



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

██████████
Docket No. 5791-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████ USN
XXX-XX-██████████

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) ALNAV 062/21, subj: 2021-2022 Department of Navy Mandatory COVID-19 Vaccination Policy, dtg 302126Z AUG 21
(d) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, 27 January 2025
(e) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/attachments
(2) DD Form 214
(3) DD Form 215
(4) Retention Eligibility Memo, 29 May 25
(5) Request for Advisory Opinion BUPERS-328, 8 Jul 25
(6) Office of the CNO (N132) Advisory Opinion, 8 Jul 25

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

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 22 July 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; and applicable statutes, regulations, and policies.

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:

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- a. On 5 August 2019, 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 3 February 2020. See enclosure (2).
- c. On 5 October 2020, Petitioner extended his enlistment for 12 months for training in the five-year obligor program for EM rating.
- d. Petitioner's record is incomplete, in that it does not contain the documents pertinent to page 13 counseling warnings and the administrative separation processing. Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties.
- e. On 13 April 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).
- f. On 31 January 2025, Naval Discharge Review Board (NDRB), granted the Petitioner's request to change the narrative reason for separation to Secretarial Authority, with the corresponding separation code of JFF, and reentry code to RE-1. See enclosure (3)
- g. By memorandum dated 29 May 2025, Navy Recruiting Command certified that Petitioner was prescreened in accordance with reference (b) and determined to meet retention standards. See enclosure (4).
- h. By memorandum dated 8 July 2025, BUPERS-328 advised the Board a review of the Petitioner's Official Military Personnel File (OMPF) shows he was an EM3. His Active Duty Service Date (ADSD) was 03 February 2020, and his Expiration of Active Obligated Service (EAOS) was 02 February 2024 with a Soft EAOS (SEAO) of 02 February 2025. At the time of his EAOS he would have been eligible for a Zone A, EM/0000 SRB 0.5 award level. BUPERS-328 further advised that a 3 year contract would have met SRB requirement by taking him into Zone B, allowing the extension to be utilized as AOS, and changing his EAOS to 01 February 2027. BUPERS-328 finally advised the SRB cannot exceed \$30,000 and SRB total bonus would be \$4,377.60 as an E-4 or \$4,821.30 as an E-5. See enclosure (5).
- i. By memorandum dated 8 July 2025, the Office of the Chief of Naval Operations (N132) advised the Board that Petitioner participated in Cycle 252 Navy-Wide Advancement Exam (NWAE) prior to discharge. Petitioner's Cycle 252 Profile Sheet reflects member advanced to EM3/E-4 effective 16 March 2022 with a TIR of 1 January 2022. The next advancement eligibility point to EM2/E-5 would be the September 2022 Cycle 256 NWAE. See enclosure (6).

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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.

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

(1) That Petitioner’s naval record be corrected to reflect that he was not discharged from the Navy on 13 April 2022, but rather that he continued to serve honorably in the ranks 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 13 April 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.

(2) That Petitioner’s record be corrected to reflect that he was promoted to electrician’s mate third class petty officer (EM3) with a date of rank of 16 March 2022. NPC will make all appropriate service record entries of his correction promotion date.

(3) That Petitioner’s naval record be corrected to reflect that he executed a three-year reenlistment contract on his EAOS date of 2 February 2024. Per enclosure (5), such reenlistment would entitle the Petitioner to a Zone A, EM/0000 SRB 0.5 award level SRB.

(4) That appropriate administrative fillers be inserted into Petitioner’s naval record to remove the gap in his record between 13 April 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

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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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.

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.

8/6/2025

