



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: 988-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
XXX XX ██████████ USMC

Ref: (a) 10 U.S.C. § 1552
(b) Religious Freedom and Restoration Act
(c) DoDI 1300.17

Encl: (1) DD Form 149 w/enclosures
(2) SECDEF Memo, subj: Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members, 24 August 2021
(3) ALNAV 062/21, subj: 2021-2022 Department of the Navy Mandatory COVID-19 Vaccination Policy, dtg 302126Z AUG 21
(4) MARADMIN 462/21, subj: Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 011400Z SEP 21
(5) ██████████ 1000 CO Memo, subj: Order to Receive COVID-19 Vaccination, 9 September 2021
(6) MARADMIN 533/21, subj: Supplemental Guidance to Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 061806Z OCT 21
(7) NAVMC 118(11) dated 9 October 2021
(8) MARADMIN 612/21, subj: Supplemental Guidance (2) to Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 222100Z OCT 21
(9) NAVMC 118(11) dated 24 November 2021
(10) CO, ██████████, 1900 Legal Memo, subj: Notification of Separation Proceedings, 24 November 2021
(11) CO, ██████████, 1900 Legal Memo, subj: Recommendation for Administrative Discharge of [Petitioner], 2 December 2021
(12) CO, ██████████, 1900 CO Memo, subj: Recommendation for Administrative Discharge of [Petitioner], 5 January 2022
(13) Commander, ██████████, 1910 SJA Memo, subj: Recommendation for Administrative Discharge of [Petitioner], 12 January 2022
(14) DD Form 214 issued 20 January 2022
(15) MARADMIN 464/22, subj: Interim Guidance Regarding Marines Requesting Religious Accommodation from COVID-19 Vaccination Requirements, dtg 132100Z SEP 22
(16) SECDEF Memo, subj: Rescission of August 24, 2021 and November 30, 2021 Coronavirus Disease 2019 Vaccination Requirements for Members of the Armed Forces, 10 January 2023
(17) MARADMIN 025/23, subj: Rescission of COVID-19 Vaccination Requirement,

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dtg 181130Z JAN 23

- (18) ALNAV 009/23, subj: Rescission of COVID-19 Vaccination Requirement for Members of the Armed Forces, dtg 201839Z JAN 23
- (19) MARADMIN 109/23, subj: Update to Mandatory COVID-19 Vaccination Requirement of Marine Corps Active and Reserve Components, dtg 272000Z FEB 23
- (20) ASN (M&RA) Memo, subj: Correction of Naval Records for Former Members of the Department of the Navy Following Rescission of August 24, 2021, and November 30, 2021, Coronavirus Disease 2019 Vaccination Requirements for Former Members of the Armed Forces, 6 September 2023
- (21) President, NDRB 5810 MD24-8294 Memo, subj: Discharge Characterization Change, 31 July 2024
- (22) DD Form 214 issued 7 January 2025
- (23) Executive Order 14184 of 27 January 2025
- (24) SECDEF Memo, subj: Providing Remedies for Service Members and Veterans Negatively Impacted by the Department's Defunct Coronavirus Disease 2019 Vaccination Mandate Based Executive Order, 6 February 2025
- (25) USD (P&R) Memo, subj: Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements, 1 April 2025
- (26) SECDEF Memo, subj: Providing Supplemental Remedies for Service Members and Veteran Negatively Impacted by the Department's Defunct Coronavirus Disease 2019 Vaccination Mandate, 23 April 2025
- (27) USD (P&R) Memo, subj: 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, 7 May 2025

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, hereinafter referred to as the Board, requesting removal of all negative counseling records and documents related to his administrative separation; retroactive pay from 21 January 2022 to 31 July 2023 at E-3/E-4 active duty salary; retroactive basic allowance for housing from 21 January 2022 to 31 July 2023 for E-3/E-4 for zip code [REDACTED]; new discharge order reflecting a non-adverse reason for discharge; and reinstatement.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 June 2025, and pursuant to its regulations, determined 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 Petitioner's naval records, and applicable statutes, regulations, and policies.

3. Having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, the Board found as follows:

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

b. By memorandum dated 24 August 2021, the Secretary of Defense (SECDEF) mandated that all members of the Armed Forces under Department of Defense authority be fully vaccinated against the COVID-19 virus with a vaccine receiving full licensure from the Food and Drug Administration (FDA).¹ Accordingly, he directed the Service Secretaries to immediately begin full vaccination of all Service members of their respective services. See enclosure (2).

c. On 30 August 2021, the Secretary of the Navy (SECNAV) implemented the SECDEF's directive referenced in paragraph 3b above in ALNAV 062/21, ordering all DON active duty Service Members who were not already vaccinated or exempted to be fully vaccinated within 90 days, and all Reserve Component Service Members to be fully vaccinated within 120 days with an FDA-approved COVID-19 vaccination. In issuing this directive, SECNAV made the following statement:

The order to obtain full vaccination is a lawful order, and failure to comply is punishable as a violation of a lawful order under Article 92, Uniform Code of Military Justice, and may result in punitive or adverse administrative action or both. The Chief of Naval Operations and Commandant of the Marine Corps have authority to exercise the full range of administrative and disciplinary actions to hold non-exempt Service Members appropriately accountable. This may include, but is not limited to, removal of qualification for advancement, promotions, reenlistment, or continuation, consistent with existing regulations, or otherwise considering vaccination status in personnel actions as appropriate.

See enclosure (3).

d. On 1 September 2021, the Marine Corps published MARADMIN 462/21 to implement the COVID-19 vaccination mandates referenced in paragraphs 3b and 3c above. Specifically, MARADMIN 462/21 directed all Marine Corps Active and Reserve Component Service Members to be fully vaccinated against COVID-19, unless medically or administratively exempt. All non-exempt Active Component Marines were to achieve full vaccination no later than 28 November 2021,² while all non-exempt Reserve Component Marines were to achieve full vaccination no later than 28 December 2021.³ MARADMIN 462/21 further specified that this mandate "constitutes a lawful general order and any violations of these provisions is punishable as a violation of Article 92 of [the UCMJ]." It further provided that initial disposition authority for cases arising from refusal of this order is withheld to the general court-martial convening authority level, "except that administrative counseling pursuant to paragraph 6105 of [reference (b)] may be used at the special court-martial convening authority level." See enclosure (4).

e. By memorandum of 9 September 2021, Commanding Officer (CO), [REDACTED], ordered Petitioner to receive his first dose of

¹ A Service member was considered to be fully vaccinated two weeks after completing the second dose of a two-dose COVID-19 vaccine, or two weeks after receiving a single dose of a one-dose vaccine.

² This date was 90 days from issuance of ALNAV 062/21 (see paragraph 3c above).

³ This date was 120 days from issuance of ALNAV 062/21 (see paragraph 3c above).

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the COVID-19 vaccine within 30 calendar days and his second dose within 30 calendar days of the first dose. Petitioner acknowledged and, by his signature, expressed his understanding of the order. See enclosure (5).

f. On 7 October 2021, the Marine Corps published MARADMIN 533/21 to supplement the guidance of MARADMIN 462/21 referenced in paragraph 3d above. This message specified that “[i]n order to meet Commandant-directed deadlines as stated in [MARADMIN 462/21], all Active Component Service Members must receive their first dose of Pfizer-BioNTech/COMIRNATY vaccine no later than 24 October 2021 and all Reserve Component Service Members must receive their first dose no later than 24 November 2021.” It further specified that all Active Component Marines must receive their second dose no later than 14 November 2021, while all Reserve Component Marines must receive their second dose no later than 14 December 2021. The message also provided guidance for recording vaccine refusals in the Medical Readiness Reporting System, and advised that adverse administrative or judicial proceedings may be initiated in accordance with the authorities delineated in MARADMIN 462/21 when a Marine has refused to take the vaccine, and that “[t]here is no requirement to delay action until the deadlines established in [MARADMIN 462/21].” See enclosure (6).

g. On 9 October 2021, Petitioner was administratively counseled in writing for violating Article 92 of the Uniform Code of Military Justice (UCMJ) by not receiving his first dose of the COVID-19 vaccine within 30 days of receipt of the 9 September 2021 order. Included in the “specific recommendations for corrective action” was a “recommendation” to “become fully vaccinated not later than 28 November 2021.” Petitioner declined to submit a rebuttal statement. See enclosure (7).

h. On 23 October 2021, the Marine Corps published MARADMIN 612/21 to further supplement the guidance of MARADMIN 462/21 referenced in paragraph 3d above. This message provided guidance that “Marines refusing the COVID-19 vaccination, absent an approved administrative or medical exemption, religious accommodation, or pending appeal shall be processed for administrative separation.” It further clarified that, in most cases, Marines will be ordered to begin the vaccination process before the deadlines established in MARADMIN 462/21, and that a Marine is considered to have “refused the vaccine” when they do not have an approved administrative or medical exemption, religious accommodation, or pending appeal, and they (1) received and willfully disobeyed a lawful order from a superior commissioned officer to be vaccinated against COVID-19; or (2) they are not or will not be fully vaccinated by the deadline established in MARADMIN 462/21. Finally, this message established restrictions upon the assignments available to, ability to reenlist or execute assignment for, authority to promote, and separation benefits available to Marines who have refused the vaccine, and authorized the temporary reassignment of such unvaccinated Marines based upon operational readiness or mission requirements. See enclosure (8).

i. On 24 November 2021, Petitioner was administratively counseled in writing for violating Article 90 of the UCMJ due to his willful disobedience of his CO’s “written order directing [him] to become fully vaccinated against COVID-19 no later than 28 November 2021.” He was also counseled for his violation of Article 92 due to his failure to obey the lawful general order from the Commandant of the Marine Corps released in MARADMIN 462/21. The

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administrative counseling also noted Petitioner was being processed for administrative separation by reason of misconduct due to commission of a serious offense. Again, Petitioner declined to submit a rebuttal statement. See enclosure (9).

j. On 24 November 2021, CO, [REDACTED], notified Petitioner of his intention to recommend Commander, Headquarters [REDACTED], [REDACTED], discharge Petitioner with a general (under honorable conditions) characterization of service by reason of misconduct due to commission of a serious offense. See enclosure (10).

k. By memorandum dated 2 December 2021, CO, [REDACTED] recommended Commander, [REDACTED], via CO, [REDACTED], separate you from the U.S. Marine Corps (USMC) with a general (under honorable conditions) characterization of service by reason of misconduct. On 5 January 2022, CO, [REDACTED], favorably endorsed the recommendation. See enclosures (11) and (12).

l. On 12 January 2022, Commander, [REDACTED], directed Petitioner's administrative discharge from the USMC, by reason of misconduct, with a general (under honorable conditions) characterization of service and assignment of a RE-3P reentry code. On 21 January 2022, Petitioner was discharged. See enclosures (13) and (14).

m. On 18 August 2022, a U.S. Federal District Court issued a preliminary injunction prohibiting the Marine Corps from "taking certain actions against Marines." In response, on 14 September 2022, the Marine Corps published MARADMIN 464/22 amending the actions for unvaccinated Marines on active duty or in the Ready Reserve who had requested a religious accommodation, which had been disapproved by the DC (M&RA), then appealed the disapproval to the ACMC in a timely manner. If the ACMC had neither denied the appeal nor taken action on the appeal, commanders were directed, among other things, to pause all administrative actions related to the involuntary separation, regardless of the current status of separation process. See enclosure (15).

n. On 23 December 2022, the James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 was enacted. Section 525 of the FY 2023 NDAA directed the SECDEF to rescind the vaccination mandate referenced in paragraph 3b above. See enclosure (16).

o. By memorandum dated 10 January 2023, the SECDEF rescinded the vaccine mandate referenced in paragraph 3b above in accordance with the FY 2023 NDAA. He also directed the military departments to update the records of individuals currently serving in the Armed Forces who sought an accommodation to the vaccine mandate on religious, administrative, or medical grounds "to remove any adverse actions solely associated with denials of such requests, including letters of reprimand." No such directive was included for those Service Members who did not seek an accommodation to the vaccine mandate on religious, administrative, or medical grounds. See enclosure (16).

p. On 18 January 2023, the Marine Corps published MARADMIN 025/23, rescinding MARADMINs 462/21, 533/21, 612/12, and other MARADMINs related to the former

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vaccination mandate, and directing the immediate suspension of any new adverse administrative actions associated with refusal of the COVID-19 vaccine. See enclosure (17).

q. On 20 January 2023, the SECNAV published ALNAV 009/23, cancelling ALNAV 062/21. See enclosure (18).

r. On 28 February 2023, the Marine Corps published MARADMIN 109/23 to provide further guidance regarding the rescission of the former vaccine mandate. Amongst the guidance provided was that the Deputy Commandant for Manpower and Reserve Affairs (DC M&RA) would “direct an audit to search for adverse information in the [official military personnel files (OMPF)] of all currently serving members *who requested religious accommodations to the COVID-19 vaccine mandate (emphasis added)*,” and that such adverse matters would be removed as necessary in accordance with the SECDEF’s guidance referenced in paragraph 3k above. MARADMIN 109/23 also provided that “Marines who submitted requests for a medical or administrative exemption may submit written requests to the DC M&RA, through their chain of command, requesting removal of adverse material from their OMPF,” and that “[s]eparated Marines may petition the [Board] to request removal of adverse matters.” No provisions were discussed, however, for adverse matters pertaining to refusal of the COVID-19 vaccine mandate in the records of currently serving Marines who did not request a religious accommodation or an exemption for medical or administrative reasons. See enclosure (19).

s. On 6 September 2023, the ASN (M&RA) issued supplemental policy guidance to the Board to “help facilitate consistency” when considering applications for corrections of records of former members of the DoN who were involuntarily separated for refusal to receive the COVID-19 vaccination. Specifically, the ASN (M&RA) provided guidance stating the Board should generally grant a discharge upgrade request from a former Service member when:

- The member was involuntarily separated;
- The entry within the naval record would prevent the member from rejoining the military without a waiver should the member desire to do so; and
- The following three conditions are met:

(1) The involuntary separation was based solely on a refusal to receive the COVID-19 vaccination;

(2) The Service member formally sought an exemption or accommodation on administrative, religious, or medical grounds in accordance with service regulation or policies prior to or contemporaneous with the official initiation of the action; and

(3) There are no aggravating factors in the member’s record, such as misconduct.

Specifically, the ASN (M&RA) stated that the Board should normally grant requests to recharacterize the discharge to an honorable service characterization, change the narrative reason for separation (i.e., to “Secretarial Authority”), and change the reentry code to an immediately-eligible-to-reenter category, when these criteria were satisfied. With regard to members who were discharged for failing to abide by the vaccination mandate but who did not formally seek an accommodation or exemption from the COVID-19 vaccination requirement on administrative, religious, or medical grounds, the ASN (M&RA) stated that “failure to comply with lawful

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military requirements in contrary to good order and discipline and undermines military readiness.” He further stated that, while the Board is independent and has latitude in determining what constitutes an error or injustice, “broad, retroactive correction of records for applicants who received administrative action, including involuntary separation, as a result of a refusal to comply with the requirement to receive the COVID-19 vaccination are generally not warranted. Accordingly, despite the change in policy, remedies such as correcting a record to reflect continued service with no discharge would normally not be appropriate.”

See enclosure (20).

t. On 31 July 2024, the Naval Discharge Review Board corrected Petitioner’s record to reflect he was discharged on 21 January 2022 with an honorable characterization of service by reason of secretarial authority and assigned a RE-1A reentry code. See enclosures (21) and (22).

u. On 27 January 2025, the President of the United States issued Executive Order (EO) 14184 stating:

[t]he 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.

The EO further directed the SECDEF to take appropriate and necessary action to make reinstatement available to all members of the military (active and reserve) who were discharged solely for refusal to be vaccinated and who request to be reinstated and allow for reversion to their former rank and receipt of full back pay, benefits, bonus payments, or compensation. Additionally, the EO directed the SECDEF to allow any service members “who provide a written and sworn attestation that they voluntarily left the service or allowed their service to lapse according to appropriate procedures, rather than be vaccinated under the vaccine mandate to return to service with no impact on their service status, rank, or pay.”

See enclosure (23).

v. On 6 February 2025, the SECDEF directed the Department “to make things right for the Service members who were subjected to the Department’s unfair, overbroad, and unnecessary coronavirus disease 2019 (COVID-19) vaccine mandate.” Further, the SECDEF directed USD (P&R) to provide detailed guidance to the Military Departments for “rapidly reinstat[ing] individuals who were involuntarily discharged or voluntarily left to avoid vaccination.” See enclosure (24).

w. On 1 April 2025, the USD (P&R) provided updated guidance and procedures for implementing EO 14184 and the SECDEF memo of 6 February 2025, to include a requirement for the Secretaries of the Military Departments to “contact Service members” who had been involuntarily separated and “make available to them reinstatement via the Boards for Correction of Military/Naval Records (BCM/NRs) process.” For those cases “where members voluntarily

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left the service or allowed their service to lapse,” the Secretaries were directed to “continue to broadly communicate (e.g., via social media, external website, newsletters) information to inform these members about the process to return to service.” Should these members elect to return, presenting a “written statement attesting that they chose to leave the service or allowed their service to lapse, rather than be vaccinated under the vaccine mandate,” the Secretaries were directed to “provide an accelerated process for the member to return to service.” See enclosure (25).

x. On 23 April 2025, the SECDEF directed the USD (P&R) to “provide additional guidance to the Military Department Review Boards concerning the review of requests from Service members and former Service members adversely impacted by the COVID-19 vaccine mandate.” The SECDEF specified that the guidance would facilitate removal of adverse actions based solely on refusal to take the COVID-19 vaccine, discharge upgrades for individuals involuntarily separated solely for refusing to take the vaccine whose service was characterized as less than fully honorable, and “appropriate remedies for Service members who suffered a wide variety of other career setbacks resulting from their principled refusal to take the COVID-19 vaccine.” See enclosure (26).

y. On 7 May 2025, the USD (P&R) rescinded the ASN (M&RA) Memo of 6 September 2020 (enclosure (20)). The USD (P&R) provided the below supplemental guidance for the Review Boards when considering requests from present or former Service members who were (1) Involuntarily separated based solely on their refusal to receive the COVID19 vaccine, and who submit discharge upgrade requests (as defined in paragraph 5) pursuant to that separation; (2) Submitted a request for administrative or medical accommodation for exemption from the COVID-19 vaccine mandate, and requested correction of service records containing adverse information or reflecting adverse action (including withholding of favorable personnel actions) solely associated with such requests; or (3) Suffered additional harms or injustices not specifically addressed within this guidance, that were solely related to a Service member’s refusal to receive the COVID-19 vaccine.

(1) Review Boards should generally grant a discharge upgrade request from a former Service member when:

(a) The former Service member was involuntarily separated;

(b) The separation was based *solely* on a refusal to receive the COVID-19 vaccine; and

(c) There are no aggravating factors in the Service member’s record, such as misconduct.

(2) Review Boards should normally grant requests to upgrade the characterization of service to “honorable,” change the narrative reason for enlisted separation (i.e., to “Secretarial Authority”), and change the reentry code to an immediately-eligible-to-reenter code under these specific circumstances. Officer records should be changed to have similar effect.

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(3) If an applicant's military records reflect multiple reasons for involuntary separation (i.e., when separation *was not solely* due to the fact that the former Service member refused to receive the COVID-19 vaccine), the Review Boards should apply existing policies that require the former Service member to establish evidence of an error, impropriety, inequity, or injustice in their discharge in order to warrant relief.

Additionally, the USD (P&R) direct the Review Boards to exercise their "broad discretion to assess the potential impact on the Service member's career and correct impacted personnel records appropriately for those instances where "adverse information associated solely with a request for exemption from the COVID-19 vaccination mandate is found within an applicant's OMPF." The USD (P&R) further noted that "present and former Service members may have suffered other harms from the COVID-19 vaccine mandate that are not specifically addressed in this guidance" such as "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." Further, many Service members "may have been denied these opportunities while waiting for the adjudication of their administrative or medical exemption requests." The USD (P&R) further stated that "[e]ven more concerning, some have reported that they were pressured to voluntarily separate from the military due to their COVID-19 vaccine status, even while awaiting adjudication of their exemptions." In these situations, the USD (P&R) directed the Review Boards to "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."

See enclosure (27).

z. Petitioner contends his requested relief should be granted because it is consistent with the implementation of Section 525 of the FY23 NDAA. Although he explains that his request for religious accommodation submitted in September 2021 was mishandled and lost, Petitioner contends his separation and characterization were the result of material error because they were in violation of references (b) and (c). Petitioner also contends the USMC's use of Article 92 to separate him was "unlawful and material error, and its decision to separate him violated the First Amendment of the Constitution. Lastly, in exhibit 3 of his submission, he requests the Board "consider reinstatement at the appropriate rank/time in grade, backpay, and separation pay" based on the following:

- (1) Validation of his religious beliefs by the chaplain;
- (2) The command's mishandling and loss of his religious accommodation packet;
- (3) Judicial findings that the mandate violated reference (b) and the First Amendment;
- (4) His subsequent request for discharge upgrade approved by the NDRB; and
- (5) President Trump's inaugural address statement regarding reinstatement with backpay for any service member who was discharged due to COVID vaccine refusal.

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See enclosure (1).

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined equitable relief is warranted in the interests of justice.

EO 14184 declared the COVID-19 vaccine mandate “an unfair, overbroad, and completely unnecessary burden on our Service members” which resulted in the military unjustly discharging those who refused the vaccine. In his memo of 6 February 2025, the SECDEF directed the Department “to make things right” for those Service members by “rapidly reinstat[ing] individuals who were involuntarily discharged or voluntarily left to avoid vaccination.” In response, the USD (P&R) issued guidance on 1 April 2023 that required the Services to contact Service members who had been involuntarily separated to make them aware of the reinstatement process and to broadly communicate reinstatement information to those who had voluntarily left the service or allowed their service to lapse. In his 23 April 2025 memo, the SECDEF directed the USD (P&R) to provide additional guidance to the Review Boards concerning requests from Service members and former Service members “adversely impacted by the COVID-19 vaccine mandate” to include guidance to “facilitate removal of adverse actions,” discharge upgrades, and “appropriate remedies for Service members who suffered a wide variety of other career setbacks resulting from their principled refusal to take the COVID-19 vaccine.” The USD (P&R)’s supplemental guidance of 7 May 2025 provided guidance to Review Boards regarding discharge upgrade requests and directed the Boards to exercise their “broad discretion to assess the potential impact on the Service member’s career” and “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.”

Relying on the guidance flowing from EO 14184, the Board noted the action taken by the NDRB on 31 July 2024 appropriately corrected Petitioner’ unjust involuntary separation, which was based solely on his refusal to take the COVID-19 vaccine, by correcting Petitioner’s record to reflect he was honorably discharged by reason of secretarial authority and assigned a RE-1A reentry code which would allow for immediate reenlistment. Having found Petitioner’s involuntary discharge unjust, the Board also found an injustice in any and all adverse actions related to, that followed from, or that contributed to that separation. Based on the guidance provided and discussed above, the Board determined it was in error and unjust for the administrative counseling entries and administrative separation documentation to remain in Petitioner’s record.

However, the Board noted that although Petitioner, in his statement submitted as exhibit 3 of enclosure (1), requested the Board reinstate him, he has not pursued the required steps outlined in the Marine Corps COVID-19 Reinstatement Program (<https://www.manpower.marines.mil/COVID-19-Reinstatement/>) nor has he pursued reenlistment using his corrected RE-1A reentry code. The Board determined Petitioner must first pursue these reinstatement avenues and declined to reinstate Petitioner in its current action.

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Absent reinstatement, the Board determined retroactive payment of Petitioner's active duty salary and housing allowance from the date of his separation to the end of his contract was not warranted. Further, in its consideration of Petitioner's request to have his discharge orders republished, the Board determined there is insufficient evidence of an error or injustice to warrant the requested relief.

RECOMMENDATION

In view of the above, the Board recommends the following corrective action be taken on Petitioner's naval record in the interests of justice:

That the Administrative Remarks (Page 11) entries dated 9 October 2021 and 24 November 2021 be removed from Petitioner's naval record.

That all documents pertaining to or referencing Petitioner's administrative separation process be removed from Petitioner's naval record, to include entries related to his assignment of a RE-3P reentry code.

That Petitioner's naval record be scrubbed for any other material or entries referencing his refusal to abide by the former COVID-19 vaccination mandate, and that any such materials or entries be removed. This includes, but is not limited to, all information systems or database entries that may reference or indicate Petitioner's refusal to abide by the vaccination mandate.

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.

6/30/2025

