer was relieved for misconduct due to fostering a poor command climate.

(4) An E-6 Engineering Petty Officer was relieved for misconduct due to inappropriate use of alcohol.

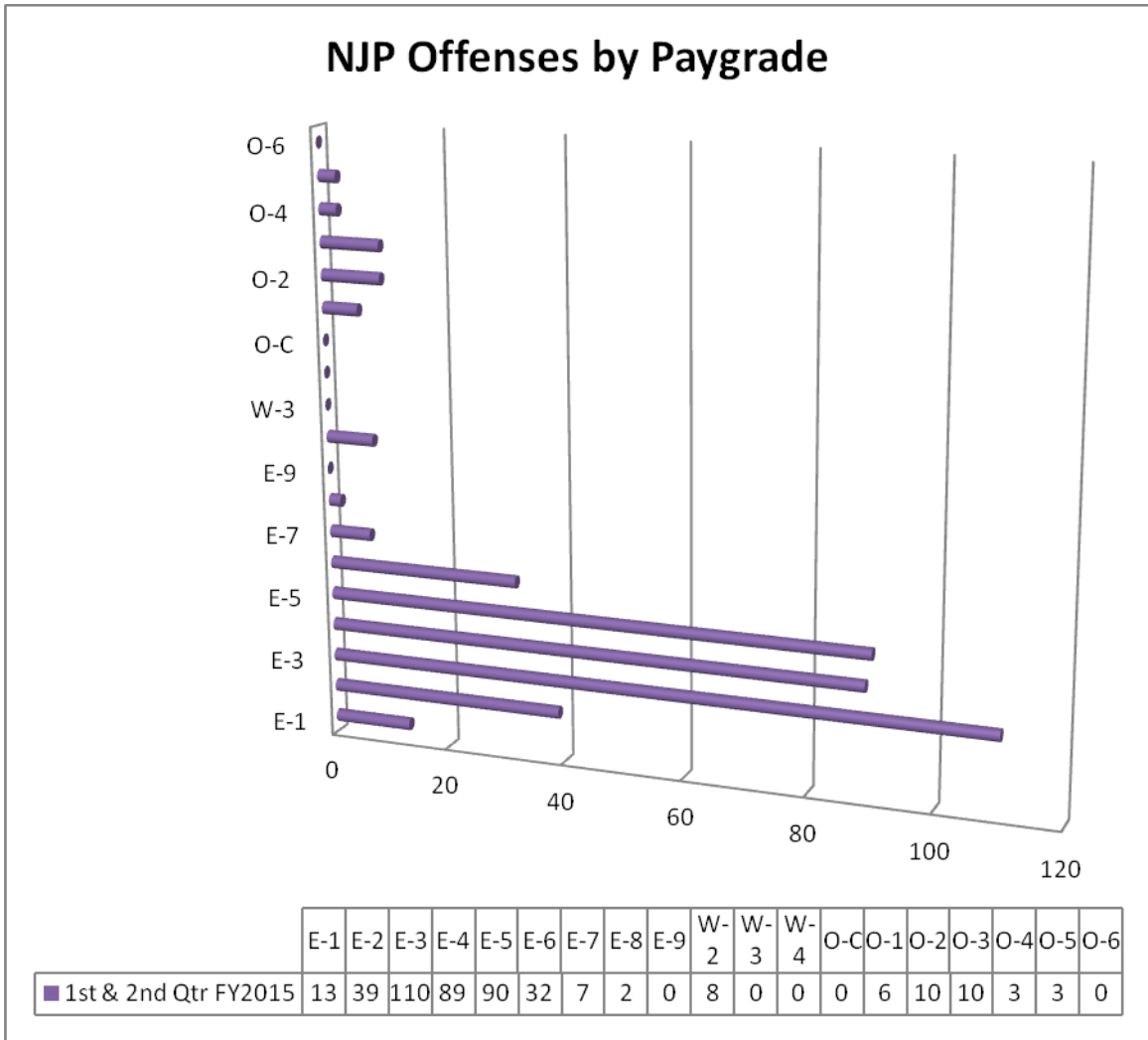
d. State / Federal Court Actions. None to report

e. Non-Judicial Punishment. NJP was imposed 246 times accounting for 373 charges, covering a wide range of UCMJ offenses. The total punishments included admonishment or reprimand imposed in two cases, arrest in quarters of fourteen days imposed in one case, 3,635 days of restriction imposed in 157 cases, and forfeitures totaling 122,206 dollars in pay imposed in 81 cases.

**4. Civilian Administrative Action. None to report.**

**5. Special Convictions/Line of Duty Determinations. None to report.**

Table 1 on the following page provides the number of NJP in relation to paygrade and Table 2 provides a breakdown of the UCMJ articles for which members received NJP during the first and second quarter of FY15. The total number of NJP offenses is greater than the total numbers of NJPs because any one NJP may involve more than one offense:



(Table 1)

### NJP STATS BY OFFENSE CODE 1<sup>st</sup> and 2<sup>nd</sup> Quarter FY15

Offense Code	Offense Description	Count
80	ATTEMPTS	1
83	FRAUDULENT ENLISTMENT	1
86	UNAUTHORIZED ABSENCE – FROM UNIT, ETC.	32
87	MISSING MOVEMENT – THROUGH NEGLIGENCE	1
89	DISRESPECT TO SUPERIOR OFFICER	3
90	STRIKING, ETC., SUPERIOR	5
91	STRIKING, ETC., WARRANT OR PETTY OFFICER	8
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	152



93	CRUELTY OR MALTREATMENT	7
95	RESISTING APPREHENSION	1
107	FALSE OFFICIAL STATEMENTS	41
108	SELLING, DISPOSING, DAMAGING ETC. OF MILITARY PROPERTY	4
109	WASTING, ETC., OTHER PROPERTY	1
110	HAZARDING, ETC., VESSEL	1
111	OPERATING VEHICLE WHILE DRUNK	8
112	DRUNK ON DUTY, WRONGFUL USE OR DISTRIBUTION OF A CONTROLLED SUBSTANCE, OTHER DRUG OFFENSES	24
113	SENTINAL OR LOOKOUT DRUNK OR ASLEEP	2
115	MALINGERING	1
117	USING PROVOKING, ETC., WORDS OR GESTURES	5
121	LARCENY, VALUE MORE THAN \$50	6
123	FORGERY	2
128	ASSAULT, SIMPLE	12
132	FALSE GOVERNMENT, ETC., ON CLAIM, ETC. FRAUD	3
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	11
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	33
13401	ADULTERY OR FORNICATION	12
13406	BAD CHECK OFFENSE	1
13409	BRIBERY OR GRAFT	1
13414	DISLOYAL STATEMENT	1
13415	DISORDER, DISORDERLY	2
13417	DRUNK	5
13418	DRUNK AND DISORDERLY	24
13424	IMPROPER UNIFORM	1
13428	INDECENT LANGUAGE	6
13444	THREATS	1
13447	UNLAWFUL ENTRY	1
13449	WRONGFUL USE GOVERNMENT PROPERTY	1

(Table 2)