



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 8038-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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.

A three-member panel of the Board, sitting in executive session, considered your application on 4 February 2026. 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 based on the evidence of record.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the U.S Navy and began a period of active duty on 22 August 2018.
2. On 2 May 2022, you tested positive for cocaine. Consequently, you were notified of administrative separation processing for misconduct due to drug abuse. After you waived your right to submit a statement and your right to have the General Court-Martial Convening Authority review your separation, the Commanding Officer (CO) directed that Commander, Transaction Support Center, Millington, TN to discharge you with a General (Under Honorable Conditions) (GEN) characterization of service. You were so discharged on 27 July 2022.

3. Post-service, you contacted your congressional representative requesting assistance in recovering back pay and entitlements based on a discharge date of 21 August 2022. On 16 February 2024, the Defense Finance and Accounting Service (DFAS) responded to your congressional representative and confirmed your pay and allowance computations were correct based on your separation date of 27 July 2022. DFAS further informed your representative that your debt to the U.S. Government totaled \$8,010.68 based on a previous overpayment.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct. While the Board carefully considered your contention for mitigation, the Board noted you did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and no error exists with your GEN characterization of service.

The Board also considered your contention that your correct discharge date is 21 August 2022. The Board found no evidence in your record to support your contention and you provided insufficient evidence to overcome the presumption of regularity in your case. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on this finding, the Board found no error with your Certificate of Release or Discharge from Active Duty (DD Form 214) and concurred with the DFAS analysis of your pay record. Thus, the Board found no error with pay record.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your contentions, the totality of your service, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of your misconduct far outweighed all of the mitigating factors combined. In particular, the Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board also considered that you provided no mitigation evidence in support of your application¹. Finally, the Board believed that it would be unjust to characterize your less than honorable service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of your discharge to General (Under

¹ The Board noted you provided evidence contesting your discharge date and debt to the government but no evidence to support an injustice finding.

Honorable Conditions) or Honorable to be warranted in the interests of justice. Based on the same rationale, the Board found no injustice exists with your pay record.

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 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 attaches 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,

2/23/2026

