



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 2846-25

Ref: Signature Date

[REDACTED]

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 21 November 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).

You previously applied to the Board seeking an upgraded characterization on the basis of clemency. You admitted that you had made a mistake in committing the one-time incident of theft but had thought you were helping a family member who needed to pay for his wedding. You also acknowledged that you received some money in return. You referenced post-service accomplishments to include returning to pharmacy work in the civilian sector. Your request was considered on 14 August 2012 and denied. 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 interests 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 change your narrative reason for separation. You contend that your post-discharge conduct and

accomplishments render your Dishonorable Discharge (DD) too harsh and warrant consideration of an upgrade. You again argue that your intent in stealing the medication was to help your family members, recognize the error in your judgment, attribute your behavior to youthful indiscretion and desperation, and claim two of the medications were for your mother. In support of your request, you submitted service records, pharmacy credentials, your résumé, your academic credentials, four character letters, and a family photo. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your general court-martial conviction for larceny and drug distribution, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved several drug related offenses. The Board determined that theft and distribution of controlled pharmaceuticals, especially for sale or profit, is contrary to Navy core values and policy and renders such service members unfit for duty. Although the Board acknowledged that you have made significant progress toward accomplishing your post-discharge civilian career goals, despite your punitive discharge and federal conviction, the Board was not persuaded by your arguments for mitigation and ultimately concluded that the favorable factors you provided for consideration were insufficient to outweigh the gross seriousness of the misconduct which resulted in your DD.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. While the Board carefully considered the evidence you submitted in mitigation, 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,

12/10/2025
[REDACTED]