

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2011-090

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FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the applicant's completed application on February 21, 2011, and assigned it to staff member J. Andrews to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated December 22, 2011, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATIONS

The applicant asked the Board to upgrade his February 14, 2008, general discharge under honorable conditions to an honorable discharge; to upgrade his separation code (JKA) and narrative reason for separation (misconduct) on his discharge form DD 214; to upgrade his reenlistment code from RE-4 (ineligible) to RE-1 eligible; and to change the date of entry on active duty on his DD 214 from August 8, 2004, to July 19, 2004.

The applicant stated that most of his life has been "guided through the right way" and that he served proudly for 3.5 years on active duty and for 1.3 years as a federal civilian employee. The applicant stated that he needs the requested corrections to move forward in his life, earn a higher degree, reenlist in the Armed Forces, and stop being a burden to his parents and the Government. In support of his request, the applicant submitted the following:

- The second page of an enlistment contract shows that he signed it on July 19, 2004.
- Training certificates show that he completed an eight-week course of basic training on September 10, 2004; qualified as a machinery technician, third class (MK3/E-4) on January 28, 2005; qualified as a boat engineer on December 1, 2005; and completed Hazardous Waste Operations and Emergency Response Marine Oil Spill Emergency Response Training on December 12, 2005.

- Documents show that he tested 2+ in Spanish listening comprehension and reading comprehension on a scale of 0 to 3 on March 9, 2006, and qualified as “a linguist and an interpreter for Spanish.”
- A database print-out shows that he is entitled to wear the Global War on Terrorism Service Medal, the Pistol Marksman Ribbon, and Presidential Unit Citation, and the Good Conduct Medal.
- Certificates show that he graduated from high school in 1995 and from college in 2002.
- Documents show that he received a temporary appointment as a maintenance worker for a Coast Guard Sector office in 2009 and completed Coast Guard Civilian Orientation Training, DHS Travel Card Training, and forklift training before his appointment ended on October 22, 2010, because “another applicant was selected for a permanent appointment in this position.”

SUMMARY OF THE RECORD

The applicant’s enlistment documents are dated July 19, 2004, which was the Monday eight weeks before Friday, September 10, 2004, the date the applicant graduated from the Coast Guard’s eight-week basic training course. He was 28 years old when he enlisted. The applicant attended MK “A” School and earned the MK rating. He was assigned to a shore unit.

The applicant was counseled in May 2005 for using a Coast Guard computer inappropriately; in March 2006 for repeatedly failing to report for duty on time; and in May 2006 for using disrespectful language to a superior petty officer, swearing at a non-rate who spoke up against his disrespectful language, and failing to pay a bill on time. However, he received no formal punishment during his first three consecutive years of active duty and so received a Good Conduct Medal in July 2007.

At the time the Good Conduct Medal was awarded, however, the applicant was under investigation and charged with several violations of the Uniform Code of Military Justice (UCMJ). The investigation revealed the following incidents:

- In January 2007, the applicant began harassing a young female seaman apprentice (SA X) by knocking on her barracks door and sometimes opening her door and entering without knocking. He would “ask her where she had been and what she was doing.” Such incidents occurred twelve to fifteen times. Once, the applicant knocked on SA X’s door and forcibly grabbed her cell phone from her when she opened the door, so that she had to struggle to get it back. SA X reported this incident to a fellow petty officer, who warned the applicant to stop his inappropriate behavior and to leave SA X alone.
- In March 2007, the applicant approached SA X from behind in the watch room, put his hands on her hips, and hugged her from behind. She pushed him away and told him not to touch her. He asked her, “Why? Come on. What’s your problem?” She ran into another room to find someone else.

- In April 2007, the applicant followed SA X to the door of the unit's female locker room and pushed her as he forced his way inside the room. The applicant began kissing her but stopped when she resisted and became upset. SA X reported this incident to the petty officer, who advised her to report the applicant to his supervisor.
- On Friday, May 4, 2007, at about 7:45 p.m., while returning to the locker room to fetch some earrings she had left on the top shelf of her locker, SA X encountered the applicant in the hall outside the galley. He held out his hand for a "high five," which she gave him, but then he grabbed her wrist. SA X pulled away, ran down the hall, and went into the female locker room. While SA X was getting her earrings, the applicant entered the room, grabbed her from behind, kissed her neck, and pressed her against him so that she could feel he had an erection. She tried to push him away several times and repeatedly told him to leave her alone, but he did not let go. After she broke free once, he grabbed her again, but she broke free a second time, ran into the hall, and left the station.
- Several other young female non-rates who had been assigned to the applicant's unit told the investigator that the applicant frequently acted inappropriately toward them, despite their objections, by brushing up against them unnecessarily, touching them with his hands inappropriately, staring at them in the gym, and making inappropriate comments to them. One noted that, because of such behavior, she had warned SA X to "watch out for" the applicant when SA X first arrived at the station in November 2006. Another one called him a flirtatious clown and said that she had seen him trip a young non-rate as a way to try to get her attention.

SA X reported the May 4, 2007, assault by the applicant, and he was interviewed by a special agent of the Coast Guard Investigative Service (CGIS) on May 11, 2007. The applicant waived his Article 31(b) rights and confessed both verbally and in writing to having hugged and kissed SA X after following her into the female locker room. He was transferred to a Sector office.

On November 14, 2007, the applicant was tried by special court-martial. He pled guilty to violating Articles 128 and 134 of the UCMJ and was sentenced to reduction in pay grade to E-2, forfeiture of \$30 in pay per month for ten months, confinement for 20 days, and restriction to base for 30 days. The applicant's confinement began the same day.

On November 19, 2007, the applicant's commanding officer (CO) notified him that he was initiating the applicant's administrative discharge for a pattern of misconduct in accordance with Article 12.B.18.b.3.a. of the Personnel Manual based on the findings of the investigation and the special court-martial. The CO advised him that Commander, Personnel Command would decide whether he would be discharged and what type of discharge he would receive. The CO also advised him that he had a right to legal counsel and to submit a statement.

On November 29, 2007, the applicant acknowledged notification of the pending discharge and of his right to submit a statement and to consult an attorney. The applicant noted that he objected to the discharge, consulted counsel, and submitted a statement. In his statement, the

applicant requested retention in the Coast Guard following his confinement or at least an honorable discharge for the sake of his wife and children. The applicant also submitted a statement from his wife, who said that the applicant was proud of being in the Coast Guard and that “[e]verything was going fine until that ‘lady’ start[ed] to exaggerate all the situation.” She stated that SA X had options and should have told her (the applicant’s wife) what was happening but instead took the easiest option for her and the worst option for the applicant’s family, as did the Coast Guard.

On December 3, 2007, the applicant was released from confinement. On December 4, 2007, the Sector CO recommended to the Personnel Command that the applicant receive a general discharge for misconduct based on his harassment of and assault on SA X. The CO noted that the applicant had continued his misconduct even after he had been warned to stop. The CO stated that the applicant was unable to control his behavior or to “manage himself appropriately with females.” The District Commander concurred in and forwarded the CO’s recommendation to the Personnel Command. He noted that the applicant’s “clear disregard for the privacy of others and failure to accept responsibility for his actions demonstrate his inability to work with personnel of the female gender and adhere to core values. I’m convinced future incidents will occur if he were allowed to remain in the service.”

On January 15, 2008, the Personnel Command issued orders for the applicant to be separated on February 13, 2008, with a general discharge, JKA separation code, and “pattern of misconduct” as the narrative reason for separation. The applicant was discharged on February 14, 2008. His DD 214 shows that he received a “general” discharge for “misconduct.” The DD 214 also shows in block 12.c. that he had completed 3 years, 6 months, and 7 days of military service and, in block 29, that he had no time lost. The awards listed on the applicant’s DD 214 include the Good Conduct Medal, the Pistol Marksmanship Ribbon, the Presidential Unit Citation, and the Global War on Terrorism Medal.

The applicant promptly applied to the Discharge Review Board (DRB). On August 21, 2008, the DRB issued a decision finding that the applicant’s general discharge for misconduct was proper and equitable and recommending only partial relief. The DRB wrote that the applicant was convicted of assault, in violation of Article 128 of the UCMJ, and assault with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or house-breaking, in violation of Article 134 of the UCMJ. The DRB found that the record shows that the applicant had a total disregard towards the rights of others and failed to accept responsibility for his actions. However, the DRB noted that block 24 of the applicant’s DD 214 indicated that the character of the applicant’s service was “general,” whereas the correct entry for a member receiving a general discharge is “under honorable conditions.” The DRB also found that the JKA separation code in block 26 was appropriate. The DRB made no correction to the RE code.

The DRB reviewing authority directed that a DD 215 (the DD 214 correction form) be issued correcting the applicant’s character of service in block 24 of the DD 214 from “general” to “under honorable conditions” and correcting the narrative reason for separation in block 28 from “misconduct” to “pattern of misconduct” to correspond with the JKA separation code.

VIEWS OF THE COAST GUARD

On May 4, 2011, the Judge Advocate General (JAG) of the Coast Guard recommended that the Board grant partial relief in this case. In so doing, he adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC). The PSC confirmed that the applicant was found guilty of both assault and assault with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking. The PSC also stated that it

reaffirms the findings of the DRB, to include the findings of the CGIS investigation as well as the guilty determination made at Special Court Martial. The applicant has not presented any new evidence to discredit his administrative proceedings or cause for discharge and has thus failed to substantiate any error or injustice with how current policy and regulations are carried out and enforced with respect to this administrative discharge.

The PSC stated, however, that additional administrative errors on the applicant's DD 214 should be corrected. The PSC stated that, as the applicant alleged, the date of entry in block 12.a. should be July 19, 2004, 20 days earlier than the date shown, August 8, 2004. However, the PSC stated, the net active service in block 12.c.—3 years, 6 months, and 7 days—is correct because the applicant had 20 days of “lost time” during his confinement. Therefore, the PSC recommended that the Board correct block 12.a. to show that the applicant enlisted on July 19, 2004, and correct block 29 to show that he had 20 days of “time lost.”

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On June 21, 2011, the applicant responded to the views of the Coast Guard. He submitted a photocopy of a Flag coin he received from the First District Commander in 2006. The applicant stated that in 2006, he participated in a search and rescue mission in bad weather with 8' to 10' waves. While they were heading out to the area of the distress call, an engine alarm sounded due to some debris in the port sea chest valve strainer. They fixed the problem, continued to the site, and rescued about five people from a floating dock that had come loose and was drifting. When they returned, the admiral, who was visiting their station, shook his hand and gave him the coin.¹

The applicant also submitted his semiannual performance evaluation dated September 30, 2006, showing that he received ten average marks of 4, thirteen above average marks of 5, one excellent mark of 6 for “Stamina,” and one highest possible mark of 7 for “Health and Well-Being,” supported by a note stating that he had received a very high score on the physical fitness test and helped others improve their personal training. In addition, the applicant submitted several pages from Article 12.B. of the Personnel Manual regarding how a member's character of service is determined.

¹ Flag coins are not medals. Instead, they are informal awards handed out by high-ranking officers who want to quickly and personally acknowledge a job well done.

APPLICABLE LAW

Regulations About General Discharges for Misconduct

Article 12.B.18.b. of the Personnel Manual in effect in 2007 and 2008 states that Commander, Coast Guard Personnel Command may order the discharge of any member for misconduct under these circumstances:

1. Civilian or Foreign Conviction. Conviction by foreign or domestic civil authorities ...
2. Pattern of Misconduct. Members may be separated when they have:
 - a. two or more non-judicial punishments, courts-martial, or civilian convictions or a combination thereof within a 2-year period;
 - b. three or more unauthorized absences, each is at least three or more days, within a 2-year period;
 - c. six or more unauthorized absences and the total amount is at least six days, within a 2-year period;
 - d. a pattern of failure to contribute adequate support to dependents (see Art. 8.M);
 - e. a pattern of failure to pay just debts;
 - f. a pattern of shirking; [sic]
3. Commission of a Serious Offense. Commission of a serious offense does not require adjudication by non-judicial or judicial proceedings. An acquittal or finding of not guilty at a judicial proceeding or not holding [a] non-judicial punishment proceeding does not prohibit proceedings under this provision. However, the offense must be established by a preponderance of the evidence. Police reports, CGIS reports of investigation, etc. may be used to make the determination that a member committed a serious offense.
 - a. Members may be separated based on commission of a serious military or civilian offense when:
 - (1) The specific circumstances of the offense warrant separation; and
 - (2) The maximum penalty for the offense or closely related offense under the UCMJ and Manual for Courts-Martial includes a punitive discharge. The escalator clause of Rule for Courts-Martial 103(d) shall not be used in making this determination.
4. Drugs. ...
5. Fraudulent enlistment. ...

Article 12.B.18.e. of the Personnel Manual states that a member with fewer than eight years of service who is being discharged for misconduct has the right to written notification of the reason for the discharge, the right to submit a written statement, and, if a general discharge is contemplated, the right to consult a lawyer.

Under Article 12.B.2.f. of the manual, Commander, Personnel Command may award a member an honorable discharge, even for misconduct, if the member's "minimum characteristic average [exceeds] 2.5 in each factor over the period of the enlistment" and if the member demonstrates "[p]roper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade, and general aptitude." However, Commander, Personnel Command may also award a general discharge for misconduct "based on the individual's overall military record or the severity of the incident(s) which results in discharge."

Regulations About DD 214 Entries

Chapter 1.E. of COMDTINST M1900.4D, the manual for preparing DD 214s, contains the following regulations:

Block 12a. Date Entered Active Duty This Period. Enter the date of entry on active duty.

Block 12b. Separation Date This Period. Enter the effective date of release/discharge. ...

Block 12c. Net Active Service This Period. Enter the years, months, and days of service creditable for basic pay purposes for the period from date entered active duty this period (block 12a) through date of separation (block 12b). ... Deduct all periods of lost time.

Block 24. Character of Service (includes upgrades). Only "Character of Service" is to be entered--do not include or indicate the type of discharge certificate being issued.

1. Enlisted Personnel.

a. Discharge Certificate Issued. Enter in capital letters "HONORABLE"; "UNDER HONORABLE CONDITIONS"; "UNDER OTHER THAN HONORABLE CONDITIONS"; OR "DISHONORABLE", as appropriate and consistent with the reason and authority for separation. ...

Block 25. Separation Authority.

1. Enlisted Personnel. Enter the appropriate separation authority associated with a particular authority and reason for separation as shown in the SPD Handbook, unless otherwise directed by the MPC-SEP. ...

Block 26. Separation Code. Enter the appropriate separation code (SPD) associated with a particular authority and reason for separation as shown in the SPD Handbook or as stated by the MPC-SEP in the message granting discharge authority.

Block 27. Reenlistment Code.

1. Enlisted Personnel. Enter the appropriate reenlistment code to denote whether or not the member is recommended for reenlistment. Use only the proper reenlistment code associated with a particular SPD Code as shown in the SPD Handbook. ...

Block 28. Narrative Reason for Separation. Only the narrative reason, i.e. UNSUITABILITY, MISCONDUCT, etc. is to be entered--do not enter additional information, i.e. "Due to frequent involvement with civil authorities, financial irresponsibility, etc."

Block 29. Dates and Time Lost During This Period. Enter inclusive dates for all periods of time lost, whether pay was forfeited or not, during the period from the date of entry (block 12a) to the date of separation (block 12b). Include periods of unauthorized absence (UA), sickness due to misconduct (SKMC), confinement (CONF), and nonperformance of duty due to civil arrest (NPDI CIVIL), but do not identify types of time lost by other than "TL". If there are no periods to report, enter "NONE". Do not leave this block blank. (e.g., TL: 6-21-89 to 7-29-89, 11-1-89 to 1-4-89 or TL: NONE).

The Separation Program Designator (SPD) Handbook authorizes the following combinations of codes for members involuntarily discharged due to misconduct in accordance with Article 12.B.18. of the Personnel Manual by order of the Personnel Command:

SPD Code	Narrative Reason for Separation	Reentry Code	Explanation
JKA	Pattern of Misconduct	RE-4	“resulting from a pattern of misconduct of a discreditable nature with civil or military authorities.”
JKM	Misconduct	RE-4	“when a member engages in acts or misconduct not otherwise listed [in the handbook].”
JKN	Misconduct	RE-4	“when member has established a pattern of misconduct consisting solely of minor disciplinary infractions.”
JKQ	Misconduct	RE-4	“when member has committed a serious military or civilian offense.”

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant’s military record and submissions, the Coast Guard’s submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. The application was timely because it was received within three years of the decision of the Discharge Review Board.²

2. The applicant requested an oral hearing before the Board. The Chair, acting pursuant to 33 C.F.R. § 52.51, denied the request and recommended disposition of the case without a hearing. The Board concurs in that recommendation.³

3. The applicant alleged that block 12.a. of his DD 214 contains the wrong date of entry and that his general discharge, separation code, reenlistment code, and narrative reason for separation are unjust. The Board begins its analysis in every case by presuming that the disputed information in the applicant’s military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.⁴ Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties “correctly, lawfully, and in good faith.”⁵

4. The record shows that on November 19, 2007, in accordance with Article 12.B.18.e. of the Personnel Manual then in effect, the applicant’s CO notified him that he was initiating the applicant’s discharge pursuant to Article 12.B.18.b.3.a. Under the latter article, Commander, Personnel Command may discharge a member for misconduct if the member has committed a “serious offense,” which is an offense for which (1) the circumstances warrant sepa-

² *Ortiz v. Secretary of Defense*, 41 F.3d 738, 743 (D.C. Cir. 1994).

³ *See Steen v. United States*, No. 436-74, 1977 U.S. Ct. Cl. LEXIS 585, at *21 (Dec. 7, 1977) (holding that “whether to grant such a hearing is a decision entirely within the discretion of the Board”).

⁴ 33 C.F.R. § 52.24(b).

⁵ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

ration and (2) the maximum penalty authorized under the UCMJ includes a punitive discharge. The applicant had been found guilty at special court-martial of violating Articles 128 and 134 of the UCMJ. The maximum punishment for a violation of Article 134 includes a punitive dishonorable discharge. The circumstances of his offense show that the applicant had sexually harassed several young female non-rates at his unit for several months and that he harassed and assaulted SA X even after SA X and a petty officer warned him to stop. Officers in the applicant's chain of command reasonably concluded that the applicant could not be trusted to behave appropriately around female servicemembers. Therefore, the circumstances of the applicant's offense warranted separation. The applicant received notification of the proposed discharge and of his right to consult counsel and to submit a statement pursuant to Article 12.B.18.e. of the Personnel Manual, which rights he exercised. Therefore, the Board finds that the applicant's CO committed no error or injustice in initiating the applicant's discharge for misconduct in accordance with Article 12.B.18.b.3.a. of the Personnel Manual.

5. The applicant alleged that he should have received an honorable discharge because he received a Good Conduct Medal and received good performance evaluations. However, when the applicant earned the Good Conduct Medal in July 2007, he was already under investigation for serious offenses. Under Article 12.B.2.f. of the Personnel Manual, a member may only receive an honorable discharge if he has demonstrated "[p]roper military behavior ... with due consideration for the member's age, length of service, grade, and general aptitude." The record shows that while the applicant was a 31-year-old petty officer with almost three years of service, he sexually harassed and assaulted young non-rates at his unit over a period of several months, which cannot be considered "proper military behavior." The Board finds that the applicant has not proved by a preponderance of the evidence that his general discharge under honorable conditions was erroneous or unjust.

6. Although the applicant's CO initiated the applicant's discharge for misconduct in accordance with Article 12.B.18.b.3.a. of the Personnel Manual, and Commander, Personnel Command approved the CO's discharge recommendation, the applicant's discharge orders stated that his discharge was to be classified under separation code JKA, "Pattern of Misconduct," instead of JKQ, "Misconduct," which is the usual classification for someone being discharged pursuant to Article 12.B.18.b.3.a. of the Personnel Manual. Although unstated in the record, it is reasonable to assume that Commander, Personnel Command thought that the applicant's pattern of sexual harassment warranted a "Pattern of Misconduct" discharge, rather than just a "Misconduct" discharge. In this regard, the Board notes that the applicant had been notified by his CO on November 19, 2007, that Commander, Personnel Command would ultimately determine what type of discharge he received. It is possible that classifying a discharge for a pattern of sexual harassment as a "Pattern of Misconduct" is proper under the Coast Guard's policy, but a pattern of sexual harassment is not listed as one of the causes for discharge under Article 12.B.18.b.2. of the Personnel Manual in 2008, which is titled "Pattern of Misconduct," and a single court-martial does not appear to meet the terms of that paragraph or of the explanation for a JKA, "Pattern of Misconduct" discharge in the SPD Handbook: "resulting from a pattern of misconduct of a discreditable nature with civil or military authorities." In light of these inconsistencies, the Board finds that the JKQ, "Misconduct" discharge classification proposed by the applicant's CO pursuant to Article 12.B.18.3.a. of the Personnel Manual better describes the circumstances of the applicant's separation because, according to the Coast Guard, he was convicted of assault and

assault with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking in violation of Article 128 and 134 of the UCMJ.

7. The applicant asked the Board to upgrade his reentry code from RE-4 to RE-1, which would make him eligible to reenlist. In light of his record of misconduct towards female servicemembers, the Board finds no basis for upgrading the applicant's reentry code.

8. The applicant's discharge is currently documented on both a DD 214 and DD 215, which together show that he initially received a "General" discharge for "Misconduct," but that it has been corrected to an "Under Honorable Conditions" discharge for a "Pattern of Misconduct." Although they reflect the same characterization of discharge/service, a discharge "Under Honorable Conditions" sounds much more positive than a "General" discharge, and yet the applicant must show both documents to any potential employer who asks to see his discharge papers, which is unjust. The combination of the DD 214 and DD 215 unnecessarily emphasize the negative nature of the applicant's discharge.

9. The applicant alleged that the date of entry in block 12.a. of his DD 214 is erroneous and should be backdated by 20 days from August 8, 2004, to July 19, 2004. Under Chapter 1.E. of COMDTINST M1900.4D, block 12.a. is supposed to show the date of enlistment, block 12.b. the date of discharge, and block 12.c. the time on active duty between those two dates minus any "time lost" due to confinement, which is then noted in block 29. The record shows that the applicant enlisted on July 19, 2004, was discharged on February 14, 2008, and had 20 days of "time lost" in that period because he was confined from November 14 through December 3, 2007. Therefore, block 12.a. should be backdated 20 days to show the date July 19, 2004, but the 20 extra days must be entered as time lost in block 29, rather than as active duty time in block 12.c.

10. Accordingly, the Board finds that partial relief should be granted by ordering the Coast Guard to issue the applicant a new DD 214 with the following entries:

- Block 12.a. should show the date of entry as July 19, 2004.
- Block 24 should show "Under Honorable Conditions" as the character of service.
- Block 26 should show separation code JKQ.
- Block 28 should show "Misconduct" as the narrative reason for separation.
- Block 29 should show time lost from November 14, 2007, through December 3, 2007.

In addition, the following remark should be entered in block 18 of the DD 214: "Action taken pursuant to order of BCMR."

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of former xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is granted in part as follows:

The Coast Guard shall correct his record by issuing him a new DD 214 with the following changes incorporated therein:

- Block 12.a. should show the date of entry as July 19, 2004.
- Block 18 should include the remark, "Action taken pursuant to order of BCMR."
- Block 24 should show "Under Honorable Conditions" as the character of service.
- Block 26 should show separation code JKQ.
- Block 28 should show "Misconduct" as the narrative reason for separation.
- Block 29 should show time lost from November 14, 2007, through December 3, 2007.

No other relief is granted.

Bruce D. Burkley

Christopher M. Dunne

Barbara Walthers