

## GOOD ORDER AND DISCIPLINE

First and Second Quarter, Fiscal Year 2016

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 quarter of Fiscal Year 2016. 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 (1): A court-martial sentence 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.

Note (2): Non Judicial Punishment (NJP) information is not available at this time due to changes within Direct Access. Reporting of NJP statistics will resume as soon as possible.

### 1. Commissioned Officers.

- a. Court-martial. An O-6 was convicted by a general court-martial of fraternizing with three enlisted members on terms of military equality. The O-6 maintained an overly affectionate relationship and showed preferential treatment towards one, wrongfully allowed the second member to access them socially and professionally, and wrongfully engaged in a romantic relationship with the third. (Violation of Article 134, UCMJ). The officer was sentenced to confinement for 60 days, forfeiture of 2,000 dollars a month for four months, and a fine of 25,000 dollars to be paid to the United States, if unpaid to be confined for an additional ninety days.
- b. Military Administrative Action

- (1) An O-4 was removed from the promotion year 2016 Commander Active Duty Promotion List for mismanaging personal affairs to the detriment of the service by engaging in a sexual relationship with a person not their spouse while in a position of trust as command cadre at a major unit.
  - (2) An O-4 resigned in lieu of involuntary board action as a result of receiving a documented alcohol incident for becoming inebriated and engaging in sexual activity in a public space. Additionally, the officer used the Government Travel Charge Card (GTCC) for expenses not authorized by travel orders in excess of \$10,000.
  - (3) An O-4 retired in lieu of involuntary board action as a result of falsifying and neglecting records with respect to leave earnings. The officer went to Non-Judicial Punishment where the member was found to have violated Article 92, UCMJ (Dereliction of Duty) and received a Punitive Letter of Reprimand.
  - (4) An O-4 retired in lieu of involuntary board action as a result of an arrest for driving while under the influence of alcohol.
  - (5) An O-3 resigned in lieu of involuntary board action as a result of engaging in a prohibited relationship and submitting a false official statement during the investigation.
  - (6) An O-3 resigned in lieu of involuntary board action as a result of failing to comply with a third consecutive semi-annual weigh-in.
  - (7) An O-2 resigned in lieu of involuntary board action as a result of engaging in adulterous sexual activity with another Coast Guard member while under the influence of alcohol.
  - (8) A CWO4 retired in lieu of involuntary board action as a result of an arrest for driving under the influence of alcohol, driving with a loaded weapon onto a federal installation, failing a field sobriety test, ordering subordinates to wrongfully use a government vehicle for the officer's personal benefit, assaulting a spouse and submitting a false official statement to supervisors about personal injuries.
  - (9) A CWO2 resigned in lieu of involuntary board action as a result of failing to comply with a third consecutive semi-annual weigh-in.
- c. Relief for Cause. A CWO2 was relieved for cause as a commanding officer as a result of making sexually charged comments towards subordinates which created a hostile, offensive and degrading work environment. The officer retired in lieu of special board action.

d. State / Federal Actions. None to report.

## 2. Senior Enlisted.

### a. Court-martial.

- (1) An E-9 was convicted by a general court-martial of wrongfully using their government computer and the USCG Direct Access system to access the personal information of another member for an unauthorized purpose, with intent to harass the member used mail and electronic communication services of interstate commerce to engage in a course of conduct that would be reasonably expected to cause substantial emotional distress toward two USCG members. (Violations of Articles 92 and 134, UCMJ). The member was sentenced to a reduction to pay grade E-4 and confinement for one month minus one day.
- (2) An E-8 was convicted by a special court-martial of wrongfully engaging in a sexually intimate behavior onboard a cutter both in port and underway, assault upon four other members by unlawfully kissing the first member on the mouth and forcing the hands of the person into the accused's pants, unlawfully rubbing the genitalia of the second member with the accused's hand, trying to kiss the third member on the mouth, and grabbing the pants pocket of the fourth member. (Violations of Articles 92 and 128, UCMJ). The member was confinement for 80 days, reduction to pay grade E-5, and a bad conduct discharge.
- (3) An E-8 was convicted by a summary court-martial of signing an official record with the intent to deceive and was then known to be false by the member and theft of BAH for a period of about three years in the amount of approximately 59,000 dollars. (Violation of Articles 107 and 121, UCMJ). The member was sentenced to forfeit 1,500 dollars for one month and a reduction to pay grade E-7.
- (4) An E-7 was convicted by a general court-martial of making a false official statement, wrongfully committing indecent conduct by making video recordings of a minor's private area(s) without consent and where the minor had a reasonable expectation of privacy on multiple occasions, wrongful possession of child pornography, videotaping the private area(s) of a USCG member without consent and where the member had a reasonable expectation of privacy. (Violations of Articles 107, 120, 120c, 134, UCMJ). The member was sentenced to confinement for ten years, reduction to pay grade E-1, and a dishonorable discharge.
- (5) An E-7 was convicted by a summary court-martial of violating a lawful general order by using the government travel charge card for personal purposes, not authorized in conjunction with official travel. (Violation of Article 92, UCMJ). The member was sentenced to restriction for one month

and a forfeiture of 2,183 dollars pay per month for one month.

- (6) An E-7 was convicted by a summary court-martial of failing to obey a lawful general regulation by engaging in a prohibited relationship with multiple students. (Violation of Article 92, UCMJ). The member was sentenced to a reduction to pay grade E-6.
- b. Military Administrative Action. Three senior enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial and five senior enlisted members received an administrative discharge for misconduct: conduct of a discreditable nature.
- c. Relief for Cause. An E-7 Executive Petty Officer was relieved for cause due to unsatisfactory performance, loss of confidence in role as command cadre by creating a hostile work environment.
- d. State / Federal Court Actions. None to report.

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

- a. Court-martial.
  - (1) An E-6 was convicted by a summary court-martial of making false official statements and for the use of cocaine. (Violations of Articles 107 and 112a, UCMJ). The member was sentenced to a reduction in pay grade to E-5 and forfeiture of 2,062 dollars pay for one month.
  - (2) An E-5 was convicted by a general court-martial of disobeying a lawful command by violating the terms of a protection order and placing their hands on the chest and genitals of a USCG member, unlawfully entering the house of a the same USCG member, assault of a civilian, assault of another USCG member. (Violations of Articles 90, 128, and 134, UCMJ). The member was sentenced to a reduction in pay grade to E-1, confinement for four years, and a bad conduct discharge.
  - (3) An E-5 was convicted by a general court-martial of stalking by appearing at certain locations and inducing a reasonable fear of bodily harm to the victim and their child and of committing perjury while under a lawful oath in a trial by a court of competent jurisdiction. (Violation of Articles 120a and 131, UCMJ). The member was sentenced to a reprimand, reduction to pay grade E-3 and confinement for 180 days.
  - (4) An E-5 was convicted by a special court-martial of assault by using their hand to touch the chest, upper thigh, and groin of another member. (Violation of Article 128, UCMJ). The member was sentenced to a reduction to pay grade

E-3 and thirty days confinement.

- (5) An E-5 was convicted by a summary court-martial of cruelty towards a person subject to their orders by repeatedly touching the member's knee, arm, and shoulder without consent, touching the shoulder of another member while holding a banana in front of their crotch, and placing an air horn to the back of two members, and the arm of another. (Violations of Articles 93 and 128, UCMJ). The member was sentenced to a reduction in pay grade to E-4, and restriction for eight days.
- (6) An E-5 was convicted by a summary court-martial of maltreating three members of the USCG by making deliberate and offensive comments towards them. (Violations of Article 93, UCMJ). The member was sentenced to a reduction in pay grade to E-4.
- (7) An E-4 was convicted by a general court-martial of committing sexual acts upon a minor, assault by throwing a person to the ground and against a vehicle and spitting in their face. (Violations of Articles 120b and 128, UCMJ). The member was sentenced to a reduction to pay grade E-1, confinement for seventy months and a dishonorable discharge.
- (8) An E-4 was convicted by a general court-martial of making a false official statement, committing a lewd act upon a child by communicating indecent language, committing sexual acts upon a child, extortion by threatening to disgrace a person in order to obtain nude photographs, assault by grabbing a person by the arm and shaking the person, unlawfully gagging a person by inserting a sock into their mouth, possession of nude digital images of a child which conduct was of a nature to bring discredit upon the armed forces. (Violations of Articles 107, 120b, 127, 128, and 134, UCMJ). The member was sentenced to a reduction in pay grade to E-1, confinement for 100 months, and a dishonorable discharge.
- (9) An E-4 was convicted by a general court-martial of possessing child pornography. (Violation of Article 134, UCMJ). The member was sentenced to a reduction in pay grade to E-1, confinement for 30 months, forfeiture of all pay and allowances, and a bad conduct discharge.
- (10) An E-3 was convicted by a general court-martial of committing a sexual act upon another USCG member while that member was incapable of consenting to the sexual act due to impairment by a drug, intoxicant or other similar substance, and while that member was unconscious or otherwise unaware that the sexual act was occurring. (Violations of Article 120, UCMJ). The member was sentenced to a reduction in pay grade to E-1, confinement for one year, and a dishonorable discharge.

- (11) An E-3 was convicted by a summary court-martial of wrongfully using lysergic acid diethylamide (LSD) and disorderly conduct of a nature to bring discredit upon the armed forces. (Violations of Article 112a and 134, UCMJ). The member was sentenced to a reduction in pay grade to E-1, confinement for 30 days, and a forfeiture of 773 dollars pay for one month.
- (12) An E-3 was convicted by a summary court martial of breaking the gas cap and pouring sugar down the gas tank of a vehicle of another USCG member. (Violation of Article 109, UCMJ). The member was sentenced to reduction to pay grade E-2 and restriction for thirty days.
- (13) An E-2 was convicted by a summary court-martial of making a false official statement, willfully caused damaged in the amount of 8,500 dollars to the inflatable sponson of a small boat, and willfully caused damage to an outboard engine in the amount of twelve dollars by cutting the spark plug wire. (Violations of Articles 107 and 108, UCMJ). The member was sentenced to a reduction in pay grade to E-1, confinement for 21 days, and a forfeiture of 1,030 dollars pay for one month.
- (14) An E-2 was convicted by a summary court-martial of failing to obey a lawful general order by wrongfully engaging in illegal discriminatory conduct towards another member, and unlawfully touching another member on the waist with their hand. (Violation of Article 92 and 128, UCMJ). The member was sentenced to restriction for two weeks.
- (15) An E-1 was convicted by a general court-martial of knowingly and wrongfully receiving and viewing child pornography on divers occasions. (Violations of Article 134, UCMJ). The member was sentenced to confinement for 60 months and a dishonorable discharge.

b. Military Administrative Action. Seven junior enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. Ninety nine junior enlisted members received administrative discharges for misconduct: four for bad conduct, one for the good of the service, seven for patterns of misconduct, forty nine for conduct of a discreditable nature, one for fraudulent enlistment and thirty seven for involvement with drugs.

c. Relief for Cause. None.

d. State / Federal Court Actions. None to report

#### **4. Civilian Personnel.**

a. Disciplinary/Administrative Actions.

- (1) A GS-15 was removed due to loss of security clearance eligibility.
- (2) A GS-13 received a letter of reprimand for misuse of the government travel charge card.
- (3) A GS-13 was removed for failing a Performance Improvement Plan (PIP).
- (4) A GS-12 received a letter of reprimand for misuse of the government travel charge card.
- (5) A GS-12 was removed due to loss of security clearance eligibility.
- (6) A GS-12 received a letter of reprimand for using Coast Guard email to operate a personal business.
- (7) A GS-12 was removed for making statements or actions which caused anxiety and disruption in the workplace, making inappropriate statements regarding ethnicity and inappropriate conduct.
- (8) A GS-12 received a Letter of Reprimand for leaving a project unfinished to go to a new position and inappropriate conduct.
- (9) GS-12 received a Letter of Reprimand for misusing the Government Credit Card.
- (10) A GS-12 received a Letter of Reprimand for sleeping on duty and leaving the worksite without permission.
- (11) A GS-11 received a Letter of Reprimand for refusal to complete an assigned task.
- (12) A GS-11 received a Letter of Reprimand for knowingly violating CG cyber security policy.
- (13) A GS-08 was removed for declining a management directed assignment.
- (14) A GS-07 received a Letter of Reprimand for making a racial comment.
- (15) A GS-06 was removed for lack of candor.
- (16) A WS-09 received a Letter of Reprimand for lack of candor when responding to questions asked by a supervisor.
- (17) A WG-10 received a letter of reprimand for failing to follow leave procedures, unauthorized absence, and unauthorized tardiness.

- (18) A WG-10 was removed for inability to perform.
- (19) A WG-10 received a Letter of Reprimand for disrespect towards a supervisor.
- (20) A WG-10 received a Letter of Reprimand for failing to report for overtime assignment and AWOL on three occasions.
- (21) A WG-10 was terminated for failing to return to the workplace.
- (22) A WG-09 was removed for attempted unauthorized removal of government property and AWOL.
- (23) A WG-05 was removed for performance issues during a probationary period.
- (24) A WG-05 received a Letter of Reprimand for failure to follow leave procedures and unauthorized absence.
- (25) A WG-05 received a Letter of Reprimand for failure to report for an overtime assignment.
- (26) A WG-05 received a Letter of Reprimand for failure to report for an overtime assignment.
- (27) A WG-05 was removed for three counts of AWOL and failure to follow leave procedures.
- (28) A WL-09 received a Letter of Reprimand for misuse of Government Travel Charge Card.

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