



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

██████████  
Docket No. 3160-25  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 23 June 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case on the evidence of record.

You enlisted in the Marine Corps and began a period of active duty on 8 January 2004. On 8 April 2005, you received nonjudicial punishment (NJP) for a period of unauthorized absence that lasted 247 days. Consequently, you were notified of your pending administrative processing by reason of the Commission of a Serious Offense; at which time you waived your procedural rights to consult with counsel and to have your case heard before an administrative discharge board. The separation authority directed you be discharged with an Other Than Honorable (OTH) characterization of service and you were so discharged on 13 May 2005.

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 change your separation and reentry codes. You express a desire to reenter military service as a pharmacist,

acknowledge that your past actions do not reflect the person you have become, believe you were a young and immature adult who did not fully consider the consequences of your behavior, and you state that this mistake helped you gain the insight and motivation to grow into a better person. You contend that, over the years, you have established yourself as an independent and reliable individual to both your family and peers, dedicated significant time and effort to earn your Doctor of Pharmacy degree, and wish to inspire others and serve your country once again in a professional capacity as a military pharmacist. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

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 NJP, 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. The Board was able discerned no impropriety or inequity in your discharge. Further, the Board noted that the misconduct which resulted in your administrative separation was substantial in nature and would likely have warranted a punitive discharge and/or significant punishment had the matter been adjudicated at a court-martial. Therefore, the Board determined that you were already afforded a considerable measure of clemency by being subjected to NJP and administrative separation rather than trial by court-martial.

As a result, the Board concluded 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. While the Board carefully considered the evidence you submitted in mitigation and commends you for your post-service accomplishments, 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,

7/11/2025

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