



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 12409-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 17 March 2025. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

This Board previously denied your request for an upgrade to your characterization of service on 30 April 2013. In that request, you contended your youth and service record should be considered as potentially mitigating factors. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

The Board carefully considered all potentially mitigating factors to determine whether the interest of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to upgrade your discharge and your contentions that: (1) your defense attorney advised you that the charges you faced had the potential for a not guilty verdict, as the capsules you allegedly sold to an NCIS agent were later identified as caffeine capsules, (2) consequently, you may have only been culpable for an attempt to distribute, (3) at the time, you were experiencing significant marital difficulties and were on the verge of losing your wife and son, (4) young and inexperienced, you made the decision to accept a Bad Conduct Discharge (BCD) without fully understanding the long-term consequences, as you had not been properly informed, (5) despite the challenges you have faced, you are actively

working to rectify your past mistakes and build a better future, (6) this opportunity would allow you to demonstrate to your sons and future generations that you served honorably as a proud Sailor, and (7) committed to self-improvement, you have dedicated yourself to attending over 100 hours of Narcotics Anonymous (NA) and Alcoholics Anonymous (AA) meetings, educational courses, Bible study, and veterans' support group meetings; earning multiple certificates in the process. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your four non-judicial punishments and special court-martial, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard for military authorities and regulations. Additionally, the Board noted you were provided several opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your BCD. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Furthermore, the Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate—a standard the Board found was not met in your case. Lastly, the Board noted you provided no evidence, other than your statement and self-improvement certificates, to substantiate your contentions. Therefore, the Board determined that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service.

As a result, while the Board carefully considered the evidence you submitted in mitigation and commends you for your rehabilitation efforts, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity is attached to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

4/4/2025

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