



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

█  
Docket No. 4204-25  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code (USC). After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 12 August 2025. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board carefully considered your request to change your retirement rank to Chief Warrant Officer (CWO) 3 vice E-8 based on Executive Order (EO) 14184 and to award back pay associated with the corrected retirement rank. Specifically, you contend that your “commission was involuntarily resigned and [you were] reenlisted as an E8 (HTCS), then retired one month later due to refusing the COVID-19 Vaccine.” You are asking this Board to ensure you “receive the benefits that [you] would have received if the DOD had honored the contract [you] signed as a Commissioned Officer.”

The Board, however, determined you were properly retired as an E8 and the available guidance flowing from EO 14184 does not provide a mechanism for you, a service member that voluntarily retired, to change the circumstances of your retirement. Specifically, the Board noted your official military personnel file (OMPF) contained no evidence surrounding your decision to retire nor was any additional or amplifying information submitted. Based on your OMPF, the Board noted you were appointed as a CWO2 on 1 September 2016 and promoted to CWO3 on 1 October 2019. On 28 November 2021, you were issued a special fitness report, as required by NAVADMIN 256/21, for the reporting period 1 April 2021 to 28 November 2021 due to “refusing the order to receive the COVID-19 vaccine.” This fitness report is the only

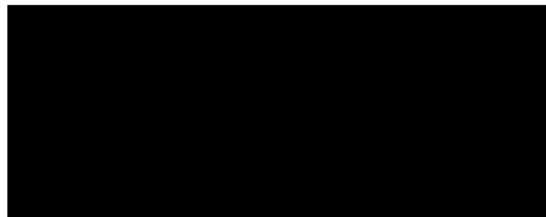
documentation in your OMPF that mentions your refusal of the COVID-19 vaccine. The Board noted your OMPF does not contain any documentation that reflects the initiation of administrative separation processing, or any other actions taken in response to your refusal to be vaccinated.

Based on your Certificate of Release or Discharge from Active Duty (DD Form 214), the Board noted that, on 31 March 2022, you were discharged by reason of “intradepartmental transfer.” Your DD Form 214 reflects your grade at the time of discharge was CWO3. Your next DD Form 214 reflects you transferred to the fleet reserve as an E-8, by reason of sufficient service for retirement, on 30 April 2022. Based on Section 1293 of Title 10, USC, and OPNAVINST 1811.3A<sup>1</sup>, on 30 April 2022, you had not attained six years of active commissioned service and your statement in block 18 of the DD Form 149 implies your knowledge of this requirement. Therefore, based on the available evidence, both in your OMPF and in your submission, there is insufficient evidence to support your contention that your resignation as a CWO3 and retirement as an E-8 was involuntary. Additionally, under the present guidance flowing from EO 14184, there is currently no mechanism for back pay, credit for lost service, or similar relief associated with reinstatement. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

8/25/2025



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<sup>1</sup> Voluntary retirement for CWOs requires: 20 years of active service, six years active commissioned service, and two years' time-in-grade.