



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

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Docket No. 6603-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code (USC). After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 12 August 2025. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board carefully considered your request to correct your record to reflect “full active duty retirement pay and benefits, equivalent to that of a service member who completed 20 years of honorable service” or, in the alternative, medical retirement “according to [your] total service time.” If this relief is not possible, you requested this Board “waive the reinstatement requirement and authorize retirement pay and benefits equitable to what [you] would have received had [you] been able to complete the remaining 15 months of service.” You contend that “under undue pressure” and with no desire to leave, you separated from the Navy on 22 April 2022 “due to the COVID-19 vaccine mandate, just 15 months short of 20 years.” You explain that you are currently physically unable to return to service due to service-related medical issues that have progressed since the mandate.

The Board, however, determined the available guidance flowing from Executive Order (EO) 14184 does not provide a mechanism to grant you constructive credit to attain sufficient service for retirement. The Board noted the email documentation you submitted indicates you voluntarily chose to allow your contract to expire rather than be vaccinated. The current guidance provides a path for reinstatement for those who were involuntarily separated and/or those 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. Upon reinstatement, the guidance allows for correction of the record to reflect no break in service, restoration of previous grade, and credit for lost service time. The Board noted your contention that you are currently not physically able to serve and considered the Department of Veterans Affairs (VA) entitlement letter you sent to support your contention. However, your VA entitlement is insufficient evidence to establish that you are not physically qualified to return to service. Absent documentation reflecting denial of your request to be reinstated due to not being physically qualified, the Board determined there was no basis to grant your request for constructive credit.

The Board also considered your request for medical retirement. However, the Board observed that, in order to qualify for military disability benefits through the Disability Evaluation System (DES) with a finding of unfitness, a service member must be unable to perform the duties of his/her office, grade, rank or rating as a result of a qualifying disability condition. In reviewing your record, the Board concluded the preponderance of the evidence does not support a finding that you met the criteria for unfitness as defined within the DES at the time of your discharge. There is no indication you were referred to a Medical Evaluation Board for any potential unfitting conditions. Similarly, there are no indications you were unable to perform your work. To the extent you rely upon the post-service findings by the VA, the Board noted the VA does not make determinations as to fitness for service as contemplated within the service DES. Rather, eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated.

Therefore, based on the available evidence and applying the guidance flowing from EO 14184, the Board concluded there is insufficient evidence of an error or injustice warranting a change to your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

8/25/2025

