



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 5086-25
Ref: Signature Date

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Dear █,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 5 February 2026. 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. In addition, the Board considered the advisory opinion (AO) contained in Headquarters, U.S. Marine Corps memorandum 1400/3 MMPB-11 of 4 June 2025 and your response to the AO.

In accordance with Marine Corps Order (MCO) P1400.32D, published on 11 May 2006, lance corporals and above who are denied further service beyond their current expiration of active service are not eligible for promotion consideration.

Marines will not be promoted while in any of the following categories: . . . u. Marines pending administrative separation for misconduct, unsatisfactory participation in the reserve component, homosexual conduct, unsatisfactory performance, alcohol rehabilitation failure, domestic violence, child abuse, weight control failure, etc. are not eligible for selection consideration or promotion. The loss of promotion eligibility begins the date the administrative separation package is signed by the commander for forwarding to the General Court-Martial Convening Authority for final disposition.

On 24 September 2018, you entered active duty.

In accordance with MARADMIN 200/16, published on 12 April 2016, to ensure the Marine Corps promotes only the best and fully qualified to the grades of corporal and sergeant, the Commandant has instituted the requirement for commands to screen promotion eligible Marines for suitability for promotion. These Non-Commissioned Officer (NCO) promotion panels are to ensure that the Marine Corps is promoting those who not only meet TIG, TIS and PME requirements, but who have demonstrated an enduring commitment to Corps values, an ever-increasing degree of maturity, leadership and professionalism expected of our NCO's.

Beginning with the fourth quarter (Oct/Nov/Dec) of CY-2016 Marines eligible for promotion to corporal or sergeant based on TIG/TIS will appear before a quarterly unit promotion panel for assessment/evaluation and recommendation for promotion...All eligible Marines will personally appear before the panel in order to be interviewed to assess their professional knowledge and qualifications for promotion. In cases when a personal appearance is not possible, alternative methods (VTC, telephonic, etc.) are authorized. Once recommended for promotion by the panel and concurred with by the Commanding Officer (CO) the Marine will be recommended for promotion once eligible within the quarter. If the Marine does not meet the cutting score at any time within that quarter, the recommendation from that panel will carry forward to subsequent quarters. The Marine will not need to appear before another panel unless directed by the command. Marines not recommended by the panel and concurred with by the CO will be non-recommended for promotion for the quarter for which the panel considered the Marine. A quarterly page 11 entry will be entered into their Electronic Service Record (ESR) stating the reason for their non-recommendation and a "NOT REC" diary entry will be reported in MOL/MCTFS.

In December 2020, your Battalion Commander issued you Administrative Remarks (NAVMC 118(11)) in which you signed acknowledging that you understand you were eligible but not recommended for promotion to the rank of Corporal for the first quarter of 2021 (January, February, and March) in accordance with MARADMIN 200.26 due to the results of the Noncommissioned Officer Promotion Panel. You chose not to submit a written rebuttal.

In accordance with MARADMIN 462/21, Mandatory COVID-19 Vaccination of Marine Corps Active And Reserve Components published on 1 September 2021, provided guidance to Marine Corps active and reserve components to implement Secretary of Defense (SECDEF)-directed mandatory Coronavirus Disease 2019 (COVID-19) vaccination of Department of Defense (DoD) service members. This MARADMIN canceled and replaced MARADMIN 754/20.

3.a. Per refs (b)[OSD MEMO, Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members] and (c)[ALNAV 062/21 2021- 2022 Department of Navy Mandatory COVID-19 Vaccination Policy], all Marine Corps active and reserve component (Active Reserve, Selected Marine Corps Reserve, and Individual Mobilization Augmentee) service members shall be fully vaccinated against COVID-19, unless medically or administratively exempt. All non-exempt active component personnel will achieve full vaccination no later than 90 days from the date of ref (c), and all non-exempt reserve component personnel will achieve full vaccination no later than 120 days from the date of ref (c).

3.1. The provisions contained within paragraph 3.a of this MARADMIN constitute a lawful general order and any violation of these provisions is punishable as a violation of Article 92 of ref (i) [10 U.S.C. Chapter 47, Uniform Code of Military Justice]. Marines shall take action to fully immunize themselves against COVID-19 per ref (j) [U.S. Navy Regulations, paragraph 1144]. Paragraph 3.a is punitive and applies without further implementation. Commanders, COs, and officers in charge shall issue appropriate orders to ensure that their Marines and Sailors are fully vaccinated. In accordance with Rule for Court Martial 306 of ref (n) [Manual for Courts Martial United States (2019 EDITION)], initial disposition authority for cases arising from COVID-19 vaccine refusals is withheld to the general court-martial convening authority level except that administrative counseling pursuant to paragraph 6105 of ref (k) [Marine Corps Order 1900.16 Chapter 2 (MARCORSEPMAN)] may be issued at the special court martial convening authority level.

This MARADMIN is applicable to the Marine Corps total force. This MARADMIN remains in effect until canceled.

On 4 November 2021, Deputy Commandant for Manpower and Reserve Affairs notified you that, "I have carefully considered your request for an immunization waiver. Your request is denied... I find that there is no less-restrictive way of accommodating your request that ensures military readiness and the preservation of the health of the force..."

You have the right to appeal this decision to the Commandant of the Marine Corps. Should you decide to appeal this decision, your appeal should be in naval letter format, from you, addressed to the Commandant of the Marine Corps. Forward your appeal to the point of contact below, for delivery to the Commandant."

On 10 November 2021, CO, 2nd Radio Battalion notified you that, "[o]n 10 November 2021, your religious exemption for the COVID-19 vaccine was denied, for which, you have chosen not to file an appeal. Therefore, in accordance with Reference (a), you are hereby ordered to report to █ and receive your first dose of the COVID-19 vaccine on 10 November 2021. You are further ordered to receive your second dose of the COVID-19 vaccine within twenty-one (21) calendar days of receiving your first dose. You may receive the COVID-19 vaccine from an alternate medical provider, however the timeline of this order remains in effect."

On 10 November 2021, your CO issued you an Administrative Remarks (NAVMC 118(11)) listing the following: Counseled this date concerning the following deficiency: Refused inoculation with the COVID-19 vaccine. You chose not to make a rebuttal statement.

On 22 November 2021, CO, █ notified you that "[i]n accordance with MARADMIN 462/21, you are hereby ordered to report to █ and receive your first dose of the COVID-19 vaccine on 22 November 2021. You are further ordered to receive your second dose of the COVID-19 vaccine within twenty-one (21) calendar days of receiving your first dose. You may receive the COVID-19 vaccine from an alternate medical provider, however the timeline of this order remains in effect."

On 22 November 2021, your CO issued you an Administrative Remarks (NAVMC 118(11)) listing the following: Counseled this date concerning the following deficiency: Refused inoculation with the COVID-19 vaccine. You chose not to submit a written rebuttal.

On 3 December 2021, your CO issued you an Administrative Remarks (NAVMC 118(11)) listing the following: Counseled this date concerning the following deficiency: Violation of Article 92 (Failure to be fully vaccinated in violation of MARADMIN 462/21). "I understand that I am able, but choose not to appeal my denied Religious Accommodation Waiver from HQMC dated 4 November 21." You chose not to submit a written rebuttal.

On 8 December 2021, your CO issued you an Administrative Remarks (NAVMC 118(11)) listing the following: "I understand that I am eligible but not recommended for promotion to Corporal due to my pending administrative separation for a period of 12 months IAW MCO P1400.32." You chose not to submit a written rebuttal.

On 9 December 2021, Marine Corps Total Force System - Record of Service listed the following: COMPOSITE SCORE - COMP DATE/SCORE 20201211/1535, and COMP DATE/SCORE 20200911/1499. JEPES SCORE – COMP DATE/SCORE 20210621/0518, 20210520/0518, 20210427/0518, 20210323/0512, and 20210719/0518. COMP DATE/SCORE 20200911/1499, 20200911/1499, 20200911/1499, and 20200911/1499.

In accordance with MARADMIN 733/21, Change 1 To Supplemental Guidance (2) To Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components published on 22 December 2021, "announced a change to the Supplemental Guidance (2) to Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components.

Change to reference (c) [MARADMIN 612/21, Supplemental Guidance (2) To Mandatory Covid-19 Vaccination of Marine Corps Active and Reserve Components]. Paragraph 8.b. is amended to change the reentry code of "RE- 4" to reflect "RE-3P." Paragraph 8.b. is modified to read "Enlisted Marines separated from active duty on the sole basis of failure to comply with MARADMIN 462/21 will receive a reentry code of "RE-3P" per ref (e) [Marine Corps Order 1900.16, Separation and Retirement Manual (MARCORSEPMAN)]. Commanders shall document the assignment of an RE-3P reenlistment code with a page 11 counseling entry signed by both the Marine and the Commander per paragraph 4006.3.d. of reference (f) [Marine Corps Order P1470.12K, Marine Corps Individual Records Administration Manual (IRAM)]."

"This MARADMIN applies to the Total Force and is effective upon release."

On 1 February 2022, ██████████ notified Commanding General, ██████████ via ██████████ on ██████████ letter 1900 dated 18 Jan 22 that "I recommend that ██████████ be separated from the USMC with a General [Under Honorable conditions] characterization of service."

You were discharged with a General (Under Honorable Conditions) character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 24 September 2018 to 23 February 2022 for Misconduct (Other). Furthermore, the following was listed: Block 4a (Grade, Rate or Rank) LCPL, block 4b (Pay Grade) E-3, and block 12i (Effective Date of Pay Grade) 1 November 2019.

On 30 August 2024, Secretary of the Navy Council of Review Boards notified you that, “[t]he review authority has given consideration to all relevant issues raised and evidence presented and has carefully examined all available official records in connection with your application for discharge review.

The final decision is that the discharge shall change to HONORABLE, the narrative reason for separation shall change to SECRETARIAL AUTHORITY with a corresponding separation code of JFF1, and the reentry code shall change to RE-1 A.”

In accordance with Executive Order 14184, Reinstating Service Members Discharged Under the Military’s COVID-19 Vaccination Mandate published on 27 January 2025, “Section 1. Purpose and Policy. On August 24, 2021, the Secretary of Defense mandated that all service members receive the COVID-19 vaccine. The Secretary of Defense later rescinded the mandate on January 10, 2023. 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.

Sec. 2. Redress. Consistent with the policies announced in section 1 of this order, the Secretary of Defense or the Secretary of Homeland Security, as appropriate, shall take all necessary action permitted by law to: make reinstatement available to all members of the military (active and reserve) who were discharged solely for refusal to receive the COVID—19 vaccine and who request to be reinstated; enable those service members reinstated under this section to revert to their former rank and receive full back pay, benefits, bonus payments, or compensation; and 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.”

In accordance with Office of the Under Secretary of Defense memo, Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements published on 1 April 2025, “This memorandum provides updated guidance and procedures (Attachment 1) to implement Executive Order (EO) 14184, "Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate," January 27, 2025 and Secretary of Defense Memorandum, "Providing Remedies for Service Members and Veterans Negatively Impacted by the Department's Defunct Coronavirus Disease 2019 Vaccination Mandate Based Executive Order," February 6, 2025. This updated guidance replaces Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, "Correction of Military' Records for Service Members

Involuntarily Separated for Refusal to Comply With COVID-19 Vaccination Requirements,”
February 7, 2025 (hereby rescinded).”

“As directed by the Secretary of Defense, the Department of Defense 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 voluntarily left the service or allowed their service to lapse, rather than be vaccinated under the vaccine mandate, consistent with this guidance. 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.”

In accordance with Secretary of Defense, Providing Supplemental Remedies for Service Members and Veterans Negatively Impacted by the Department of Defense Defunct Coronavirus Disease 2019 Vaccination Mandate published on 23 April 2025, “[o]n February 6, 2025, I 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. Since that time the Department has sent a formal apology to each former Service member involuntarily separated solely due to the COVID-19 vaccine mandate and invited them, along with anyone who voluntarily left the military due to that mandate, to apply to return to service. While those actions represent major progress, I believe that additional guidance is necessary to take care of the thousands of Service members who were unjustly impacted by the COVID-19 vaccine mandate.

I hereby direct the Under Secretary of Defense for Personnel and Readiness 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. This guidance will facilitate, as appropriate, the removal of adverse actions based solely on refusal to take the COVID-19 vaccine (or requesting a medical or religious/administrative accommodation), discharge upgrades for individuals involuntarily separated solely for refusing to take the COVID-19 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.”

In accordance with Office of the Under Secretary of Defense memo, 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 published on 7 May 2025, “[t]he Secretary of Defense has taken decisive action to execute the President's guidance to correct this injustice: (1) All former Service members discharged solely for refusing to receive the COVID-19 vaccine may pursue reinstatement in the military, and be considered for eligibility to receive backpay;

and (2) Former Service members who attest that they voluntarily left the military or allowed their service to lapse according to appropriate procedures due to the military's previous COVID-19 vaccination mandate may pursue a return to military service.”

“In addition...Other Service members, who remained in service and requested religious, administrative, or medical accommodations related to the COVID-19 vaccine requirement, may still have adverse information in their records connected to those requests. To remedy these harms, on April 23, 2025, the Secretary of Defense directed the Under Secretary of Defense for Personnel and Readiness to issue 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. I hereby direct the following:

The Secretaries of the Military Departments will, through their Boards for Correction of Military / Naval Records (BCM/NRs), continue to apply the guidance contained within reference (b), which my office issued to facilitate the reinstatement or return of eligible individuals who wish to continue their military service.

Within 15 calendar days of the date of this memorandum, the Secretaries of the Military Departments will rescind references (c), (d), and (e) and distribute the attached guidance to their Discharge Review Boards (DRBs) and BCM/NRs in their place.

The BCM/NRs should carefully consider claims by individuals who filed formal requests for administrative or medical accommodation, including requests for religious accommodation, related to the Department's previous COVID-19 vaccine mandate, yet continued to serve. Adverse actions in a Service member's records solely associated with their refusal to take a COVID-19 vaccination or seek an exemption from that COVID-19 vaccine mandate should be removed...”

On 12 January 2026, the Board notified you that, “...Reference is made to your Application for Correction of Naval Record (DD Form 149). In accordance with the Board’s standard procedures, the records in your case were referred to the office within the Navy Department having cognizance over the subject matter addressed in your application for an AO relative to the issues presented therein. The enclosed opinion was furnished in response to the Board’s request. The opinion, which is advisory only and is not binding upon the Board or the Secretary of the Navy, is forwarded for your information. If you wish to submit any further statement or additional documentary material in support of your application, it is requested that you transmit same directly, via email to me, within 30 days from the date of this email. Please mark any such materials with the above listed docket number.”

On 29 January 2026, you notified BCNR that, “I have no intention of rebutting this decision.”

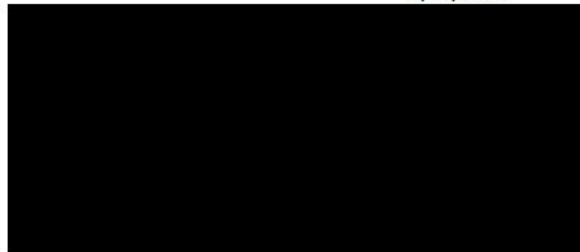
You requested to be promoted to the rank of Corporal. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that, “[m]y discharge characterization has already been upgraded via NDRB [Naval Discharge Review Board]. I happily served the U.S. Marine Corps with great

pride for my country, and I rightfully earned the rank of E-4 Corporal. The date was already set, and I met every requirement for promotion. My Battalion Commander determined it was in the Marine Corps' best interest to cancel this promotion, because I was to be separated 2 months later for refusing to comply with the COVID-19 Vaccine mandate. This action was, and still is, remarkably unjust." However, the Board disagreed with your assertion. In December 2020, your Battalion Commander issued you NAVMC 118(11) where you acknowledged that you were eligible for promotion to Corporal but were not recommended based on the NCO Promotion Panel in accordance with MARADMIN 200/16. In accordance with MARADMIN 200/16, the NCO Promotion Panel must approve your promotion to Corporal in the quarter for which you were considered. Furthermore, the Marine must make the cutting score in that quarter prior to promotion. An approved Marine carries the approval into subsequent quarters. On 8 December 2021, your CO issued you NAVMC 118(11) where you acknowledged that you were *eligible*¹ but not recommended for promotion to Corporal due to your pending administrative separation for a period of 12 months. The Board agreed that the pending administrative separation was solely for refusing the COVID-19 vaccine and that your CO's action removed you from future consideration for promotion to Corporal. However, the Board disagreed that a promotion date was already set and you provided no evidence to the contrary. The Board found no evidence that you were approved for promotion by the NCO Promotion Panel for promotion to Corporal for any quarter after their disapproval in December 2020. Additionally, there is no indication that you would have met the cutting score for any month prior to your separation. In this connection, the Board substantially concurred with the comments contained in the AO. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

2/11/2026



¹ Being "eligible" for promotion and meeting all required prerequisites to be promoted are two different distinct qualifications.