



**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: 7367-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █  
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Ref: (a) 10 U.S.C. 1552  
(b) SECDEF memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018  
(c) MARADMIN 462/21  
(d) 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 per ref (d).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 9 November 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, and reference (b), the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

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 15 June 2020. In accordance with reference (c), Petitioner was ordered, on 20 September 2021, to be fully inoculated with the COVID-19 vaccination unless he was medically or administratively exempt. He was warned to be inoculated by 28 November 2021 or be considered in violation of the order. Petitioner was counseled, on 16 November 2021, due to his failure to receive his first

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dose of the COVID-19 vaccination. He was then notified that his failure to take corrective action would result in the initiation of administrative separation proceedings. After Petitioner continued to refuse the vaccine past the deadline, on 1 December 2021, Petitioner's commanding officer recommended Petitioner's separation. Petitioner was discharged on 15 December 2021, with a General (Under Honorable Conditions) character of service by reason of misconduct, and issued a reentry code of RE-4.

c. Petitioner request adjustment to his reentry code from RE-4 to RE-3P as documented in reference (d).

d. Reference (d) set forth supplemental guidance to mandatory COVID-19 vaccination for Marine Corps active and reserve members. It provides the Board for Correction of Naval Records (BCNR) authority for review of all evidence submitted by Marines who have been separated on the sole basis of failure to comply with reference (c). It also amended the policy guidance to assign reentry codes of "RE-3P" vice "RE-4" to Marines separated for refusal to comply with reference (c).

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of reference (d), the Board concludes that Petitioner's request warrants relief. In this regard, the Board recommends change of Petitioner's reentry code from "RE-4" to "RE-3P." Even though Petitioner was appropriately assigned a "RE-4" reentry code based on existing guidance at the time of his discharge, the Board concluded it was in the interests of justice to grant Petitioner's request to address the inequity that exists in his record.

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 a "RE-3P" vice "RE-4" 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

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[REDACTED]

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

12/7/2022

[REDACTED]