

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 20 November 2025

DOCKET NUMBER: AR20250010204

APPLICANT REQUESTS: correction of his service record based upon Executive Order 14184 (Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate) to:

- In effect, revoke Installation Management Command Europe, Vicenza Transition Center Orders Number 138-0004, dated 18 May 2022
- In effect, void his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 24 July 2022
- Grant him constructive service credit with no break in service
- Restore all entitlements, pay, allowances, and benefits

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, subject: COVID-19 Reinstatement Certification of [Applicant], 7 November 2025

FACTS:

1. The applicant states:

- The Army wrongly discharged him because he refused to receive a COVID-19 vaccination
- He provides a U.S. Army Recruiting Division memorandum, dated 7 November 2025, which affirms that the applicant has completed the reinstatement screening evaluation and was found to be physically and mentally eligible; all waivers and exceptions to policy have been adjudicated

2. A review of the applicant's service record shows the following:

- On 18 July 2017, the applicant enlisted into the Regular Army for 4 years; upon the completion of initial entry training and the award of military occupational specialty 68W (Health Care Specialist), orders assigned him to Fort Campbell,

KY; he arrived at his new unit (an infantry battalion), on or about 15 February 2018

- On 28 October 2020, he immediately reenlisted for 4 years; effective 1 March 2021, his leadership promoted him to sergeant (SGT)/E-5; orders reassigned him to an airborne infantry battalion in Vicenza, Italy, and he arrived, on or about 11 June 2021
- On 23 March 2022, the applicant's commander advised him, via memorandum, that he was initiating separation action against the applicant, under the provisions of Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), paragraph 14-12c (Commission of a Serious Offense)
 - The commander's stated reason for his action was the applicant's failure to obey a lawful order to receive a COVID-19 vaccine
 - He added that he was recommending the applicant for a general discharge under honorable conditions, but the final decision rested with the separation authority
- On 25 April 2022, the separation authority approved the commander's separation recommendation and directed the applicant's general discharge under honorable conditions
- On 18 May 2022, Installation Management Command Europe, Vicenza Transition Center Orders Number 138-0004 announced that the applicant's separation date would be 24 July 2022; on 24 July 2022, the Army separated the applicant with a general discharge under honorable conditions
- The applicant's Enlisted Record Brief reflects:
 - Section III (Service Data): Expiration of Term of Service (ETS): 27 October 2024
 - Section X (Remarks): L4 – Pending COVID-19 Vaccination Action and P1 – Suspension of Favorable Action
- The applicant's DD Form 214 shows he completed 5 years and 7 days of active duty service

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documents showing the applicant's previous military service ended solely based upon failing to take the COVID-19 vaccine and the change in policy related to that issue, the Board concluded there was an injustice warranting changing the applicant's military.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by removing all derogatory information related to the applicant’s alleged disobedience of a lawful order—specifically in relation to the refusal to become fully vaccinated against COVID-19 from the applicant’s AMHRR.

2. Relief Contingent on Reinstatement Agreement. Should the applicant agree to reinstatement terms and conditions for revocation of discharge and return to active duty in the Regular Army, the Board further recommends the following corrective actions:

- revoke Installation Management Command Europe, Vicenza Transition Center Orders Number 138-0004, dated 18 May 2022
- void and remove his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 24 July 2022
- Awarding constructive service credit for the period 25 July 2022 to the date the applicant reenters active duty service
- Restore all pay, allowances, benefits, and entitlements due the applicant for the same period

3. Alternative Relief if Reinstatement Not Accepted. In the alternative, should the applicant not agree to reinstatement in the Regular Army, the Board recommends the following corrective actions:

- the applicant’s DD Form 214 for the period ending 24 July 2022 be corrected as follows:
 - Item 12b (Separation Date This Period): 2024 10 27

- Item 12c (Net Active Service This Period): 07 03 10
 - Item 24 (Character of Service): Honorable
 - Item 26 (Separation Code): MBK
 - Item 27 (Reentry Code): 1
 - Item 28 (Narrative Reason for Separation): Completion of Required Service
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- show service in the Regular Army from 25 July 2022 to 27 October 2024
 - pay, allowances, benefits, and entitlements due the applicant for the period 25 July 2022 to 27 October 2024 based on the aforementioned correction



I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10 (Armed Forces), U.S. Code, section 1552 (c) (Correction of Military Records: Claims Incident Thereto) states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

2. Army Regulation (AR) 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states:

a. Paragraph 3-1 (Authority). The Army, by law, may pay claims for amounts due to applicants as a result of correction of military records.

b. Paragraph 3-2 (Settlement of Claims).

(1) The ABCMR will furnish the Defense Finance and Accounting Service (DFAS) copies of decisions potentially affecting monetary entitlement or benefits. The DFAS will treat such decisions as claims for payment by or on behalf of the applicant.

(2) The DFAS will settle claims on the basis of the corrected military record. The DFAS will compute the amount due, if any, and may require applicants to furnish additional information to establish their status as proper parties to the claim and to aid in deciding amounts due. The applicant's acceptance of a settlement fully satisfies the claim concerned.

3. AR 637-1 (Army Compensation and Entitlements Policy), currently in effect, provides policies for entitlements and collections of pay and allowances for active duty Soldiers, and is used in conjunction with the Department of Defense (DOD) Financial Management Regulation (FMR) 7000.14-R, Volume 7A (Military Pay Policy – Active Duty and Reserve Pay).

a. Paragraph 1-1 (Purpose). For the purpose of this regulation, active duty is defined in accordance with Title 37 (Pay and Allowances of the Uniformed Services), U.S. Code. The term "active duty" means full-time duty in the active service of a uniformed service and includes full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or by the Secretary of the Army.

b. Paragraph 2-1 (Creditable Service – Policy Provisions). Basic pay rate is established according to the pay grade and the number of years creditable service a Soldier has completed. Creditable service is determined per this chapter and DOD FMR

Volume 7A. Creditable service will be used to establish the Soldier's pay entry basic date (PEBD) and basic active service date (BASD).

4. AR 635-8 (Separation Processing and Documents), currently in effect, prescribes the transition processing function of the military personnel system.

a. Paragraph 5-1 (When to Prepare the DD Form 214). The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of REFRAD, retirement, or discharge.

b. Paragraph 5-5j (Policy Concerning the DD Form 214). When a DD Form 214 has been prepared and distributed, and subsequently determined that it was prepared in error, the responsible transition center will void the DD Form 214 by memorandum. Distribute this memorandum to all addressees that received the erroneously prepared DD Form 214, advising them of the error and requesting the voided DD Form 214 be destroyed and removed from the Soldier's official military personnel file (OMPF).

5. On 24 August 2021, the Secretary of Defense mandated that all service members receive the COVID-19 vaccine. Later, on 10 January 2023, the Secretary of Defense rescinded the mandate. The rescission memorandum stated, "The vaccine mandate was an unfair, overbroad, and completely unnecessary burden on our service members. Further, the military unjustly discharged those who refused the vaccine, regardless of the years of service given to our Nation, after failing to grant many of them an exemption that they should have received. Federal Government redress of any wrongful dismissals is overdue."

6. On 27 January 2025, President Donald J. Trump signed Executive Order (EO) 14184, "Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate."

7. On 6 February 2025, the Secretary of Defense issued Memorandum, subject: "Providing Remedies for Service Members and Veterans Negatively Impacted by the Department's Defunct Coronavirus Disease 2019 Vaccination Mandate Based Executive Order."

8. On 1 April 2025 the Office of the Under Secretary of Defense issued a Memorandum for Secretaries of the Military Departments, subject: "Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements." It provides the following guidance:

a. As directed by the Secretary of Defense, DOD shall take all actions necessary to make reinstatement available to all members of the military (Active and Reserve Components) who were discharged solely for refusal to receive the coronavirus disease 2019 (COVID-19) vaccine and who request to be reinstated. 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, consistent with this guidance.

b. In cases where the Service member was involuntarily separated (EO, sec. 2(a) and (b)), 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 as described in Attachment 2 to the Memorandum.

c. The BCM/NRs will give COVID-19 reinstatement cases priority consideration, subject to existing statutorily specified priority consideration for post-traumatic stress disorder, traumatic brain injury, and military sexual trauma.

d. The BCM/NRs, using the attached guidance in the memorandum, will 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.

9. AR 600-8-104 (Army Military Human Resource Records Management), in effect at the time, prescribes Army policy for the creation, utilization, administration, maintenance, and disposition of the OMPF. Paragraph 3-7 (Authority for Filing or Removing Documents in the Army Military Human Resource Record (AMHRR) Folders) provides that once a document is properly filed in the AMHRR, the document will not be removed from the record unless directed by the ABCMR or another authorized agency.

10. AR 600-8-10 (Leaves and Passes), currently in effect, prescribes the policies and mandated operating tasks for the leave and pass function of the Military Personnel System.

a. Paragraph 2-2 (Annual Leave Program).

(1) The leave and pass program is designed to allow Soldiers to use their authorized leave to the maximum extent possible.

(2) Soldiers who do not take leave, may lose leave at the end of the fiscal year (FY).

b. Paragraph 2-3 (Leave Accrual). Soldiers who maintain a 60-day leave balance, and wait late in the FY to take leave, will be informed that they risk loss of leave over 60 days if the operational situation requires their presence. Accrued leave that exceeds 60 days at the end of the fiscal year is lost except as authorized.

c. Paragraph 2-4 (Payment of Accrued Leave). Payment of accrued leave is made in accordance with the DOD FMR. By law, payment of accrued leave is limited to 60 days during a military career.

d. Paragraph 4-9 (Terminal Leave). Transition leave (also known as terminal leave) is a chargeable leave granted together with transition from the Service, including retirement. The unit commander or designee is the approval authority for transition leave requests.

//NOTHING FOLLOWS//