

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

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 24 July 2014, Petitioner enlisted in the United States Navy for a period of eight years.
- b. Petitioner entered active duty in the Navy pursuant to the enlistment described in paragraph 3a above on 24 November 2014. See enclosure (2).
- c. On 3 October 2022, Petitioner was involuntarily discharged from the Navy 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 15 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 26 June 2025, BUPERS-328 advised the Board that Petitioner's official military personnel file shows Petitioner was a Fire Control Technician (FT). Petitioner's Active Duty Service Date (ADSD) was 24 November 2014, and his Expiration of Active Obligated Service (EAOS) was 22 November 2024. At the time of Petitioner's EAOS he would have been eligible for a Zone B, FT/0000 2.0 award level in accordance with reference (d). A three-year contract would have met Selective Reenlistment Bonus (SRB) reenlistment requirements by taking Petitioner into Zone C and changing his EAOS to 21 November 2027. See enclosure (4).
- f. By memorandum dated 1 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 256 in September 2022 for an advancement opportunity to FT1/E6, and if advanced to FT1/E6 from cycle 256, effective date of advancement would have been between 16 January 2023 - 16 June 2023. The next advancement eligibility point to E7 would have been the January 2025 advancement Cycle 266 NWAE. 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.

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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.

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).

(1) That Petitioner's naval record be corrected to reflect that he was not discharged from the Navy on 3 October 2022, but rather that he continued to serve honorably in the rates 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 October 2022 until the date that he is reinstated in the Navy. 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 was advanced to FT1 with an effective date of advancement of 16 June 2023. NPC will make all appropriate service record entries of his corrected advancement date.

(3) That Petitioner's naval record be corrected to reflect that he executed a three-year reenlistment contract on his EAOS date of 22 November 2024.

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

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, adverse evaluation reports (to be replaced with appropriate administrative fillers) and Certificate of Release from Active Duty (DD Form 214). 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.

