



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

█
Docket No. 6158-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █
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Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 462/21, Mandatory COVID-19 Vaccination of Marine Corps Active And Reserve Components, 1 Sep 21
(c) MARADMIN 733/21, Change 1 To Supplemental Guidance (2) To Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, 22 Dec 21
(d) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, of 27 Jan 25
(e) 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, 1 Apr 25
(f) 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, 7 May 25

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record
(3) Email by HQMC, Performance Branch (MMPB), 16 Jun 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 (Board), requesting that his naval record be corrected to show that Petitioner received back pay in accordance with reference (d).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 9 July 2025 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

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a. On 3 February 2020, Petitioner entered active duty for 5 years with an end of current contract of 2 February 2025.

b. In accordance with reference (b), this MARADMIN 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 cancels and replaces ref (a) [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, commanding officers, 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.

c. On 28 September 2021, Petitioner signed an Administrative Remarks (NAVMC 118(11) listing the following: “Counseled this date concerning MARADMIN 462/21 (MANDATORY COVID-19 VACCINATION OF MARINE CORPS ACTIVE AND RESERVE COMPONENTS).

MARADMIN 462/21, effective 1 September 2021, is a military order issued by the Commandant of the Marine Corps. Paragraph 3.a of MARADMIN 462/21 ordered that 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 28 November 2021. All non-exempt reserve component personnel will achieve full vaccination no later than 28 December 2021. To be in compliance, active component

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personnel must receive their final dose no later than 14 November 2021 (14 December 2021 for reserve component personnel). Active component personnel receiving the Pfizer-BioNTech / Comirnaty vaccine must receive their first dose no later than 24 October 2021 to be in compliance (24 November 2021 for reserve component personnel).”

d. On 4 October 2021, Commanding Officer, [REDACTED] notified Petitioner that “[i]n accordance with the MARADMIN 462/21, ALNAV 062/21, and Para. 1144, U.S. Navy Regulations (1990), you are hereby ordered to ensure that you are fully vaccinated against COVID-19 no later than 28 November 2021. To be in compliance with this order, you must receive your final dose of COVID- 19 vaccine no later than 14 November 2021. If you receive the Pfizer- BioNTech / Comirnaty vaccine, then you must get your first dose no later than 24 October 2021.”

e. On 16 November 2021, Petitioner signed an Administrative Remarks (NAVMC 118(11) listing the following: “Counseled this date concerning the following deficiencies: Violation of Article 92, Uniform Code of Military Justice (failure to obey a lawful general order and failure to obey other lawful order). On 28 September 2021, you were counseled to ensure that you were fully vaccinated against COVID-19 in accordance with MAKADM1N 462/21. On 4 October 2021, you received a lawful order in writing to ensure that you received your first dose of vaccine no later than 24 October 2021 and your second dose no later than 14 November 2021. You have failed to comply with these orders.”

f. On 16 November 2021, Commanding Officer, [REDACTED] notified Petitioner that “[y]ou are hereby notified that I intend to recommend to the Commanding General, [REDACTED] Marine Aircraft Wing that you be discharged from the U.S. Marine Corps/U.S. Marine Corps Reserve in accordance with paragraph 6210.6 of the reference by reason of: a. Separation Basis: Misconduct (1) GENERAL BASIS: Commission of a Serious Offense. (2) SPECIFIC BASIS: Article 92 - failure to obey a lawful general order and failure to obey other lawful order.”

g. On 17 December 2021, Commanding General, [REDACTED] notified Commandant of the Marine Corps (MMRP-20), Headquarters, U.S. Marine Corps that “[r]eaddressed and forwarded for filing in accordance with section 6311 of MCO 1900.16.

I have carefully reviewed the respondent's Separation History and Physical Examination (SHPE) and determined that no medical condition had an effect on the performance or conduct resulting in the basis for separation.

The recommendation that the Respondent be administratively discharged from the United States Marine Corps is approved. By copy of this letter, the Respondent's Commanding Officer is directed to take those administrative steps necessary to effect subject Marine's separation within 5 working days from the date of receipt of this letter under the following criteria:

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a. Characterization of Service: General (under Honorable conditions). b. Authority for Discharge: MARCORSEPMAN, par.6210.6. c. Separation Code: JKM1 - MISCONDUCT (OTHER). d. Reenlistment Code: RE-4. e. Suspension: 0 month(S).”

h. In accordance with reference (c) (22 December 2021), this MARADMIN 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.

i. On 31 January 2023, Secretary of the Navy Council of Review Boards notified Petitioner 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-1A.”

j. Petitioner was discharged with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 3 February 2020 to 22 December 2021 for Secretarial Authority. Authorized Official sign on 9 March 2023.

k. In accordance with reference (d) (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

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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.

1. On 23 March 2025, Petitioner reenlisted for 4 years with an end of current contract of 22 March 2029.

m. In accordance with reference (e) (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 voluntary 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.

n. In accordance with reference (f) (7 May 2025), the 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,

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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...

o. In accordance with Marine Corps Total Force System (Basic Individual Record), Petitioner's Pay Entry Base Date (PEBD)/Armed Forces Active Duty Base Date (AFADBD) is 3 May 2023. Petitioner's Present Grade is E-3 and Date of Rank (DOR) is listed as 23 March 2025.

p. On 13 June 2025, the Board requested clarification as to Petitioner's eligibility to the rank of Corporal/E-4 to Headquarters, U.S. Marine Corps (HQMC). On 16 June 2025, the Performance Branch (MMPB), HQMC notified the Board that, "[w]hen SNM separated from the Marine Corps their score was a 258. They did not meet or exceed the cutoff score for promotion to Corporal for any dates from 1 April 2022 (became eligible) to current (20250601)." Enclosure (3).

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of references (d), (e) and (f), the Board finds the existence of an injustice warranting the following corrective action. The Board determined that on 22 December 2021, Petitioner was discharged due to refusing to comply with reference (b). On 27 January 25, reference (d) was published, and stated that, "...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

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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.” On 23 March 2025, Petitioner reenlisted for 4 years in the U.S. Marine Corps. The Board determined that Petitioner was discharged solely for refusal to receive the COVID-19 vaccine, therefore relief is warranted.

RECOMMENDATION

That Petitioner’s naval record be corrected, where appropriate, to show that:

Petitioner’s discharge from the U.S. Marine Corps effective 22 December 2021, is rescinded.

Petitioner’s PEBD/AFADBD is 3 February 2020 vice 3 May 2023.

Petitioner’s Lance Corporal/E-3 DOR is 1 April 2021 vice 23 March 2025.

Petitioner executed a 2 month agreement to extend enlistment (NAVMC 321A), operative on 3 February 2025. Furthermore, this change will not affect Petitioner’s current reenlistment contract of 23 March 2025.

Note: 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 for COVID-19. Furthermore, any other corrections affected by the Board’s recommendation be corrected. Finally, the Defense Finance and Accounting Service will complete an audit of Petitioner’s pay records to determine amounts due, if any.

A copy of this report of proceedings will be filed in Petitioner’s naval record.

4. 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.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

7/24/2025

