



# U.S. Coast Guard Auxiliary Administrative Discipline

Presented by

COMO Harry M. Jacobs, DIR-H

COMO Robert Smekta, DIR-Hd

Patrick Hickey, BC-HQA



# U.S. Coast Guard Auxiliary Administrative Discipline

## Introduction





# Unit Leaders

- Flotilla Commanders
- Division Commanders
- District Commodores





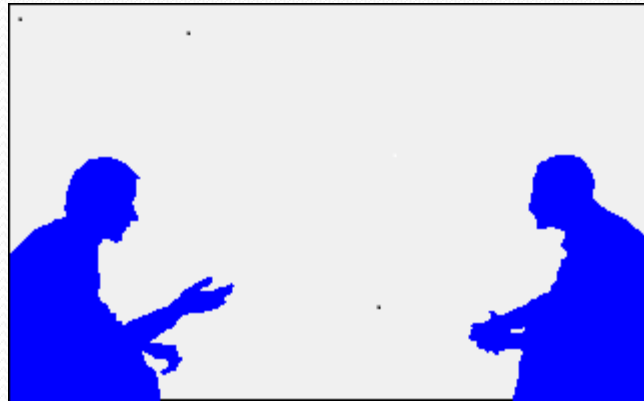
# The Purpose of Discipline

1. Correct inappropriate behavior.
2. Maintain good order.
3. Conducted at the lowest AUX Organizational Level
4. Be carried out by the Auxiliary to the maximum extent possible.



# First Time and Minor Offenses

## Immediate Oral Counseling



## Document the Session



From: J.Q. Member, DCO  
CGD Twenty-Eleven  
TO: AUXILIRIST FIRST MI LAST, MEMBER # 0000000

Reply to DCO Member  
Attn of: (000) 000-0000

Subj: DOCUMENTATION OF ORAL COUNSELING \_[Incident Here]  
Ref: (a) United States Coast Guard Auxiliary Manual, COMDTINST M16790.1G

\_\_\_\_\_:

Thank you for your service, you are a valuable member of the Auxiliary and your willingness to advance the mission of promoting recreational safe boating by volunteering your time and expertise as a certified Vessel Safety Examiner is sincerely appreciated. Moreover, I appreciate the frank and professional response to my telephone call and the degree of frustration and stress that you are feeling over this citizen's complaint. All of the statements that you made to me were carefully considered.

You should not have:

- (1) Stated that vessel safety checks are mandatory;
- (2) Inspected the boat without permission;
- (3) Boarded the boat without permission;
- (4) Conducted the inspection on the launch ramp;
- (5) Made comments that were political in nature;
- (6) Demanded cooperation with the inspection when the owner told you to get off the boat.

*Sample*

As we discussed on the phone, I am obliged to remind you:

- (1) That VSCs are voluntary;
- (2) That the vessel owner must give permission to you to conduct a VSC;
- (3) That you must ask permission to "come aboard" before boarding the boat, whether on land or in the water;
- (4) that VSCs are never conducted on the launch ramps, but always in a location that will not interfere with other boaters,
- (5) That comments to the boater must be limited to boating safety issues, including those on the VSC Check List, or membership in the Coast Guard Auxiliary;
- (6) that you must never challenge a boater who refuses to cooperate once a vessel safety check is started, but rather politely terminate the inspection without irritating the boater if at all possible;
- (7) that you may never suggest, in any way that you have any law enforcement authority, and,
- (8) that you must clearly document all events on the VSC Safety Check Form and give a copy to the boater.



\_\_\_\_\_, I appreciate the fact that the Moonbase County Sheriff was conducting a law enforcement surge on that day and that anyone in uniform became the focus of “anger” by boaters who were delayed getting their vessels in the water. However, since you noticed that, be alert to that fact in the future and be courteous when approaching a boater for a VSC.

Please, no more complaints from boaters about your conduct!

v/r

COMO J. Q. Member

District Commodore  
27th Coast Guard District

Cc: DIRAUX; OTO; DSO-LP

### **AUXMAN 3.G.2. Elements and Types of Informal Disciplinary Action**

In the administration of any type of informal disciplinary action, the nature of such action shall be documented and communicated by the leader to the Auxiliarist who is subject of the action, in writing (by memo or letter), within 10 days of that leader’s determination of the propriety of such disciplinary action. This documentation may be combined with the notification required by paragraph F.6 of this chapter. *Copies of such correspondence shall be provided to all those who were initially notified of the investigation, including the appropriate Director even in situations that involve National elected staff officers, aides, and committee members.*

#### **AUXMAN 3.G.2.a. Elements of Informal Disciplinary Action**

The leader shall ensure that such correspondence describes, as a minimum:

- (1) The unacceptable conduct.
- (2) Any specific deficiencies on the part of the Auxiliarist.
- (3) That any statements submitted by the Auxiliarist were considered.
- (4) The expected and acceptable behavior.
- (5) The effective period of the action (which shall not exceed three years from the date of issuance.
- (6) The right to appeal as described in paragraph G.3 below. Since this letter is strictly counseling in nature, there is no right to appeal. (AUXMAN 3.G.3)

Sample



## Repeat Offenders or Major Offenses

- Normally, only when all other reasonable attempts to correct inappropriate behavior have failed shall disenrollment be considered
- Certain offenses are so unacceptable that they may cause serious discredit to the organization's core values and warrant disenrollment as a disciplinary action.





# UCMJ vs. Auxiliary Administrative Discipline

- Auxiliarist are not subject to the UCMJ
- Auxiliarists may be subject to various administrative actions including loss of qualifications, suspension or disenrollment



# Who Manages Investigations?

Auxiliary unit elected leader/Appropriate appointed leader

Director or Chief Director

Coast Guard Officers in their respective chain

Coast Guard Command that has OIA over the offending member



# Administrative Conduct

Notwithstanding the above, an Auxiliarist for whom it is subsequently determined had attempted to employ Auxiliary administrative disciplinary policies in a frivolous, disruptive, or deliberately malicious manner may, as a consequence, subject themselves to administrative disciplinary action.



# Right of Membership

- Membership in the Coast Guard Auxiliary is not a constitutionally protected liberty or property interest.
- Nor is it an entitlement due to the meeting of basic membership eligibility criteria, namely citizenship, age, skill, and desire.



# Who Can Request an Investigation?

- Active Duty
- Reserve
- Auxiliary
- Civilian Employee



From: J.Q. Member, DCO  
CGD Twenty-Eleven  
TO: AUXILIRIST FIRST MI LAST, MEMBER # 0000000  
Reply to DCO Member  
Attn of: (000) 000-0000  
Subj: NOTICE OF REQUEST FOR INVESTIGATION  
Ref: (a) Auxiliary Manual, COMDTINST M16790.1G

*Sample*

1. Pursuant to Reference (a) Chapter 3, subsection F.2.b, this is to inform you that you are the subject of a request for investigative action.
2. The basic grounds for the request are that you violated Coast Guard or Coast Guard Auxiliary policy or policies on the dates and at the times specified below and in the following manner:  

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3. The request for investigation was submitted by\_\_\_\_\_.
4. My initial plan of action is to conduct a preliminary investigation to determine if the allegations warrant further investigation. If I determine that the allegations warrant further investigation I shall appoint an investigator or investigating committee to submit a report to me containing findings and recommendations. You will be notified, in writing, if I determine that the allegations warrant further investigation.
5. You are advised that you have the right to address, in writing, the investigator or investigating committee, if one is appointed, prior to the submission to me of any findings and recommendations.

#

Copy: DIRAUX  
DCDR-Div \_\_\_\_\_  
DSO-LP  
Mbr. File



# Guidelines for Investigations

Prior to instituting any Coast Guard or Auxiliary disciplinary action towards an Auxiliarist, the pertinent facts surrounding the circumstances must be determined.

This request may be oral or in writing and shall be made to the leader at the lowest level of the organization capable of handling the request



# Director Involvement

- The Director shall assist, as requested, in determining the appropriate level of the organization to address complaints against members of their region.
- The CHDIRAUX shall assist, as requested, in determining the appropriate level of the organization to address complaints submitted to DIRs, ANACOs, and NEXCOM members.





# Investigation Notification Requirements

- The basic grounds for the request.
- The source of the request.
- The right to address, in writing, an investigator or investigating committee prior to any report to the elected leader.
- The elected leader's initial plan of action.



# Investigative Options

- The leader has 7 days from the date of receiving a request for an investigation to determine the propriety of the request.
- A Coast Guard Officer may initiate a request for an investigation based on first-hand observation.



## Investigation not Warranted

- Notify the Director, via COLM, and include justification for the determination
- DIRAUX /CHDIRAUX agrees – No Investigation – Leader notified in writing [e-mail] and notifies complaining party of that joint decision
- DIRAUX/CHDIRAUX disagrees - Leader notified in writing [E-mail] to pursue the investigation



# Investigation Warranted

- Leader promptly notifies the COLM in writing
- Leader appoints Investigator or Committee
- Leader gives Investigator(s) up to **60 days** to complete the Investigation.
- If Committee – two to three members
- Non-Auxiliary members must be approved by the DIRAUX



From: J.Q. Member, DCO  
CGD Twenty-Eleven  
TO: AUXILIRIST FIRST MI LAST, MEMBER # 0000000  
Reply to DCO Member  
Attn of: (000) 000-0000  
Subj: ASSIGNMENT TO DUTY AS INVESTIGATOR

Sample

Ref: (a) United States Coast Guard Auxiliary Manual, COMDTINST M16790.1G  
(b) Coast Guard Administrative Investigations Manual, COMDTINST M5830.1A

1. You are hereby Assigned to Duty as the Investigator to conduct an investigation of a complaint initiated by \_\_\_\_\_, against \_\_\_\_\_, [Member #] \_\_\_\_\_. Details of the allegations are described in the next paragraph.

Members of the Auxiliary have definite guidelines in the AUXMAN regarding the Standards of Ethical Conduct. The Director of Auxiliary and I have determined that there is a sufficient basis to warrant an investigation into the conduct of \_\_\_\_\_ to determine whether (Mr., Ms, Dr.) violated CG or CGAUX policies in his/her

- a) Failure to apply and adhere to Coast Guard Core Values in the conduct of Auxiliary programs.
- b)
- c)
- d) Violation of the Standards of Ethical Conduct or members of the Coast Guard Auxiliary

Relevant Documents will be sent to you in subsequent e-mails.

1. Prior to initiating contact with Mr. \_\_\_\_\_, please contact \_\_\_\_\_, DSO-LP, for guidance and direction on how the investigation is to be conducted. [note; The DSO-LP may assign an ADSO-LP to advise the investigator but the ultimate responsibility remains with the DSO-LP.]

2. Please initiate your investigation immediately. Prepare summaries of all witness interviews, indicating the date, time and location of the interview, followed by a summary of the interview. Sign and date the summaries and attach them as exhibits to the investigative report. Your report, addressed and forwarded only to \_\_\_\_\_, DSO-LP, should be substantially in the form prescribed by Exhibit (5-A) of Reference (b). A copy is enclosed for your convenience. Your investigation must be completed within \_\_\_\_\_ (no more than 60-days) of the date of this appointment. \_\_\_\_\_, DSO-LP, will review your findings and make recommendations to me and the DIRAUX of any further action required in this case.



4. All necessary expenses associated with this investigation, not to exceed \$500, will be reimbursed to you..
5. This matter is considered sensitive and should not be discussed with any person except in the course of your official investigation.

v/r

*John Q Member*

COMO John Q Member  
District Commodore - District 27  
1792 Auxiliary Avenue  
Any City, Any State any Zip Code  
000-000-0000

###

Copy: DIRAUX  
DCDR-Div 145  
DSO-LP  
ADSO-LP  
Mbr. File

The investigation may not require 60 days to complete if it is a relatively simple matter. The sooner the process can be completed, the better. (AUXMAN 3.F.3.(b))

The AUXMAN does not require copies of the appointment letter to be forwarded to anyone other than the DSO-LP who has a need to know. There is no need to CC the ADSO-LP. The DSO-LP has the discretion to assign an ADSO to monitor the case, but that is the DSO's call. Notice should go only to those identified in the AUXMAN.

*Sample*



From: J.Q. Member, DCO  
CGD Twenty-Eleven

Reply to DCO Member  
Attn of: (000) 000-0000

TO: AUXILIRIST FIRST MI LAST, MEMBER # 0000000

Subj: NOTICE OF INVESTIGATION PURSUANT TO AUXILIARY MANUAL 3.F.3.B.

Ref: (a) Auxiliary Manual, COMDTINST M16790.1G

*Sample*

1. I have completed the preliminary review of the allegations of misconduct alleged against you by \_\_\_\_\_ in his Request for Investigation dated on the \_\_\_\_day of \_\_\_\_\_20\_\_.
2. The allegations were previously provided to you in the Notice of Request for Investigation dated on the \_\_\_\_day of \_\_\_\_\_20\_\_.
3. I have determined that an investigation is warranted and appointed \_\_\_\_\_ on the \_\_\_\_day of \_\_\_\_\_20\_\_ to conduct the investigation into the allegations and to submit an investigative report containing his/her conclusions and recommendations to me by the \_\_\_\_day of \_\_\_\_\_, 20\_\_.
4. As I previously advised you, you have the right to address, in writing, the investigator or investigating committee prior to the investigator or investigating committee's report to me. You should contact the investigator or investigating committee by e-mail to determine the deadline for submitting your response.

*John Q Member*

COMO John Q. Member, DCO 27  
1792 Auxiliary Avenue  
Any City, Any State Any Zip Code

Copy: DIRAUX  
DCDR-Div \_\_\_\_  
DSO-LP  
Mbr. File



# Preliminary Determination

- Must be made within **15 days**
- DSO-LP must be consulted at District level through the Chain of Leadership and Management.
- ANACO-CC if leader serves at ANACO level or above.





## Non-Violation Determination

- If the leader determines that no violation of Coast Guard or Auxiliary policy occurred, then the leader shall notify in writing (e-mail is acceptable) all those who were initially notified of the investigation of such determination.
- Must be done within **5 days**.



# Violation

- If the leader determines that a violation of Coast Guard or Auxiliary policy occurred, then the leader shall notify in writing all those who were initially notified of the investigation of such determination and shall proceed .
- Must be done within **5 days** of its determination.



# Different Types of Investigations

- Criminal Investigations
- Civil Investigations
- Administrative Investigations



# Alleged Offender's Rights

- The alleged offender is a **witness** and is entitled to no more rights than any other witness.



# Consulting Your DSO-LP Before You begin the Investigation

Before beginning an Investigation, consult your District Legal Officer [DSO-LP] through the Chain of Leadership and Management





# 5-Minute Break





U.S. Department of  
Homeland Security

United States  
Coast Guard



**ADMINISTRATIVE  
INVESTIGATIONS  
MANUAL  
COMDTINST M5830.1A  
September 2007**



# General Policies for Administrative Investigations

- Authorities for Administrative Investigations
- Purposes of Administrative Investigations
- Initial Command Actions
- Coordination with Other Agencies and Information Sharing and Sharing Information Outside the Coast Guard





# When Investigations are Required

- General requirement to Conduct Investigations
- Incidents Requiring Investigations Under The Auxiliary Manual
- When an Investigation is Not Required
- Investigations Required by Other Directives
- Other Incidents that Usually Merit Investigations



# Conveying Administrative Investigations

- Assignment to Duty
- Authority to Conduct Investigations
- Defects in the Conveying Order



# Conducting Investigations

- The primary duties Investigator:
- Gather Evidence
- Be Thorough and Impartial
- Offer Opinions and Recommendations
- Maintain Integrity of Assignment to Duty



# Preparing Investigative Reports

- Who?
- What?
- When?
- Where?
- How?
- Why?



# Protecting the Investigation and Final Report to the DIRAUX

- Safeguarding of Confidential Information



# Disciplinary Action

Informal Discipline

Formal Discipline

Discipline outside of the Auxiliary  
Administrative Discipline System

Agencies that handle offenses outside the  
Auxiliary Administrative Discipline System



# Elements of Informal Disciplinary Action

The leader shall ensure that such correspondence describes, as a minimum:

- (1) The unacceptable conduct.
- (2) Any specific deficiencies on the part of the Auxiliarist.
- (3) That any statements submitted by the Auxiliarist were considered.
- (4) The expected and acceptable behavior.
- (5) The effective period of the action (which shall not exceed three years from the date of issuance.
- (6) The right to appeal as described in paragraph G.3



# Types of Informal Discipline

- (1) Counseling session.
- (2) Suspension of web privileges.
- (3) Letters of Caution.

These types of informal disciplinary action may be administered individually or in combination.





From: Helen Weals, FC 097-08-99  
USCG Auxiliary

To: Joe Bagodonuts, 097-08-99  
USCG Auxiliary

Subj: LETTER OF CAUTION

Date: 31 Jun 2014

Ref: (a) Auxiliary Manual, COMDTINST M16790.1G  
(b) Coast Guard Uniform Regulations, COMDTINST M1020.6 (series),

Sample

1. This Letter of Caution is being sent pursuant to Reference (a), Chapter 3, section G. I have considered the statements you submitted on your own behalf.

1. While participating in Division operational training on Lake Wobegon on 31 Apr 2014, you wore a white V neck t-shirt under your ODU top and white socks with your boat shoes. Per References (a) and (b), this is a violation of the Auxiliary uniform policy and the Coast Guard Uniform Regulations. Only the Coast Guard navy blue crew neck T-shirt and black socks may be worn as part of the operational dress uniform and when wearing boat shoes. Reference (a) Chapter 10 section H.4.c.

2. You have previously been counseled with regard to policies regarding wearing the proper Auxiliary uniform. Once again I direct your attention to Reference (a) Chapter 10 relative to uniform policies.

1. As a certified coxswain, you are expected to set an example for other Auxiliarists and your crew by wearing the proper uniform at all times in compliance with the uniform policies contained in References (a) and (b) and as directed by the OIA.

1. This letter will remain in your file for a period of 3 years and will serve as written documentation of the incident. Any further incidents will be met with appropriate administrative disciplinary procedures.

1. You have the right to appeal in accordance with Reference (a) Chapter 3 section G.3.

#

Copy: CGD 097(dpa)  
DCO 097  
DCAPT W 097  
DCDR 097-08  
VFC 097-08-99



# Appeal of Informal Disciplinary Action

- May have the right of Appeal.
- May not have the right of Appeal
- Appeals must be made within thirty **30 days** of the written date of notification
- Director or Chief Director must be provided a copy by the recipient.



# Disposition Upon Completion of Informal Disciplinary Action

Director removes all associated documentation from the Auxiliarist's file  
Documents placed in a separate permanent file by Director.

Leader has the option to place documents in a separate permanent file, too.



# Formal Discipline

- Major violation of Coast Guard or Auxiliary Policy
- Conducted by Aux Unit Leader
- Documents and addresses the commission and correction of the violation



# Elements and Types of Formal Disciplinary Action

- If a violation is deemed to be serious by the leader upon completion of the investigation, then the leader shall notify the DCO and the Director, or the NACO and the Chief Director as appropriate, in writing (by memo or letter) via the chain of leadership and management with the recommendation to commence formal disciplinary action.



# Elements of Formal Disciplinary Action

- The leader shall ensure that such correspondence includes the complete investigation package and describes, as a minimum:
  - 1) The unacceptable conduct.
  - 2) Any specific deficiencies on the part of the Auxiliarist.
  - 3) That any statements submitted by the Auxiliarist were considered.
  - 4) The expected and acceptable behavior.
  - 5) The recommended formal disciplinary action.
- The leader shall concurrently send a copy of the written notification, without copy of the investigation package, to the Auxiliarist who is subject of the Investigation.



# Types of Formal Disciplinary ACTION

- Suspension or revocation of offer of use, qualifications, and/or elected or appointed office
- Use of Coast Guard Exchange Services
- Loss of time toward Aux longevity awards
- Letter of Reprimand
- Disenrollment



# Leadership Review, Initial Notification and Response

- DCO and Director review the package
- Confer with the DSO-LP [ANACO-CC]
- Determine if formal disciplinary action is appropriate
- Decide what action should be taken
- Decide who is going to take the action
- Decide who is going to sign the document





# Notification of Disciplinary Action

- The DCO and/or the Director shall jointly notify, Auxiliarist in writing within **30 days** of the notification package that he/she is the subject of Disciplinary Action
- Memo or Letter
- Certified Mail



# Informal Disciplinary Action

- If the **determination** is that informal disciplinary action is appropriate, then such notification shall so state and indicate that the package will be sent back to the leader for disposition. The package shall be sent back to the leader within **five (5) days** of this notification.



# Formal Disciplinary Action

- If the determination is that formal disciplinary action is appropriate, the Auxiliarist shall be notified in writing.
- Auxiliarist has 30 days from date of notification to file a written response.
- Denials of allegation(s) not made in good faith may alone provide the basis to warrant additional disciplinary action



# 5-Minute Break





# Letter of Reprimand

- Formal Disciplinary Notice
- DCOs, DIRAUXs, NACO and CHDIRAUXs Issue
- Admonishment without suspension
- Admonishment with suspension
- Many other sanctions
- Copy to SECCEN



# Content of Letter of Reprimand

- Discusses specific improper action(s)
- If no suspension, no appeal, but written reply within **30 days** of date of letter is OK.
- Records retained for period specified in letter.
- A Letter of Reprimand is appealable even if no suspension is included if it revokes any privileges or qualifications
- Records retained for period specified in the letter.



# Effective Period

- Letter of Reprimand – Shall not exceed 3 years, without the concurrence of the DCO and Director of Auxiliary.
- Vacating elected or appointed Office or denial to wear insignia or Past Office Device is a decision of the DCO and the Director
- For National elected leaders and staff officers cannot exceed 3 years without the concurrence of the NACO or CHDIRAUX.



From: George Custer, CDR, USCG  
Director, D-193

To: Joe Bagodonuts, 097-08-99  
USCG Auxiliary

Subj: LETTER OF REPRIMAND

Date: 31 Jun 2014

Ref: (a) Auxiliary Manual, COMDTINST M16790.1G

Sample

1. This Letter of Reprimand is being sent pursuant to Reference (a), Chapter 3, section H.4. Your actions are prejudicial to the good order and discipline of the United States Coast Guard Auxiliary. It is apparent that you do not recognize or respect the leadership of the Coast Guard or Coast Guard Auxiliary. The investigation recently completed and the recent incident at your Flotilla meeting on 29 Feb 2014 highlight your rude, confrontational, demeanor and insulting comments to other Auxiliarists, setting an extremely poor example for others to follow. This is not in concert with the fourth Auxiliary cornerstone-“fellowship” or the principles of “servant leadership.”

2. The Auxiliary prides itself on the professionalism and commitment of its members while simultaneously embracing our core values of honor, respect, and devotion to duty in everything we do. Your disrespect for others and inappropriate behavior has usurped good order and discipline. You have failed to maintain the high standards expected of a Flotilla Commander in the Coast Guard Auxiliary with this demonstrated unprofessional behavior. Therefore, after consultation with COMO Smith, DCO, D-193, I revoke your position as Flotilla Commander, Flotilla 193-06-91 effective this date.

1. COMO Smith and I have carefully considered the statement you submitted on your own behalf in mitigation, stating that your intent was only to require the members of your unit to strictly follow the policies contained in Reference (a). I decided against disenrollment as a result of those statements and COMO Smith concurred.

2. COMO Smith and I have agreed that this Letter of Reprimand will remain in your file for a period of 3 years from the date on this letter and that you may not seek or hold any elected or appointed office during this period. In addition you may not wear any insignia or past officer pin for Flotilla Commander. However, should the situation improve, I, or my successor in office, and the DCO will consider lifting the sanction sooner. Any subsequent actions on your part that negatively affect the Coast Guard and/or Coast Guard Auxiliary may result in the imposition of further sanctions up to and including disenrollment from the Auxiliary.

3. You have the right to appeal this Letter of Reprimand, in writing, by memorandum or letter, in accordance with the provisions of Reference (a) Chapter 3 section J.

#

Copy: CGD 193 (dpa)  
DCO 193  
DCAPT 193 West  
DCDR 193-06  
VFC 193-06-91  
SECCEN

**Written on the letterhead of the DIRAUX if jointly written by the DCO and DIRAUX  
and no privileges or qualifications are suspended, or if written only by the DIRAUX.**





# Removal of Letter

- Discretion of DCO and Director [NACO and Chief Director]
- If no intervention, letter removed after the effective period IF not further adverse action is reported.
- Original document retained in separate permanent discipline file.



# Disenrollment

- Disenrollment – Formal Disciplinary Action.
- The authority for Disenrolling an Auxiliarist rests with the Commandant, who has delegated this authority to the Director and the Chief Director.
- No Auxiliarist may disenroll another Auxiliarist.



# Basis for Disenrollment

- Auxiliarist's request
- Failure to pay financial obligations
- Formal disciplinary action
- For cause
- Direction of the Commandant



# Failure to Pay Financial Obligations

- It is the responsibility of all Auxiliarists to meet their financial obligations.
- Failure to do so shall result in disenrollment.
- Director shall provide written acknowledgement to the individual of their service and disenrollment.
- Not be subject to appeal.
- The Director may restore the Auxiliarist's time, certifications, and all aspects of membership status if the Auxiliarist applies for re-enrollment, concurrent with full restitution, within three months of disenrollment.



# Ceasing to Possess Any of the Qualifications for Membership

- The Director may disenroll if the Auxiliarist ceases to possess any of the qualifications for membership
- This includes a determination made pursuant to investigation that results in disenrollment as the appropriate form of disciplinary action.



## For Cause

- An action by an Auxiliarist that has a disruptive impact that adversely affects the normal operations, administration, functions, and/or resource allocations to support them for the Auxiliary, Coast Guard unit, or other entity,



# Direction of the Commandant

- When so directed in writing by the Commandant, an Auxiliarist will be disenrolled by the Director.



# Offenses Outside the Auxiliary Discipline System

- What do you think are offenses outside the Auxiliary Administrative Discipline System?
- What agencies handle offenses outside the Auxiliary Administrative Discipline System?
- The special case of Civil Rights Discrimination





# Temporary Suspensions

- Recognizing that Auxiliary membership is a privilege, not a right, at any point during the processing of an Auxiliarist's PSI or pursuant to sections F thru H of this chapter, an Auxiliarist may be subject to temporary suspension action as described in this section, pending the outcome of the proceeding.
- This section describes suspension authority, effect on duties, and other related matters.



## Authorization and Scope

- Director is authorized to temporarily suspend members throughout the PSI or disciplinary proceeding.
- Generally avoided if the matter of concern will result in informal discipline
- Generally avoided in cases of PSIs that will likely result in an Unfavorable DO, but a Favorable OS determination.



# Effect on Leader Duties, Qualifications, Certifications, and Membership

- The following provisions describe actions that may or must be taken regarding elected and appointed offices, qualifications and certifications, and Auxiliary membership time with respect to temporary suspensions and whether or not disciplinary action is awarded.



# Leader Duties

- Senior Elected Leader shall include elected leader duties.
- Non-senior Elected or Immediate Past unit elected leader or an appointed leader, suspension may include elected and/or appointed duties.
- When full rights and privileges are regained, may reassume duties if term has not ended



# Qualifications and Certifications

- Qualifications and certifications that are lost during a temporary suspension that results in informal or formal discipline, may require the member to re-qualify thru the normal process.
- However, if no disciplinary action is taken, the Director shall fully restore qualifications and certifications held at the commencement of the Temporary Suspension



# Membership

- If any disciplinary action is awarded, informal or formal, then the Director may deduct the duration of any associated temporary suspension from the Auxiliarist's membership as it may apply toward any longevity awards and retirement.
- No disciplinary action – no time deducted



# Extensions

- If an investigation, including PSI under adjudication, requires additional time, then an associated suspension may be extended accordingly if a specific time period or date was initially defined. The extension's circumstances must be explained in writing (memo or letter) to the Auxiliarist, and the Auxiliarist may appeal such extension to the Director's supervisor.



# Appeal

- Must be filed in writing within **20 days** of the date of the Director's notice of Temporary Suspension
- Temporary Suspension will remain in effect unless overturned on appeal.





# Notification Regarding National Leadership and Staff

- The Director shall immediately notify the NACO and the Chief Director of any temporary suspension action taken against a NEXCOM member, ANACO, National Staff member, or National Board member.



# Temporary Suspension of Director's Services

- DIRAUX services to a Flotilla may be temporarily suspended for failing to comply with requests for information.
- This action is not subject to appeal



# Appeals of PSI and Disciplinary Actions

- Appeals may be made for both informal and formal disciplinary actions as well as Unfavorable OS PSI determinations that lead to disenrollment.
- Failure of any appeal to meet established submission deadlines may be viewed by the appeal authority to whom it is submitted as sufficient cause for the forfeiture of review.



# Informal Disciplinary Actions

- Appeal of informal disciplinary action must be made in writing (memo or letter) within **30 days** of the written date of notice of the action.



# Formal Disciplinary Actions and Disenrollments

- Appeal of formal disciplinary action must be made in writing (memo or letter) within **30 days** of the written date of notice of the action.



## Appeal of DCO's Action

- Appeal of a formal disciplinary action taken by a DCO must be made in writing (memo or letter) to the appropriate DNACO within **30 days** of the written date of notice of the action.
- DNACO reviews the appeal
- The DNACO's determination shall be final



# Appeal of NACO's Actions

- Appeals of formal disciplinary action taken by the NACO must be made in writing (memo or letter) to the Chief Director within **30 days** of the written date of notice of the action.
- The CHDIRAUX reviews the appeal
- The CHDIRAUX's determination shall be final



# Appeals of Director's Action

- Appeal of formal disciplinary action taken by the Director must be made in writing (memo or letter) to the Director's supervisor within **30 days** of the written date of notice of the action.





# Appeals of the Chief Director's Actions

- As the Commandant's program manager for the Auxiliary, any disciplinary action taken by the Chief Director **shall be final and not subject to appeal.**



# Disenrollment Appeals

- Appeal of disenrollment resulting from formal disciplinary action must be made in writing (memo or letter) to the District Commander within **30 days** of the written date of notice of the disenrollment.



# Additional Procedural Rules for Appeals

- No appeal, once submitted, shall in any way suspend the implementation of any disciplinary action once issued during the processing of the appeal.
- The right of appeal extends only to an Auxiliarist who is the subject of disciplinary action and to no other person.



# Information Retention and Handling

- This section describes the requirements for retaining information obtained during the course of investigating complaints and of processing appeals to disciplinary actions



# Record Retention

- Copies of any records of any disciplinary action taken with regard to an Auxiliarist shall be retained by the Director for up to three years from the date of the action, in accordance with the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series).



# Record Removal

- Removed from service record if no subsequent disciplinary action has been initiated or finalized during the specified period of time.
- Placed in a separate permanent file and retained by the Director for the sole purpose of documenting prior disciplinary action should the need arise.



# Thank You for Your Attention





# 5-Minute Break







# Any Questions?



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# Semper Paratus

