

## GOOD ORDER AND DISCIPLINE

Third and Fourth 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 third and fourth 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.

### **1. Commissioned Officers.**

#### a. Courts-martial.

- (1) An O-4 was convicted by a special court-martial of unlawfully striking an enlisted member on the buttocks with their hand. (Violation of Article 128, UCMJ). The officer was sentenced to a fine of \$1,000 and a punitive letter of reprimand.
- (2) An O-3 was convicted by a general court-martial of fraternizing with two enlisted members on terms of military equality by going to a strip club with them. Wrongfully inviting three enlisted members to the officer's home and engaging in sexual intercourse with two of them in the presence of the third while the enlisted members were intoxicated. The officer also wrongfully invited two civilians to their home, provided alcohol to both (one of which was under the age of 21), and engaged in a sexual acts with both in each

other's presence, which under the circumstances the conduct was unbecoming an officer and gentleman. (Violations of Article 133, UCMJ). The officer was sentenced to confinement for 60 days, forfeiture of \$2,000 a month for four months, and a fine of \$25,000 to be paid to the United States, if unpaid to be confined for an additional ninety days.

- (3) A CWO2 was convicted by a general court-martial of pointing a firearm at themselves and offering the firearm to another person in a reckless manner which under the circumstances was unbecoming an officer and a gentleman. (Violation of Article 133, UCMJ). The officer was sentenced to no punishment.

b. Military Administrative Action

- (1) An O-5 was separated by special board action as a result of the officer being arrested for contributing to the delinquency of a minor and receiving a second alcohol incident.
- (2) An O-3 was separated by special board action as a result of the officer receiving a documented drug incident. Results of a random urinalysis showed the member had ingested MDMA, a controlled substance.
- (3) An O-3 was relieved from primary duties and separated by special board action as a result of the officer being convicted of two misdemeanor assault and battery charges in a civil court.
- (4) An O-3 resigned in lieu of involuntary board action as a result of being involved in a multiple vehicle accident and being arrested for allegedly driving under the influence of alcohol. The officer refused a field sobriety test and chemical test and was later convicted of reckless driving.
- (5) An O-3 was relieved of primary duties and separated by special board action when the officer received a documented alcohol incident for reporting to duty intoxicated at a High School to administer an ASVAB test to aspiring service members. On another date, the officer reported to work intoxicated.
- (6) An O-3 retired in lieu of involuntary board action as a result of being arrested for domestic battery.
- (7) An O-3 retired in lieu of involuntary board action as a result of Non-Judicial Punishment for falsifying a DHS parking pass.
- (8) An O-3 was removed from the Promotion Year 2015 Reserve Program Administrator Lieutenant Commander Selection List and the member's Reserve Program Administrator designation was removed. The officer was

arrested and charged with providing alcohol and raping a minor.

- (9) An O-1 was separated by special board action as a result of receiving Non-Judicial Punishment for engaging in a prohibited relationship with a married First Class Petty Officer under the officer's direct supervision.
  - (10) A CWO3 was removed from the promotion list by special board action as a result of substandard marks in the categories of Judgment, Responsibility, and Professional Presence when the officer misrepresented the truth regarding military duties for a personal advantage.
- c. Relief for Cause. A CWO2 was relieved for cause as a result of a loss of confidence as a commanding officer in the safe navigation of a vessel.
  - d. State / Federal Actions. None to report.
  - e. Non-Judicial Punishment. NJP was imposed ten times, accounting for thirty four charges, covering a wide range of UCMJ offenses. The total punishments included admonishment or reprimand imposed in nine cases, seventy-five days of restriction imposed in three cases, and forfeitures totaling \$12,538 in pay imposed in three cases.

## **2. Senior Enlisted.**

- a. Court-martial.
  - (1) An E-7 was convicted by a summary court-martial of committing sexual contact upon two enlisted members by slapping the buttocks with their hand without consent and assault upon an officer by striking at the officer with their hand in the direction of the victim's buttocks. (Violations of Articles 120 and 138, UCMJ). The member was sentenced to fourteen days restriction, reduction to pay grade E-6, and a letter of reprimand.
  - (2) An E-7 was convicted by a summary court-martial of intentionally exposing their naked genitalia by sending a digital image of the naked genitalia to the personal cell phone of another enlisted member. (Violation of Articles 120, UCMJ). The member was sentenced to a reduction to pay grade E-6 and a letter of reprimand.
  - (3) An E-7 was convicted by a summary court-martial of sexually harassing a civilian employee, maltreatment of four enlisted members who were subject to their orders, by making deliberate and repeated offensive contact toward one, making deliberate and repeated offensive comments toward the other three, and making unsolicited sexual advances towards all four, making five false official statements, and communicating indecent language towards an enlisted member. (Violations of Articles 92, 93, 107 and 134, UCMJ). The member was

sentenced to forfeit \$2,515 pay for one month and a reduction to pay grade E-6.

- (4) An E-7 was convicted by a summary court-martial of maltreating three enlisted members subject to orders by relaying harassing/indecent language, showing videos of a sexual nature and taking unsolicited photographs and sending those photographs to another member, assault committed against three members; by striking one on the face, pressing down on another's abdomen with their palm, poking two of the members in the ribs, striking one on the thigh, pulling on the shirt sleeve of one, hitting a member on the head with food, and poking a member on the back. (Violations of Articles 93 and 128, UCMJ). The member was sentenced to a reduction to pay grade E-6.
- b. Military Administrative Action. Four senior enlisted members received an administrative discharge for misconduct: one for bad conduct, two for conduct of a discreditable nature, and one 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 thirteen times, accounting for twenty six charges, covering a wide range of UCMJ offenses. The total punishments included admonishment or reprimand imposed in five cases, 268 days of restriction imposed in eight cases, and forfeitures totaling \$7,671 in pay imposed in four cases.

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

- a. Court-martial.
  - (1) An E-6 was convicted by a General court-martial of unlawfully putting their hand in the pants of another member and touching the member's genital area with their hand. (Violation of Articles 128, UCMJ). The member was sentenced to a reduction in pay grade to E-3, confinement for 120 days, and forfeiture of \$750 pay for six months.
  - (2) An E-6 was convicted by a special court-martial of wrongfully and knowingly recording, on divers occasions by means of a digital camera attached to a cell phone, the private areas of two members without their consent and where the members had a reasonable expectation of privacy. (Violations of Articles 80, UCMJ). The member was sentenced confinement for one year (six months suspended) and a bad conduct discharge.
  - (3) An E-6 was convicted by a special court-martial of committing sexual contact upon another member by pulling down the shorts and underwear of the member exposing their buttocks while the member was asleep. (Violation of

Articles 120, UCMJ). The member was sentenced to a reduction to pay grade E-1, confinement for 30 days, and a bad conduct discharge.

- (4) An E-5 was convicted by a general court-martial of wrongfully storing and transmitting sexually oriented materials on their Coast Guard e-mail account, intentionally exposing, in an indecent manner their genitalia, and committing an indecent act by masturbating under a towel in the presence of another member. (Violations of Articles 92, 120c, and 134, UCMJ). The member was sentenced to a reduction to pay grade E-1 and nine months of confinement.
- (5) An E-5 was convicted by a special court-martial of wrongful use of cocaine, heroin, marijuana, and oxycodone. (Violations of Articles 112a, UCMJ). The member was sentenced to a reduction in pay grade to E-1, hard labor without confinement for three months, and a bad conduct discharge.
- (6) An E-5 was convicted by a special court-martial of stealing military property in the form of a box of handcuff pouches (5), of a value of less than \$500. (Violation of Article 93, UCMJ). The member was sentenced to a reduction in pay grade to E-3 and hard labor without confinement for twenty days.
- (7) An E-4 was convicted by a general court-martial of committing a sexual act upon another member of the service while that member was incapable of consenting to the sexual act due to impairment. (Violation of Articles 120, UCMJ). The member was sentenced to a reduction to pay grade E-1, confinement for ninety days, and a dishonorable discharge.
- (8) An E-4 was convicted by a general court-martial of committing a sexual act upon their spouse by causing bodily harm, with an intent to gratify the sexual desire of the member without the consent of the victim, unlawfully striking their spouse with their hands, throwing and hitting the spouse with a wallet, and making a false official statement with intent to deceive. (Violations of Articles 120, 128, and 107, UCMJ). The member was sentenced to a reduction to pay grade E-1, confinement for four years, and a dishonorable discharge.
- (9) An E-4 was convicted by a general court-martial of violating a lawful general regulation by wrongfully displaying an obscene video of the member performing a sexual act to multiple members of the Coast Guard. (Violations of Article 92, UCMJ). The member was sentenced to a reduction in pay grade to E-3.
- (10) An E-4 was convicted by a summary court-martial of wrongful use of provoking words towards a service member, unlawfully biting another member on the arm with their mouth, orally communicating indecent language of a sexual and demeaning nature towards a member of the opposite gender, and wrongfully sending a picture via cell phone of their genitals to member to the prejudice of good order and discipline. (Violations of Article

117, 128, and 134, UCMJ). The member was sentenced to a reduction in pay grade to E-2, confinement for 30 days, and forfeiture of \$800 pay for one month.

(11) An E-2 was convicted by a special court-martial of unlawfully touching the legs of another service member with their hands, entering the stateroom of a member of the opposite gender, and wrongful possession and use of marijuana. (Violations of Article 112a, 128, and 134, UCMJ). The member was sentenced to a reduction in pay grade to E-1, confinement for 180 days, and a bad conduct discharge.

(12) An E-2 was convicted by a summary court martial of stealing a clock and china from their unit's wardroom, which were military property of a value of about \$200 each, and of stealing Gortex rain gear from the unit which was military property of a value of about \$500. (Violations of Article 121, UCMJ). The member was sentenced to reduction to pay grade E-1, Confinement for 21 days, and forfeiture of \$1,044 pay for one month.

b. Military Administrative Action. Five junior enlisted members were discharged under other than honorable conditions in lieu of trial by court-martial. 137 junior enlisted members received administrative discharges for misconduct: five for the good of the service, twelve for patterns of misconduct, ninety for conduct of a discreditable nature, three for fraudulent enlistment, and twenty seven for involvement with drugs.

c. Relief for Cause.

(1) An XPO was relieved for cause due to unsatisfactory conduct; unauthorized use of Government Travel Charge Card.

(2) An XPO was relieved for cause due to unsatisfactory conduct; driving while under the influence.

(3) An EPO was relieved for cause due to unsatisfactory conduct and negative command climate.

(4) An EPO was relieved for cause due to unsatisfactory conduct; inability to perform and manage responsibilities.

(5) An EPO was relieved for cause due to unsatisfactory conduct; driving while under the influence.

d. State / Federal Court Actions. None to report

e. Non-Judicial Punishment. NJP was imposed 184 times, accounting for 375 charges, covering a wide range of UCMJ offenses. The total punishments included

3,800 days of restriction imposed in 146 cases, 3,397 days of extra duty imposed in 133 cases, and forfeitures totaling \$57,399 in pay imposed in forty-six cases.

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

- a. Disciplinary/Administrative Actions.
  - (1) A GS-14 received a Letter of Reprimand for conduct related to failure to comply with directions, instructions, and assignments.
  - (2) A GS-13 was removed for inability to perform.
  - (3) A GS-12 was removed for conduct unbecoming a Federal employee, inappropriate comments, and threat in the workplace.
  - (4) A GS-12 was removed for poor performance and misconduct.
  - (5) A GS-12 was removed for poor performance.
  - (6) A GS-12 received a Letter of Reprimand for making comments of a violent nature.
  - (7) A GS-12 received a Letter of Reprimand for performance issues.
  - (8) A GS-12 received a Letter of Reprimand for misuse of the Government Travel Charge Card.
  - (9) A GS-12 received a Letter of Reprimand for misuse of the Government Travel Charge Card.
  - (10) A GS-12 received a Letter of Reprimand for failing to follow established policy.
  - (11) A GS-12 received a Letter of Reprimand for failure to follow leave procedures.
  - (12) A GS-10 was removed for failure to meet a condition of employment by not obtaining a security clearance.
  - (13) A GS-09 was removed for continued misconduct, failure to follow proper leave procedures, and leaving the job during work hours without authorization.
  - (14) A GS-09 was removed for excessive absence without leave, failure to follow established leave procedures, failure to maintain a regular work schedule, and

failure to comply with a direct order.

- (15) A GS-09 was removed during their probationary period.
- (16) A GS-09 was removed for failure to accept a directed reassignment.
- (17) A GS-08 was removed for unsatisfactory performance.
- (18) A GS-07 was removed during probationary period for misconduct.
- (19) A GS-07 received a Letter of Reprimand for leaving the workstation unsecure on five occasions and sending an inappropriate email to their supervisor.
- (20) A GS-07 received a Letter of Reprimand for conduct.
- (21) A GS-06 received a Letter of Reprimand for inappropriate comments in the workplace.
- (22) A GS-05 received a Letter of Reprimand for absence without leave.
- (23) A WG-15 received a Letter of Reprimand for conduct.
- (24) A WG-10 was removed for inability to perform.
- (25) A WG-10 received a Letter of Reprimand for failure to follow safety procedures.
- (26) A WG-10 received a Letter of Reprimand for disrespect towards a supervisor.
- (27) A WG-10 received a Letter of Reprimand for unexcused tardiness and failure to follow leave procedures.
- (28) A WG-09 received a Letter of Reprimand for being absent without leave.
- (29) A WG-05 was removed for performance issues during a probationary period.
- (30) A WG-05 received a Letter of Reprimand for failure to follow leave procedures and unauthorized absence.
- (31) A WG-05 received a Letter of Reprimand for absence without leave and failure to follow leave procedures.



- (32) A WG-05 received a Letter of Reprimand for absence without leave and failure to follow leave procedures.
- (33) A WG-05 received a Letter of Reprimand for failure to report for an overtime assignment.
- (34) A WG-05 received a Letter of Reprimand for failure to report for an overtime assignment.
- (35) A WG-05 was removed for three counts of absence without leave and failure to follow leave procedures.
- (36) A WL-09 received a Letter of Reprimand for misuse of the Government Travel Charge Card.
- (37) A WS-09 received a Letter of Reprimand for lack of candor when responding to questions asked by a supervisor.
- (38) A WD-05 received a Letter of Reprimand for disruptive behavior.

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