

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

a. On 5 March 2013, Petitioner enlisted in the United States Navy for a period of eight years, with a four-year active duty obligation.

b. Petitioner entered active duty in the Navy pursuant to the enlistment described in paragraph 3a above on 20 August 2013. See enclosure (2).

c. On 7 October 2022, Petitioner was involuntarily discharged from the Navy for misconduct due to commission of a serious offense with an Honorable characterization of service. The serious offense in question was his refusal to comply with the former COVID-19 vaccination mandate of reference (c) in violation of Article 92, Uniform Code of Military Justice. See enclosure (2).

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 22 July 2025, BUPERS-328 advised the Board a review of the Petitioner's Official Military Personnel File (OMPF) reflects he was a GSM1. His Active Duty Service Date (ADSD) was 20 August 2013, and his Expiration of Active Obligated Service (EAOS) was 12 July 2024. At the time of Petitioner's EAOS he would have been eligible for a Zone C, GSM/0000 Selective Reenlistment Bonus (SRB) 1.0 award level. A 4-year contract would have met SRB requirement by taking Petitioner into Zone D and changed his EAOS to 11 July 2028. The SRB cannot exceed \$30,000. SRB total bonus would be \$17,551.20 as an E-6 and \$19,545.60 as an E7. See enclosure (4).

f. By memorandum dated 23 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 258 in January 2023 for an advancement opportunity to GSMC/E7. If Petitioner advanced to GSMC/E-7 from Cycle 258, effective date of advancement would have been between September- August 2024, with last effective date of pay being August 16, 2024 and a TIR of 1 September 2023. 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 (e), the COVID-19 vaccine 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 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.

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

5. Recommendations. Having found an injustice in that Petitioner was involuntarily separated from the Navy 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).²

(1) The Petitioner is eligible for E7 and should participate in the first available promotion examination to E7 and submit for an exception to policy (ETP) to the Chief of Naval Operations (OPNAV N132C) in accordance with paragraph 104 of BUPERSINST 1430.16 series. If all requirements are met for eligibility of a missed exam and an ETP is disapproved by N132C, Petitioner may reapply to this Board for consideration of advancement to E7 retroactive to the date Petitioner would have been advanced on the "missed" examination cycle(s). Petitioner should submit a DD Form 149, command endorsement/ recommendation, and must include a copy of this letter with the request, a copy of the advancement in rate or change of rating worksheet (NETPDC 1430/3) for the cycle(s) missed, and all supporting documentation in accordance with the respective NAVADMIN for adjudication from this Board. The Board is recommending this course of action because they have no way to know otherwise whether the Petitioner would have qualified for promotion to E-7 absent the examination results and advancing him absent those results would benefit him at the expense of his peers.

(2) That Petitioner's naval record be corrected to reflect that he was not discharged from the Navy on 7 October 2022, but rather that he continued to serve honorably with no break in service at his last duty station. As such, Petitioner is to receive constructive service credit for the period from 7 October 2022 until the date that he is reinstated in the Navy. To effectuate this relief, NPC is directed to scrub Petitioner's record and remove any and all references to Petitioner's discharge, including but not necessarily limited to his DD Form 214 and the documents related to his administrative separation process.

(3) That documentation be added to Petitioner's naval record establishing that he reenlisted for four years at his EAOS of 12 July 2024. Such reenlistment would entitle Petitioner to a Zone D, GSM/0000 1.0 award level SRB.

(4) That appropriate administrative fillers be inserted into Petitioner's naval record to remove the gap in his record between 7 October 2022 and his eventual reinstatement date during which he did not receive any evaluation reports.

b. The Board further recommends that 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 subject to the contingency referenced in paragraph 5(a) above and should be implemented without delay.

² Petitioner's failure to agree to this contingency, or to execute the terms of his reinstatement shall negate these recommendations. This contingency is applied in accordance with the guidance attached to reference (b).

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

c. Copies of this record of proceedings shall be provided to the DFAS 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 (e) in the Board's proceedings.

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

9/3/2025

