

GOOD ORDER AND DISCIPLINE

Third 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 third quarter 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 wrongfully using a Coast Guard work station to engage in sexually explicit conversations with a coworker, making false official statements, unlawfully pushing a coworker, adultery, and disobeying a lawful command from a superior officer to cease, and desist all inappropriate personal contact with a coworker. (Violations of Articles, 90, 92, 107, 128, 134, UCMJ). The member was sentenced to 600 days confinement.
- (2) An O-1 was convicted by a general court-martial of attempting to establish a prohibited relationship with an enlisted member, sexual harassment, engaging in a sexual relationship with another enlisted member, touching the buttocks

of an enlisted member without consent, manufacturing MDMA, possession of approximately ninety-two pills of MDMA with intent to distribute, distribution of an unknown amount of MDMA, possession of LSD, use of MDMA, Psilocybin, LSD, and cocaine, failure to arrive at appointed place of duty, sleeping during the workday, and conduct prejudice to good order and discipline. (Violations of Articles, 80, 86, 92, 112a, 128, and 134, UCMJ). The member was sentenced to confinement for ten months and dismissal from the service.

b. Military Administrative Action.

- (1) An O-4 resigned in lieu of involuntary board action as a result of exposing their genitals to colleagues and junior enlisted members, and inappropriately touching a subordinate.
- (2) An O-4 resigned in lieu of an involuntary board action as a result of three separate documented alcohol incidents.
- (3) An O-4 resigned in lieu of involuntary board action as a result of failing to comply with a third consecutive semi-annual weigh-in and third probationary period within 14 months for non-compliance.
- (4) An O-3 retired in lieu of an involuntary board action as a result of a conviction at a civil court proceeding for theft in the fourth degree after unlawfully obtaining approximately 250 dollars in merchandise from a commercial retailer.
- (5) An O-3 resigned in lieu of involuntary board action as a result of submitting falsified qualifications and forging a senior officer's signature.
- (6) An O-1 resigned in lieu of involuntary board action as a result of an alcohol incident in which the officer failed to exercise sound judgment by drinking to excess and trespassing on private property. Additionally, the officer was removed from primary duties after again consuming alcohol and failing to maintain professional boundaries with subordinates within the workplace.
- (7) A CWO3 retired in lieu of involuntary board action as a result of engaging in an adulterous relationship with the spouse of an enlisted member, knowingly making a false official statement during an investigation, and communicating a threat to the enlisted member for bringing the adultery to the commands attention.

c. Relief for Cause.

- (1) An O-6 was relieved for cause as a result of loss of confidence for mismanagement of personal affairs to the discredit of the service.

- d. State / Federal Actions. None to report.
- e. Non-Judicial Punishment. NJP was imposed eleven times, accounting for twenty two charges, covering a wide range of UCMJ offenses. The total punishments included, thirty days arrested in quarters imposed in one case, admonishment or reprimand imposed in eleven cases, thirty days of restriction imposed in one case, and forfeitures totaling 1,513 dollars in pay imposed in two cases.

2. Senior Enlisted.

- a. Court-martial.
 - (1) An E-8 was convicted by a summary court-martial of conspiracy with others to obstruct justice by lying to investigators, making false official statements, violation of general orders by transmitting sexually explicit or sexually oriented language through the Coast Guard communicator system, the maltreatment of multiple members by making sexually suggestive statements to them, adultery and obstruction of justice. (Violations of Articles 81, 92, 93, 107, and 134, UCMJ). The member was sentenced to a reduction in rank to E-7, forfeiture of 2/3 pay for one month in the amount of 3,009 dollars, and 60 days restriction.
 - (2) An E-7 was convicted by a special court-martial of wrapping their arms around another member, kissing the member on the cheek, striking the buttocks of a different member, unlawfully touching multiple members, and drunk and disorderly conduct. (Violations of Articles 128 and 134). The member was sentenced to a reduction in rank to E-2 and confinement for five months.
 - (3) An E-7 was convicted by a summary court-martial of making a false official statement, and failure to abstain from alcohol consumption for 12 hours prior to firearms handling or shooting activities. (Violations of Articles, 92 and 107, UCMJ). The member was sentenced to a reduction in rank to E-6 and forfeiture of 700 dollars per month for one month.
 - (4) An E-7 was convicted by a summary court-martial of making false official statements, failure to obey lawful general order by engaging in sexually intimate behavior with a subordinate onboard a cutter, failure to obey a lawful order to cease and desist all contact with said subordinate, and after being restricted to the unit the member wrongfully broke the restriction. (Violations of Articles 92, 107, and 134, UCMJ). The member was sentenced to a reduction in rank to E-6, and restriction for 30 days.
 - (5) An E-7 was convicted by a summary court-martial of willfully disobeying a direct order to remain on base and not operate their vehicle, and making a false official statement concerning the amount of alcohol consumed.

(Violations of Articles 91 and 107, UCMJ). The member was sentenced to a reduction in rank to E-6 and a reprimand.

b. Relief for Cause.

- (1) An E-9 Engineering Petty Officer was relieved when a MISHAP investigation determined they did not operate IAW COMDT navigations standards prior to the cutter's grounding.
- (2) An E-7 Engineering Petty Officer was relieved as EPO of a cutter for unsatisfactory performance of duties and failing to maintain necessary certifications.
- (3) An E-7 Engineering Petty Officer was relieved as EPO of a station for inability to pass the boat crew fitness test and certify on station platforms.

c. Military Administrative Action. One senior enlisted member was administratively discharged for misconduct: Discreditable nature.

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

e. Non-Judicial Punishment. NJP was imposed six times accounting for eight charges, covering a wide range of UCMJ offenses. The total punishments included admonishment or reprimand imposed in four cases, and forfeitures totaling 8,531 dollars in pay imposed in three cases.

3. Junior Enlisted.

a. Court-martial.

- (1) An E-6 was convicted by a special court-martial of making a visual recording of the private areas of another member without their consent. (Violations of Articles 80 and 120c, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for six months, and a bad-conduct discharge.
- (2) An E-6 was convicted by a summary court-martial of dereliction of duty for failing to abstain from consuming alcohol after 2300 prior to coming to work the following day. (Violation of Article 92, UCMJ). The member was sentenced to a reprimand.
- (3) An E-6 was convicted by a summary court-martial of violating a lawful order by engaging in a prohibited instructor/student relationship, and adultery. (Violations of Articles 92 and 134, UCMJ). The member was sentenced to a reduction in rank to E-5 and restriction for thirty days.

- (4) An E-6 was convicted by a summary court-martial of maltreating and sexually harassing four subordinates on divers occasions by making repeated offensive communications of a sexual nature to them. (Violation of Article 93, UCMJ). The member was sentenced to a reduction in rank to E-5, forfeiture of 500 dollars pay for two months, and a reprimand.
- (5) An E-6 was convicted by a summary court-martial of dereliction of duty for negligent failure to adhere to Coast Guard purchasing policies, and stealing over 500 dollars of softball equipment. (Violations of Articles 92 and 121, UCMJ). The member was sentenced to a reduction in rank to E-5 and a reprimand.
- (6) An E-5 was convicted by a general court-martial of making false official statements, wrongfully providing alcohol to a member under the age of 21, committing a sexual act on a member who was incapable of consenting to the sexual act, and disobeying a lawful order by engaging in sexual acts with multiple members of the unit. (Violations of Articles 92, 107, and 120, UCMJ). The member was sentenced to a reduction in rank to E-1 and confinement for six months.
- (7) An E-5 was convicted by a general court-martial of making false official statements. (Violation of Article 107, UCMJ). The member was sentenced to a reduction in rank to E-4.
- (8) An E-5 was convicted by a special court-martial of failing to maintain operational security, and making false official statements. (Violation of Articles 92 and 107, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for ninety days, and a bad-conduct discharge.
- (9) An E-5 was convicted by a special court-martial of making a false official statement, the theft of 650 dollars a month in Overseas Housing Allowance for 7 months, forgery of a lease, and using anabolic steroids, a schedule III controlled substance. (Violations of Article, 107a, 112a, 121, and 123, UCMJ). The member was sentenced to a reduction in rank to E-2 and confinement for thirty days.
- (10) An E-5 was convicted by a special court-martial of using and possessing marijuana on divers occasions. (Violation of Article 112a, UCMJ). The member was sentenced to a forfeiture of 1,000 dollars pay for three months and a bad-conduct discharge.
- (11) An E-5 was convicted by a special court-martial of setting fire to an automobile with intent to defraud the insurance company. (Violation of Article 134, UCMJ). The member was sentenced to a reduction in rank to E-3, restriction for fifteen days, and hard labor without confinement for forty-five

days.

- (12) An E-5 was convicted by a special court-martial of unlawfully touching the chest of another member with their hand and wrongfully requesting explicit visual recordings from another member. (Violations of Articles, 128 and 134, UCMJ). The member was sentenced to a reduction in rank to E-3 and confinement for thirty days.
- (13) An E-5 was convicted by a special court-martial of drunk and disorderly conduct, and hitting a person in the face with their fist. (Violations of Articles, 128 and 134, UCMJ). Due to legal complexities, the member received no sentence.
- (14) An E-5 was convicted by a summary court-martial of dereliction of duty for negligent failure to adhere to Coast Guard purchasing policies, and stealing over 500 dollars of softball equipment. (Violations of Articles 92 and 121, UCMJ). The member was sentenced to thirty days restriction and a reprimand.
- (15) An E-5 was convicted by a summary court-martial of violating a lawful general order and engaging in sexually intimate behavior with another member aboard a Coast Guard vessel. (Violation of Article 92, UCMJ). The member was sentenced to a reduction in rank to E-4.
- (16) An E-4 was convicted by a special court-martial of unlawfully pressing their body against another member by laying on top of them. (Violation of Article 128, UCMJ). The member was sentenced to a reduction in rank to E-1 and five months confinement.
- (17) An E-4 was convicted by a summary court-martial of unlawfully touching a civilian with their hands and mouth, and for unlawfully touching the leg of another member. (Violation of Article 128, UCMJ). The member was sentenced to a reduction in rank to E-2, and confinement for thirty days.
- (18) An E-4 was convicted by a summary court-martial of stealing money from six other members. (Violation of Article 121, UCMJ). The member was sentenced to a reduction in rank to E-1 and confinement for one month.
- (19) An E-4 was convicted by a summary court-martial of unlawful touching of another member and failure to obey a lawful order by speaking about an ongoing criminal investigation with another member when ordered not to do so. (Violations of Articles 92 and 128, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for fifteen days, and forfeiture of 1,020 dollars pay for one month.
- (20) An E-3 was convicted by a general court-martial of making false official statements, and providing alcohol to a member under the age of 21.

(Violations of Articles 107 and 134, UCMJ). The member was sentenced to a reduction in rank to E-1 confinement for thirty days, and forfeiture of 500 dollars pay for one month.

(21) An E-3 was convicted by a special court-martial of knowingly inhaling a synthetic cannabinoid compound (Spice), possession of cocaine, use of cocaine and marijuana, and introduction of cocaine onto a military installation. (Violations of Articles 92 and 112a). The member was sentenced to a reduction in rank to E-2 and confinement for three months.

(22) An E-3 was convicted by a special court-martial of wrongfully using heroin, cocaine, marijuana, and oxycodone. (Violation of Article 112a, UCMJ). The member was sentenced to a reduction in rank to E-1 and confinement for thirty days.

(23) An E-3 was convicted by a summary court-martial of conspiracy with other members to purchase and possess MDMA, a schedule I controlled substance from a drug dealer, the wrongful use of cocaine, MDMA and Xanax, the introduction of MDMA into a military installation, and engaging in a prohibited relationship with an officer (Violations of Articles 81, 92, 112a, UCMJ). The member was sentenced to a reduction in rank to E-1 and thirty days confinement.

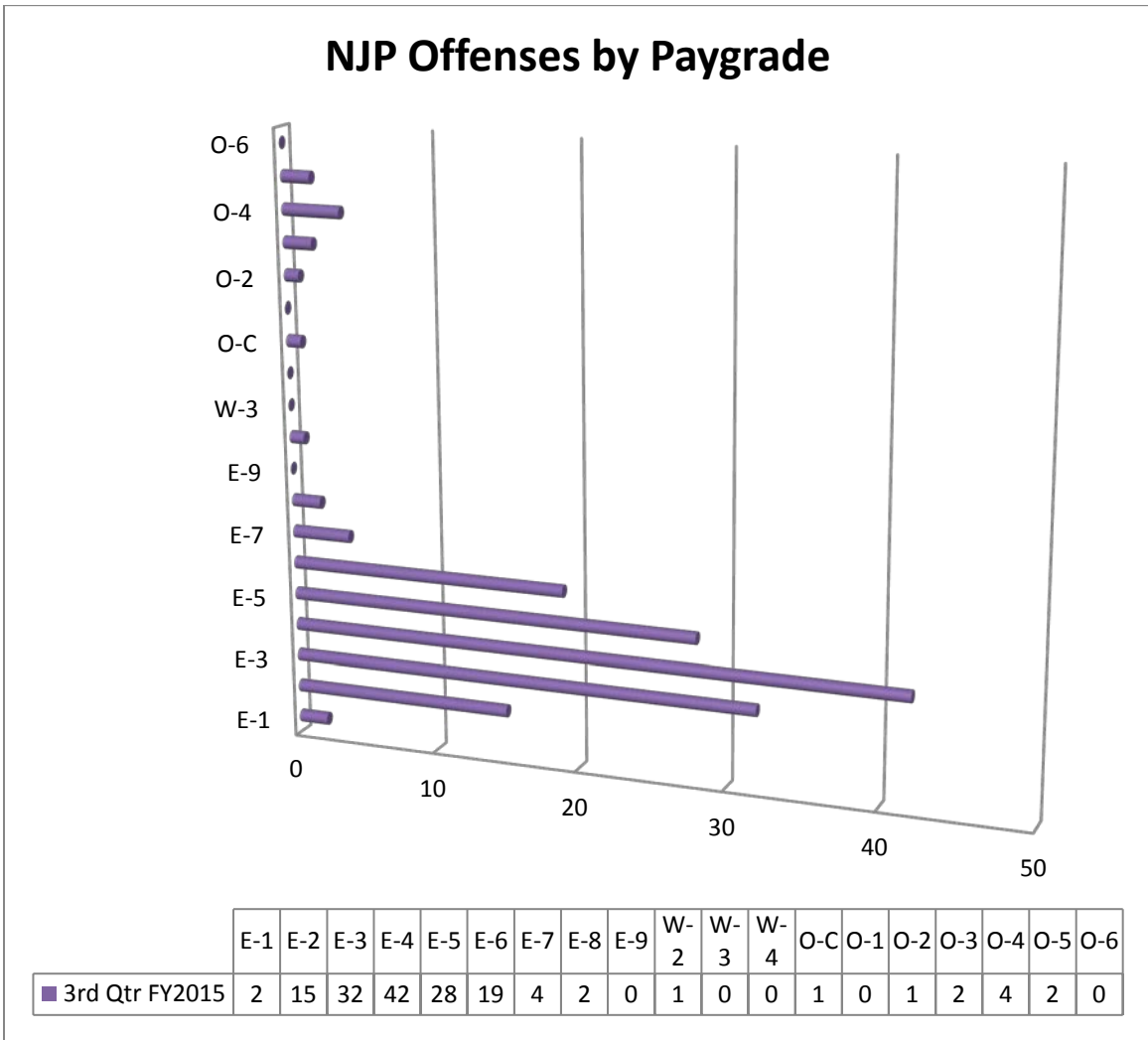
(24) An E-2 was convicted by a general court-martial of using marijuana. (Violation of Article 112a, UCMJ). The member was sentenced to a reduction in rank to E-1, confinement for thirty days, forfeiture of 1,020 dollars pay for three months, and a bad-conduct discharge.

- b. Military Administrative Action. Six junior enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. Eighty-four junior enlisted members received administrative discharges for misconduct: seven for bad-conduct, forty-four for conduct of a discreditable nature, five for fraudulent enlistment, and twenty-eight for involvement with drugs.
- c. Relief for Cause. None to report.
- d. State / Federal Court Actions. None to report.
- e. Non-Judicial Punishment. NJP was imposed 138 times accounting for 207 charges, covering a wide range of UCMJ offenses. The total punishments included twenty-one days arrested in quarters imposed in one case, admonishment or reprimand imposed in ten cases, seven days of extra duty imposed in one case, 2233 days of restriction imposed in ninety-three cases, forfeitures totaling 71,057 dollars in pay imposed in forty-three cases, and reduction in rank imposed in forty-eight cases.

4. Civilian Administrative Action. None to report.

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

Table 1 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 third 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
3rd Quarter FY15

Offense Code	Offense Description	Count
81	CONSPIRACY	1
86	UNAUTHORIZED ABSENCE – FROM UNIT, ETC.	14
89	DISRESPECT TO SUPERIOR OFFICER	4
90	STRIKING, ETC., SUPERIOR	1
91	STRIKING, ETC., WARRANT OR PETTY OFFICER	6
92	VIOLATION, LAWFUL GENERAL ORDER OR REGULATION	84
93	CRUELTY OR MALTREATMENT	2
107	FALSE OFFICIAL STATEMENTS	32
108	SELLING, DISPOSING, DAMAGING ETC. OF MILITARY PROPERTY	1
111	OPERATING VEHICLE WHILE DRUNK	2
112	DRUNK ON DUTY, WRONGFUL USE OR DISTRIBUTION OF A CONTROLLED SUBSTANCE, OTHER DRUG OFFENSES	8
113	SENTINAL OR LOOKOUT DRUNK OR ASLEEP	2
117	USING PROVOKING, ETC., WORDS OR GESTURES	6
1204	AGGRAVATED SEXUAL CONDUCT	3
121	LARCENY, VALUE MORE THAN \$50	3
1211	LARCENY, VALUE LESS THAN \$50	1
1212	WRONGFUL SEXUAL CONTACT	1
128	ASSAULT, SIMPLE	11
133	CONDUCT UNBECOMING OFFICER AND GENTLEMAN/LADY	5
1340	OTHER OFFENSES CHARGED UNDER ART 134 NOT COVERED	21
13401	ADULTERY OR FORNICATION	10
13414	DISLOYAL STATEMENT	1
13417	DRUNK	3
13418	DRUNK AND DISORDERLY	9
13419	FAILURE TO PAY DEBTS	1
13428	INDECENT LANGUAGE	4
13444	THREATS	1

(Table 2)