



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

█
Docket No: 1380-22

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF █
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Ref: (a) 10 U.S.C. 1552
(b) MARADMIN 462/21
(c) MARADMIN 733/21

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting change to his reentry code in accordance with reference (c).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 27 July 2022, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner enlisted in the Marine Corps and began a period of active service on 6 January 2020. Reference (b) was issued directing all Marines to be fully vaccinated against COVID-19 unless granted an exemption. Petitioner was counseled, on 10 September 2021, for his failure to submit to inoculation of the COVID-19 vaccination as ordered. Petitioner was notified failure to take corrective action may result in the initiation of administrative separation proceedings. On 22 October 2021, the Commanding General (CG) directed initiation of administrative separation proceedings for Petitioner due to his refusal of medical treatment. The CG further directed that Petitioner be issued an RE-4 reenlistment code based on his unreasonable refusal.

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d. On 28 October 2021, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to the commission of a serious offense, at which point, Petitioner waived his right to consult with counsel. Petitioner's commanding officer recommended Petitioner's separation from the Marine Corps with a General (Under Honorable Conditions) (GEN) character of service. On 7 December 2021, the separation authority directed Petitioner's discharge with a GEN by reason of misconduct due to the commission of a serious offense with a RE-4 reentry code. On 15 December 2021, Petitioner was discharged as directed.

e. On 22 December 2022, reference (c) was issued and provided supplemental guidance on the mandatory COVID-19 vaccination policy for Marine Corps active and reserve members. It amended previously issued guidance on Marines separated under the mandatory COVID-19 vaccination policy by directing the assignment of a "RE-3P" reentry code instead of a "RE-4" reentry code, if the sole basis for separation was failure to comply with the COVID-19 vaccination policy.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of reference (c), the Board concludes that Petitioner's request warrants relief. The Board determined his separation was solely initiated due to his refusal to receive the COVID-19 vaccine. Accordingly, the Board determined it was in the interests of justice to change Petitioner's reentry code from "RE-4" to "RE-3P" consistent with current policy.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) indicating "RE-3P" reentry code.

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

8/12/2022

[REDACTED]
Executive Director
[REDACTED]