



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

██████████
Docket No. 5554-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
XXX XX ██████████ USMC

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) MARADMIN 733/21, subj: Change 1 to Supplemental Guidance (2) to Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 222015Z DEC 21
(d) MARADMIN 462/21, subj: Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 011400Z SEP 21
(e) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, 27 January 2025
(f) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/attachments
(2) DD Form 214
(3) Reenlistment Extension Lateral Move (RELM) Request, 21 Mar 25
(4) HQMC Retention Eligibility Memo, 21 May 25
(5) HQMC (MMPB-11) Advisory Opinion, ██████████

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 Marine Corps and that continued to serve without interruption. Additionally, Petitioner requested that his reinstatement be aligned with a reenlistment, and he be considered for any retention incentives if available.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 28 May 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, 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 27 January 2021, Petitioner enlisted in the Marine Corps for a period of four years.
- b. Petitioner entered active duty in the Marine Corps pursuant to the enlistment described in paragraph 3a above on 16 February 2021. See enclosure (2).
- c. On 8 November 2021, Petitioner was ordered to receive the first dose of the COVID-19 vaccine by 24 October 2021 and to become fully vaccinated no later than 14 November 2021.
- d. On 15 November 2021, Petitioner was counseled for his violation of Article 92, MARADMIN 462/21, Mandatory COVID-19 vaccination by refusing inoculation with COVID-19 vaccine. Petitioner was recommended to become fully vaccinated. Petitioner acknowledged that he was being processed for administrative separation for misconduct commission of a serious offense.
- e. On 16 November 2021, Petitioner was counseled for refusing to get the COVID-19 vaccine in accordance with MARADMIN 462/21. Petitioner acknowledged that he was being processed for administrative separation.
- f. On 5 April 2022, Petitioner was involuntarily discharged from the Marine Corps for misconduct due to commission of a serious offense with a general (under honorable conditions) 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).
- g. By memorandum dated [REDACTED], Headquarters, Marine Corps (HQMC) certified that Petitioner was prescreened in accordance with reference (b) and determined to meet retention standards. See enclosure (4).
- h. By memorandum dated [REDACTED], HQMC advised the Board as follows:

Petitioner entered a contract for eight years of total military service, establishing his Military Service Obligation (MSO) through 26 January 2029. On 5 March 2021, Petitioner executed an agreement to commence active duty for a period of four years, establishing his End of Active Service (EAS) and Expiration of Current Contract (ECC) as 4 March 2025. This enlistment is recommended to be recognized as valid and completed through the originally established ECC without interruption.

To facilitate continuous service in accordance with the anticipated Board directive, it is recommended that the Petitioner's record reflect a completed extension to his existing contract via NAVMC 321A. This extension would adjust his End of Active Service (EAS) and Expiration of Current Contract (ECC) to 5 September 2025. This administrative action serves as the appropriate contractual bridge to support reinstatement processing and ensure uninterrupted obligated service.

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Petitioner is now considered a Fiscal Year 2025 Marine in Zone A. In accordance with reference (c), MARADMIN 483/24, Marines with Primary Military Occupational Specialty (PMOS) 1833 are not eligible for a Zone A Selective Reenlistment Bonus (SRB) during FY25. As such, the Petitioner does not rate a bonus in conjunction with reinstatement. See enclosure (4).

i. By memorandum dated [REDACTED], advisory opinion, HQMC (MMPB-11) advised the Board as follows:

Petitioner would have been promoted to the rank of lance corporal with a date of rank and effective date of 1 April 2022. Due to insufficient data, MMPB-11 is unable to determine the promotion scores he would have received for promotion to corporal and sergeant. However, based on the time-in-grade and time-in-service requirements, Petitioner would have been eligible for promotion to corporal on 1 April 2023 and to sergeant on 1 February 2025. 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 Marine Corps solely for refusing the former COVID-19 vaccination mandate.

b. Having found an injustice in that Petitioner was involuntarily separated from the Marine Corps 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 Marine Corps 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 Marine Corps’ offer of reinstatement subject to the terms of reference (b).¹

(1) That Petitioner’s record be corrected to reflect that he was promoted to lance corporal with a date of rank of 1 April 2022; to corporal with a date of rank of 1 April 2023; and to sergeant with a date of rank of 1 February 2025. HQMC will make all appropriate service record entries of his correction promotion dates.

¹ 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).

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(2) That Petitioner's naval record be corrected to reflect that he was not discharged from the Marine Corps on 5 April 2022, but rather that he continued to serve honorably in the ranks indicated in paragraph 5a(1) above with no break in service at his last duty station. As such, Petitioner is to receive constructive service credit for the period from 5 April 2022 until the date that he is reinstated in the Marine Corps. To effectuate this relief, HQMC 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 requested and was approved for an extension prior to his original end of active obligated service (EAOS) date in order to facilitate his continuous service as recommended in paragraph 5(a)(2) above. That HQMC in consultation with Petitioner, complete an extension via NAVMC 321A, to adjust his End of Active Service (EAS) and Expiration of Current Contract (ECC) to 5 September 2025. This administrative action serves as the appropriate contractual bridge to support reinstatement processing and ensure uninterrupted obligated service. Marines with the PMOS 1833 are not eligible for a Zone A SRB during FY25. As such, the Petitioner does not rate a bonus in conjunction with reinstatement.

b. The Board further recommends that that HQMC 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 11" entries 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 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 (f) 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.

6/2/2025

[REDACTED]