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**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2025-01151

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

- a) Reinstatement to active duty Regular Air Force (RegAF) as a senior airman (E-4).
- b) Restoration of all pay, allowances and benefits he would have received from the date of his 11 May 22 discharge.
- c) His discharge be corrected to reflect "Honorable" with a Reentry Code that will allow him to reenlist and his DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect these changes.

APPLICANT'S CONTENTIONS

He was involuntarily discharged for refusing to receive the COVID-19 vaccine. While he submitted a religious accommodation request (RAR) to avoid the COVID-19 vaccine, it was denied. In addition, the applicant contends that his rank was reduced to an airman first class (E-3) during the progressive escalation of the involuntary separation and therefore requests reinstatement as a senior airman (E-4). President Trump stated that people like him should have been given accommodations and issued Executive Order on 27 Jan 25 mandating reinstatement with full rank and back pay. His requests for reinstatement to active duty, back pay, full benefits and DD-Form 214 correction fully comply with this order.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

The Air Force Recruiting Service (AFRS), has confirmed that the applicant has received a medical evaluation and is medically qualified for reinstatement to active duty; however, the applicant was not pre-identified by the Air Force as a member that was involuntarily discharged solely due to refusal of the COVID-19 vaccine.

On 13 Sept 21, the applicant's flight commander issued a Letter of Reprimand (LOR) when investigation disclosed that on or about 6 Sep 21, at or near the base Shoppette, the respondent failed to display professionalism and was insolent toward the Air Base Wing Commander (ABW/CC), when the respondent was approached about not having his dog on a lease, which is base policy.

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On 22 Oct 21, the applicant's operations officer issued a LOR when the respondent failed to properly store his M-18 weapon in a secured locker, as he was instructed to do.

On 21 Jan 22, the applicant was notified that his appeal for his RAR to be exempt from the COVID-19 immunization was denied.

On 31 Jan 22, the applicant submitted a request for a voluntary separation from the Air Force. His request was based on the policy letter signed by Frank Kendall, on 7 Dec 21 titled, "Supplemental Coronavirus Disease 2019 Vaccination Policy," which afforded service members the opportunity to request separation on or before 1 Apr 22, or no later than the first day of the fifth month following initial or final appeal denial.

On 7 Feb 22, his request for voluntary separation was disapproved. His commander recommended disapproval due to his failure to obey a lawful order and the Base Separation Authority and AFPC concurred noting his existing Military Service Obligation (MSO) of February 2023.

On 22 Feb 22, the applicant's commander issued a LOR for refusing to take the COVID-19 vaccination.

On 7 Mar 22, the applicant's commander established an Unfavorable Information File (UIF) and placed him on a control roster based on the LOR issued on 22 Feb 22.

On 7 Mar 22, the applicant's commander denied him the Air Force Good Conduct Medal.

On 15 Mar 22, the applicant's commander issued a LOR for refusing to take the COVID-19 vaccine and on that same date he added the LOR to his existing UIF.

On 12 Apr 22, according to an administrative discharge package, the applicant's commander directed an Under Honorable Conditions (General) service characterization discharge, without Probation and Rehabilitation. The reason for discharge states Misconduct: Minor Disciplinary Infractions. According to the discharge package the multiple infractions included the LORs dated 13 Sep 21, 22 Oct 21, 22 Feb 22, and 15 Mar 22.

According to a pull from the Military Personnel Database System (MilPDS) the applicant's historical grade data show a history of senior airman (E-4) rank with effective date of 26 Feb 22, but indicates that his current rank is airman first class (E-3) with an effective date of 26 Jun 20.

On 9 May 22, according to AF FM 100, *Request and Authorization for Separation*, Special Order [REDACTED] was published ordering that the applicant be discharged from the RegAF effective 11 May 22.

On 11 May 22, according to DD Form 214, the applicant received a "Under Honorable Conditions – General" discharge in the grade of airman first class (E-3) after completing a period of active duty service from 26 Feb 19 through 11 May 22.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

APPLICABLE AUTHORITY/GUIDANCE

Executive Order 14184

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On January 27, 2025, the President of the United States issued Executive Order 14184, “*Reinstating Service Members Discharged under the Military’s COVID-19 Vaccination Mandate*”. The President’s guidance further directed that the Secretary of Defense or the Secretary of Homeland Security shall take all necessary action permitted by law to make reinstatement available to service members involuntarily discharged, solely for refusal to receive the COVID-19 vaccination, who request to be reinstated, and to revert to their former rank and receive full back pay, benefits, bonus payments, or compensation.

Office of the Undersecretary of Defense for Personnel and Readiness memorandum, dated 1 Apr 25, with SUBJECT: Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements

On 1 Apr 25, the Undersecretary of Defense for Personnel and Readiness (OSD(P-R)), issued additional guidance on the implementation of the President’s Executive Order and directed that the Secretaries of the Military Departments will process reinstatements for individuals either involuntarily discharged or those who voluntary left the service or allowed their service to lapse, rather than be vaccinated under the vaccine mandate based on the provided guidance.

In cases where the Service member was involuntarily separated the Secretaries of the Military Departments will contact such Service members and make available to them reinstatement via the Boards for Correction of Military/Naval Records (BCM/NRs) process. The BCM/NRs should exercise their broad discretion to order all appropriate retroactive corrections of the Service member's record.

Summary of Guidance on Involuntary Separations:

Consistent with EO 14184, the Secretaries of the Military Departments were directed to invite these Service members to seek reinstatement by applying to have their records corrected to reflect continued service such that back pay, benefits, bonus payments, or other compensation, subject to required offsets. The BCM/NRs are to assess each case to determine if an error or injustice exists within the former Service member’s record and order all appropriate records corrections, which may include but is not limited to reinstatement with no break in service, restoration of the member’s previous grade or rank, and credit for lost service time due to separation. Furthermore, if a Service member is granted reinstatement but denied additional claims for relief (e.g., retention bonuses, missed promotion opportunities, special pay), the disapproval authority for the additional requested relief may be delegated at the discretion of the Secretary concerned if reinstatement is otherwise approved.

If the BCM/NR finds that the record should be corrected to reflect reinstatement, they will issue a contingent decision that permits calculation of associated pecuniary benefits but predicates final record correction upon acceptance of reinstatement by the Service member. The contingent decision of the BCM/NR will be the final decision of the review board and will not require additional action by the BCM/NR to implement the relief directed.

Furthermore, reinstatement will not be afforded to service members who were involuntarily separated who are unwilling or unable to return to active service, or active status, as applicable, for at least 4 years.

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Office of the Undersecretary of Defense for Personnel and Readiness memorandum, dated 7 May 25 with SUBJECT: Supplemental Guidance to the Military Department Discharge Review Boards and Boards for Correction of Military/ Naval Records Considering Requests from Service Members Adversely Impacted by Coronavirus Disease 2019 Vaccination Requirements

On 7 May 25, the Undersecretary of Defense for Personnel and Readiness (OSD(P-R)) issued supplemental guidance to the Military Department Discharge Review Boards and the Boards for Correction of Military Record considering service members adversely impacted by Coronavirus Disease 2019 Vaccination Requirements. The guidance states in general that the requirement that Service members receive a coronavirus disease 2019 (COVID 19) vaccine without an adequate due process mechanism for vaccine accommodations was an injustice.

The supplemental guidance addresses the “*Removal of Adverse Actions and Information Solely Associated with COVID-19 Vaccine Mandate*” and states:

- The Department’s COVID-19 vaccine mandate also caused harms that were not reflected on separation documents. For instance, some Service members received administrative letters of reprimand, negative or inconsistent evaluations, or withholding of opportunities for Reserve Component personnel to perform inactive duty training for pay to achieve a “good year” for participation and retirement purposes.
- While previous guidance required the Secretaries of the Military Departments to update Service member personnel records to remove adverse actions solely associated with denials of requests for exemption from the COVID-19 vaccine mandate on religious, administrative, or medical grounds, this relief should not have been limited to Service members who formally filed an exemption request. The inadequacy of the consideration afforded to those who submitted accommodation requests undermined the faith of many Service members, and they should not be penalized for deciding not to request an exemption that had little or no likelihood of success.

It further addresses, *Other Harms or Injustices Suffered by Service Members Not Specifically Addressed in this Guidance*” and states:

- Present and former Service members may have suffered other harms from the COVID-19 vaccine mandate that are not specifically addressed in this guidance. Adverse action may include the overt withholding of favorable personnel actions, including such actions as removing individuals from approved lists to attend training or professional military education, to assume leadership positions, or to conduct a permanent change of station transfer on schedule.
- The BCMR/NRs should exercise broad discretion in providing appropriate corrections to the records of Service members and former Service members who suffered harms resulting from the Department’s COVID-19 vaccine mandate.

Office of the Undersecretary of Defense for Personnel and Readiness memorandum, dated 21 Jul 25 with SUBJECT: Supplemental Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements

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not limited to: DD Form 214, *Certificate of Release or Discharge from Active Duty*, for period of service 26 February 2019 through 11 May 2022; and AF Form 100, *Request and Authorization for Separation*, with effective date 11 May 2022.

- c) All adverse actions solely issued for his refusal to take the COVID-19 vaccine be expunged and removed from his record and systems of record to include, but not limited to: Referral Evaluation(s); Unfavorable Information File; Control Roster; and Letters of Reprimand, dated 7 February 2022 and 15 March 2022.
- d) In exchange and beginning on the date he is reinstated, the applicant receives a four (4) year reinstatement service obligation in accordance with “Supplemental Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements,” dated 21 July 2025 and any supplemental guidance/procedures set by the Department of the Air Force implementing said guidance.
- e) He receives all associated backpay, benefits and entitlement minus any required offsets based on the above corrections to his record.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2025-01151 in Executive Session on 31 Jul 25:

- [REDACTED] Panel Chair
- [REDACTED] Panel Member
- [REDACTED] Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 1 May 2025.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Applicable Authority for COVID-19 Reinstatement.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

