

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 30 November 2020, 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 16 December 2020. See enclosure (2).

c. On 10 February 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 14 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 8 July 2025, BUPERS-328 advised the Board that Petitioner's official military personnel file shows Petitioner was a Seaman Apprentice (SA). Petitioner's Active Duty Service Date (ADSD) was 16 December 2020, and his Expiration of Active Obligated Service (EAOS) was 15 December 2024 with a Soft EAOS (SEAOS) of 15 December 2025. At the time of Petitioner's EAOS he would not have been eligible for Selective Reenlistment Bonus. See enclosure (4).

f. By memorandum dated 8 July 2025, the Office of the Chief of Naval Operations (N132) advised the Board that Petitioner would have been eligible for advancement to SN/E3 effective 16 June 2022 with a time in rate (TIR) of 1 June 2022. Petitioner was a Surface/Seaman Professional Apprenticeship Career Track (PACT) Program guarantee and would not yet be eligible for E4 until rated. 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 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 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 in February 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. 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 SN/E3 with an effective date of advancement of 16 June 2022. 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 two-year reenlistment contract on his EAOS of 15 December 2024.

(4) That appropriate administrative fillers be inserted into Petitioner's naval record to remove the gap in his record between 10 February 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.

8/6/2025

