



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

Docket No. 4804-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USNR, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) USD (P&R) Memo, “Updated Guidance on Correction of Military Records for Service Members Involuntary Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements,” 1 April 2025
(c) ALNAV 062/21, subj: 2021-2022 Department of Navy Mandatory COVID-19 Vaccination Policy, dtg 302126Z AUG 21
(d) NAVADMIN 108/20, subj: Selective Reenlistment Bonus Program Update April 2020, dtg 151741Z APR 20
(e) OPNAVINST 1160.8B, Selective Reenlistment Bonus Program, 1 April 2019
(f) Executive Order 14184, Reinstating Service Members Discharged Under the Military’s COVID-19 Vaccination Mandate, 27 January 2025
(g) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/attachments
(2) DD Form 214
(3) Navy Recruiting Command Memo, subj: Physical Qualification for Enlistment in the United States Navy Reserve, 1 May 2025
(4) BUPERS MEMO 1160 Ser B328/180, subj: Request for Advisory Opinion in the case of [Petitioner], 2 July 2025
(5) Office of the Chief of Naval Operations (N132) Memo 1430, subj: Advisory Opinion ICO [Petitioner], 28 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, pursuant to the guidance in reference (b). Specifically, Petitioner requested that his record be corrected to reflect that he was never separated from the Navy and that he continued to serve without interruption.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 July 2025 and, pursuant to its governing policies and procedures, determined that the corrective action reflected in paragraph 5 below should be taken upon Petitioner naval record in the interests of justice. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies.

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3. Factual Background. The following are the relevant facts of Petitioner's case based upon review of his naval record and/or the matters provided with his application:

a. On 30 March 2012, Petitioner enlisted in the United States Navy for a period of eight years. On 1 June 2012, Petitioner agreed to extend his enlistment for a period of 24 months.

b. Petitioner entered active duty in the Navy pursuant to the enlistment described in paragraph 3a above on 3 October 2012. On 2 January 2020, upon completion of his active-duty service, Petitioner received an Honorable characterization and transferred to his Reserve unit. See enclosure (2).

c. In May 2022, Petitioner was involuntarily discharged from the Navy Reserves for misconduct due to commission of a serious offense. The serious offense in question was his refusal to comply with the former COVID-19 vaccination mandate in reference (c), in violation of Article 92, Uniform Code of Military Justice.

d. By memorandum dated 1 May 2025, Navy Recruiting Command certified that Petitioner was prescreened in accordance with reference (b) and determined to meet retention standards. See enclosure (3).

e. By memorandum dated 2 July 2025, BUPERS-328 advised the Board that Petitioner was a Selective Reserve (SELRES) Sailor and was not eligible for active-duty selective reenlistment bonus. See enclosure (4).

f. By memorandum dated 2 July 2025, the Office of the Chief of Naval Operations (N132) advised the Board that Petitioner would have been eligible to participate in the Navy-wide Advancement Examination (NWAE) Cycle 114 in Spring 2024 for an advancement opportunity to GMC/E7, and if Petitioner advanced to GMC/E7 from Cycle 114, effective date of advancement would have been between September 2024 - August 2025, with last effective date of pay being 16 August 2025 and a TIR of 1 September 2024. See enclosure (5).

4. Conclusion. Upon careful review and consideration of all the evidence of record, the Board found an injustice warranting relief.

a. According to reference (f), the COVID-19 vaccination mandate was an "unfair, overbroad, and completely unnecessary burden on our Service members" and the military "unjustly discharged those who refused the vaccine." Since there was no other basis for administrative separation apparent in Petitioner's naval record, the Board therefore found an injustice in that Petitioner was involuntarily separated from the Navy solely for refusing the former COVID-19 vaccination mandate.

b. Having found an injustice in that Petitioner was involuntarily separated from the Navy Reserve solely for refusing the former COVID-19 vaccination mandate, the Board also found an injustice in any and all adverse actions that followed from or contributed to that separation.

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5. Recommendations. Having found an injustice in that Petitioner was involuntarily separated from the Navy Reserve solely for refusing the former COVID-19 vaccination mandate, the Board recommends that the following corrective actions be taken on Petitioner's naval record.

a. The following recommended corrective actions are contingent upon Petitioner's acceptance of the Navy's offer of reinstatement subject to the terms of reference (b).

(1) That Petitioner's naval record be corrected to reflect that he was not discharged from the Navy Reserve in May 2022, but rather that he continued to serve honorably in the rate indicated in paragraph 5a(2) below with no break in service at his last duty station. As such, Petitioner is to receive constructive service credit for the period from May 2022 until the date that he is reinstated in the Navy Reserves. To effectuate this relief, Navy Personnel Command (NPC) is directed to scrub Petitioner's record and remove any and all references to Petitioner's discharge, including but not necessarily limited to any documents related to his administrative separation process.

(2) That Petitioner's naval record be corrected to reflect that he executed a two-year reenlistment contract on his End of Service (EOS) date of 2 January 2024.

(3) That Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary years through his reinstatement. To accomplish this, a total of 35 paid drill points and 15 membership points will be credited.

(4) That appropriate administrative fillers be inserted into Petitioner's naval record to remove the gap in his record between May 2022 and his eventual reinstatement date during which he did not receive any evaluation reports.

(5) That Petitioner is given the option to take the NWAEE for the rate of Gunner's Mate Chief Petty Officer (GMC) to determine eligibility for an enlisted special selection board.

b. The Board further recommends that NPC scrub Petitioner's naval record and remove any adverse information pertaining to Petitioner's refusal to comply with the former COVID-19 vaccination mandate, including but not limited to any punitive actions, "Page 13" entries, and adverse evaluation reports (to be replaced with appropriate administrative fillers). This recommended corrective action is not subject to the contingency referenced in paragraph 5(a) above and should be implemented without delay.

c. Copies of this record of proceedings shall be provided to the Defense Finance and Accounting Service and the Defense Health Agency to facilitate the estimate of all pay and benefits which may be due to the Petitioner as a result of the contingent corrective actions referenced in paragraph 5a above.

6. 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-titled matter. I have assured compliance with the provisions of reference (g) in the Board's proceedings.

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7. Pursuant to the authority delegated to me by the Secretary of the Navy in reference (g), I hereby approve the Board's recommendations and direct the corrective actions reflected in paragraph 5 above on his behalf.

7/23/2025

