



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

Docket No. 6974-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USN, XXX-XX-[REDACTED]

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) Retention Eligibility Memo, 1 Jul 25
(4) Request for Advisory Opinion BUPERS-328, 17 Jul 25
(5) Office of the CNO (N132) Advisory Opinion, 17 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 [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 29 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 29 May 2018, Petitioner enlisted in the United States Navy for a period of eight years, with a three-year active duty obligation.
- b. Petitioner entered active duty pursuant to the enlistment described in paragraph 3a above on in the Navy on 11 July 2018. See enclosure (2).
- c. On 31 May 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).
- d. By memorandum dated 1 July 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 17 July 2025, BUPERS-328 advised the Board A review of the petitioner's Official Military Personnel File (OMPF) reflects he was a RS3/E4. Petitioner's Active Duty Service Date (ADSD) was 11 July 2018, and his Expiration of Active Obligated Service (EAOS) was 10 July 2023. At the time of his EAOS he would not have been eligible for an reenlistment bonus. See enclosure (4).
- f. By memorandum dated 17 July 2025, the Office of the Chief of Naval Operations (N132) advised the Board that Petitioner would have been eligible to participate in the Navy-wide Advancement Examination (NWAE) Cycle 255 in March 2022 for an advancement opportunity to RS2/E5. If Petitioner advanced to RS2/E5 from Cycle 255, effective date of advancement would have been between July-December 2022, with last effective date of pay being December 16, 2022, and a TIR of 1 July 2022. The next advancement eligibility point to E6 would be the March 2025 advancement Cycle 267 NWAE. 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 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

(1) That Petitioner's record be corrected to reflect that he was promoted to retail services specialist second class petty officer (RS2) with a date of rank of 1 July 2022. NPC will make all appropriate service record entries of his correction promotion date.

(2) That Petitioner's naval record be corrected to reflect that he was not discharged from the Navy on 31 May 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 31 May 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.

(3) That Petitioner's naval record be corrected to reflect he executed a three-year reenlistment contract on his EAOS of 10 July 2023.

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

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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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.

8/7/2025

