U.S. Department of Homeland Security

United States Coast Guard

1910

MEMORANDUM

From:

Convening Authority

To:

Respondent

Subj: NOTICE TO RESPONDENT –INELIGIBILITY TO REENLIST

Ref: (a) Military Separations, COMDTINST M1000.4 (series)
(b) Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series)
(c) Reserve Policy Manual, COMDTINST M1001.28 (series)

1. Notice of Ineligibility to Reenlist: I am initiating action to deny you the eligibility to reenlist in the Coast Guard, pursuant to the provisions of reference (a). Your conduct and/or performance of duty have not persuaded me to initiate action to involuntarily separate you from the Coast Guard immediately; however, I have determined that recommending that you continue to serve beyond the end of your current enlistment is not in the best interests of the Coast Guard. In making this determination, I have identified elements of the following Coast Guard policy or policies in reference (a) as potentially providing a basis for your ineligibility to reenlist:

(*select all that apply*)

Unsatisfactory Performer

☐ 2.I. Unsatisfactory Performer

Unsuitability

☐ 2.O.2.a. Inaptitude

☐ 2.O.2.b. Personality Disorders

☐ 2.O.2.c. Apathy, Defective Attitudes, Adjustment Disorders

☐ 2.O.2.d. Unsanitary Habits

☐ 2.O.2.e. Alcohol Abuse

☐ 2.O.2.f Financial Irresponsibility

Misconduct

☐ 2.Q.2.a. Civilian or Foreign Conviction

☐ 2.Q.2.b. Pattern of Misconduct

☐ 2.Q.2.c. Commission of a Serious Offense

☐ Other (identify)

2. Your Conduct/Performance of Duty: The conduct and/or performance of duty that caused me to initiate this action are as follows:

☐ Continued on Supplemental Page (Appendix 2-3 of reference (b) or similar document)

3. Type of Discharge and Characterization of Service: If you are found ineligible to reenlist in the Coast Guard, the discharge authority, Commander, Coast Guard Personnel Service Center (CG PSC), will determine the appropriate type of discharge and characterization of service that you will receive – either an Honorable discharge (characterization of service as honorable) or a General discharge (characterization of service as under honorable conditions). I have reviewed Article 2.B. of reference (a) and your service record. My review indicates that the least favorable characterization of your service that may be approved is: (*select one*)

◯ Honorable ◯ Under honorable conditions

No Recommendation at This Time: I am not recommending a characterization of your service at this time. I will wait until your reenlistment board, if you choose to go before one, is complete to review the summarized record of your hearing and the board's report. At that time, I may endorse the board's recommended characterization of service, or I may recommend a different characterization of service.

Warning - Consequences of a General Discharge: CG PSC may approve an Honorable discharge (characterization of service as honorable) or a General discharge (characterization of service as under honorable conditions) *at his or her sole discretion*. If CG PSC approves a General discharge, you may be deprived of some rights and privileges available to honorably discharged veterans under federal or state law; as a result, you may encounter some prejudice in situations in which the characterization of your service may have a bearing.

4. Your Rights: All of the rights you will be afforded during a reenlistment board proceeding are described in detail at Articles 1.C. and 1.K. of reference (b). My staff will ensure you have access to reference (b), and I encourage you to review your rights in detail.

I want to highlight several of those rights immediately so that you can make thoughtful decisions about what to do next. In the endorsement below, you must decide whether to consult with a lawyer and whether to submit a written statement.
I encourage you to exercise your right to consult with a lawyer. You may consult with a military lawyer at the Coast Guard's expense or with a civilian lawyer at your own expense. If you choose to consult with a military lawyer, I will arrange for you to speak to a Navy or Coast Guard judge advocate. If you choose to consult with a civilian lawyer at your own expense, you must make those arrangements on your own. If you decide to consult with a civilian attorney at your own expense, you are not entitled to also consult with a military lawyer at the Coast Guard's expense.

You may submit a written statement on your own behalf in which you may disagree with my intent to deny you eligibility to reenlist in the Coast Guard. Your written statement will be forwarded to the discharge authority, CG PSC, for consideration.

5. Acknowledge this Notice: You shall acknowledge receipt of this notice by completing the first endorsement below without delay.

6. Time Limits:

a. You have five calendar days from the date you receive this notice to consult with a civilian lawyer, if applicable, and to exercise your rights in enclosure (1).

b. If you elect to consult with a military lawyer, I will arrange for a consultation appointment, and the five calendar days to exercise your rights in enclosure (1) shall run from the date of that appointment.

c. *Warning* - Failure to exercise your rights within five calendar days will constitute a waiver of your rights, and you will forfeit your right to present your case to a reenlistment board.

7. Matters of Importance to You: Whether you choose to consult with a lawyer or not, you will be required to decide whether to appear before a reenlistment board or to waive that right. You should consider the following when making your decision:

a. Reenlistment Board: A reenlistment board consists of three Coast Guard members who will make findings regarding evidence presented at your hearing and make detailed recommendations about whether you should be allowed to continue to serve in the Coast Guard and how your service should be characterized if you are found ineligible to reenlist in the Coast Guard. If you waive your right to go before a board, your waiver may be conditional or unconditional.

b. Your Representative at the Board: If you choose to appear before a reenlistment board, a military lawyer will be provided to you at the Coast Guard's expense to assist you in presenting your case. You may choose instead to be represented by a civilian lawyer that you hire at your own expense, but if you hire a civilian lawyer, you are not entitled to also be represented by a military lawyer at the Coast Guard's expense.

c. Unconditional Waiver: If you unconditionally waive your right to appear before a board, you will be processed for separation upon the expiration of your enlistment in accordance with the procedures established for Coast Guard members who are not entitled to a board.

d. Conditional Waiver: In accordance with Article 2.E.3.d. of reference (b), only CG PSC is authorized to approve a conditional board waiver, and a waiver request may be disapproved by me, the first flag officer in your chain of command, or CG PSC. If you submit a conditional board waiver that is disapproved, this administrative process will continue (see also "Waiving Your Rights" below).

(1) Conditional Waiver for Type of Discharge / Service Characterization: You may waive your right to appear before a board on the condition that you receive a certain type of discharge and characterization of service if you are discharged. If CG PSC approves your conditional waiver request under those conditions, you will receive the same or a more favorable characterization of service if you are discharged; you will not receive a less favorable characterization of service.

(2) Conditional Waiver for Voluntary Retirement: In accordance with Article 3.J.1.b. of reference (a), if you have 18 or more years of creditable active service, or if you attain 18 years of creditable active service at any time during this administrative process, you may submit a request to voluntarily retire. For Reserve personnel, in accordance with Articles 8.M and 8.R. of reference (c), if you have been notified by Coast Guard Pay and Personnel Center (CG PPC) that you have completed 20 years of satisfactory federal service, you may submit a request to voluntarily retire. You may waive your right to appear before a board on the condition that you are permitted to voluntarily retire. Your request to voluntarily retire should be prepared in accordance with Article 3.J.1.e. of reference (a), or in accordance with Article 8.R. of reference (c) for Reserve personnel, and should be attached to your exercise of rights, enclosure (1). If CG PSC approves your conditional waiver, your retirement request will be approved and retirement orders will be issued. If your conditional waiver request is disapproved, your right to elect to appear before a board will be restored, and no action will be taken on your request to voluntarily retire pending review of the board report. The voluntary retirement request will be included in the board report and will remain valid for CG PSC to consider when taking final action, unless you rescind the retirement request sooner.

8. Waiving Your Rights: Consider your options carefully before you waive your right to appear before a board! You should re-read the discussion above about the consequences of receiving a General discharge before you decide to waive any of your rights.

If, after considering the warnings above carefully, you decide to waive your right to appear before a board on the condition that you receive a specific type of discharge and characterization of service, or that you be permitted to voluntarily retire, and your request is denied, you will have five calendar days from when you receive notice of that denial to exercise or waive your right to appear before a board.

9. Privacy Act:

Authority: 5 U.S.C. 301; 10 U.S.C. 1169; 44 U.S.C. 3101; 49 C.F.R. 1.45(a)(1); Art 1.B., COMDTINST M1000.4(series).

Purpose: The information that will be solicited during the board's proceedings is intended principally to enable the Coast Guard to determine the desirability of retaining you in the Coast Guard, at your current rate if applicable, and the characterization of your service. In the course of the investigation, information also may be solicited that could give rise to a determination concerning disciplinary or punitive action.

Routine Uses: The information will be maintained as part of the Enlisted Personnel Record System, DHS/USCG-014-Military Pay and Personnel, which is maintained for use in formulating all Coast Guard personnel actions including, but not limited to, assignment, promotion, reenlistment, retirement, discharge, determination of entitlement to pay allowances, correction of records, and disciplinary actions. In this case, the use will be to determine your eligibility to remain in the Coast Guard, at your current rate if applicable. Data is also provided to the Department of Veterans Affairs for determination of an individual's eligibility for benefits administered by that agency and to medical facilities maintained by the Department of Health and Human Services in conjunction with medical treatment afforded an individual. These are not the only possible uses listed under DHS/USCG-014 but they are the most common.

Disclosure is Voluntary: You are advised that the final determination will be based on all the evidence in the investigative record, which includes evidence you provide. Your election not to provide information could possibly prevent the investigation from obtaining evidence that may be needed to support a determination in your favor, and thus result in a determination adverse to you.

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Encl: (1) Exercise of Rights Memorandum

Copy:

FIRST ENDORSEMENT on _____ memo 1910 of _____

From:
Respondent

To:
Convening Authority

Subj: INELIGIBILITY TO REENLIST

1. Acknowledgement: (*initial all that apply*)

_____ I have received and reviewed your memo 1910, Notice to Respondent – Ineligibility to Reenlist, dated _____ , to which this endorsement applies.

_____ I have read and understand the information contained in your memo 1910, Notice to Respondent – Ineligibility to Reenlist, dated _____. I make the elections below with the understanding that if CG PSC approves the recommendation for denying reenlistment in the Coast Guard, CG PSC will also determine the characterization of service to be issued to me - Honorable or General.

_____ I understand that if a General discharge (characterization of service as under honorable conditions) is issued to me, I may be deprived of some rights and privileges available to honorably discharged veterans under federal or state law, and that I may encounter some prejudice in situations in which the characterization of service may have a bearing.

2. Election of Counsel About Decision to Request Administrative Board: (*initial one*)

_____ I **want** to consult with a military lawyer.

_____ I **waive my right** to consult with a military lawyer because I **will consult with a civilian lawyer** on this matter at my own expense.

_____ I **waive my right** to consult with a military or civilian lawyer and request the opportunity to exercise my rights to request or waive a board at this time.

3. Right to Provide a Written Statement: (*initial one; if electing the first option, also indicate the number of pages attached*)

_____ I **am** providing a written statement at this time, and I have attached _____ pages to this endorsement.

_____ I **waive my right** to make a statement at this time with the option to submit a statement at another time.