



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 7230-25

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████

██████████ USMC

- Ref:
- (a) 10 U.S.C. §1552
 - (b) MCO P1900.16F, Marine Corps Separation and Retirement Manual (Short Title: MARCORSEPMAN), 30 May 2001 (with Changes 1-2, 6 June 2007)
 - (c) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, 27 January 2025
 - (d) USD (P&R) 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 2025
 - (e) USD (P&RA) 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
 - (f) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

- Encl:
- (1) DD Form 149, signed 31 March 2025 (with attachments)
 - (2) DD Form 214
 - (3) SECDEF Memo, subj: Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members, 24 August 2021
 - (4) ALNAV 062/21, subj: 2021- 2022 Department of Navy Mandatory COVID-19 Vaccination Policy, dtg 302126Z AUG 21
 - (5) MARADMIN 462/21, subj: Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 011400Z SEP 21
 - (6) NAVMC 118(11), Administrative Remarks (1070), 7 October 2021
 - (7) MARADMIN 533/21, subj: Supplemental Guidance to Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 061806Z OCT 21
 - (8) MARADMIN 612/21, subj: Supplemental Guidance (2) to Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 222100Z OCT 21
 - (9) ██████████, ██████████ CO Memo 1910 SJA, subj: Notification of Separation Proceedings, 15 November 2021
 - (10) Petitioner's Memo, subj: Acknowledgment of my Rights to be Exercised or Waived During Separation Proceedings, 22 November 2021
 - (11) NAVMC 118(11), Administrative Remarks (1070), 22 November 2021
 - (12) ██████████, ██████████ CO Memo 1910 13170, subj: Recommendation for Administrative Discharge of [Petitioner], 7 January 2022

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- (13) [REDACTED] CG Memo 1900, subj: Recommendation for Administrative Discharge of [Petitioner], 30 April 2022
- (14) DD Form 4, Enlistment/Reenlistment Document – Armed Forces of the United States, 8 August 2023
- (15) DD Form 4, Enlistment/Reenlistment Document – Armed Forces of the United States, 27 October 2025

1. Pursuant to the provisions of reference (a), the Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, requesting that his discharge be upgraded to honorable (with concurrent corrections to the associated entries on his DD Form 214) and that his naval record be corrected as necessary to establish he was not involuntarily separated from the Marine Corps but rather than he continued to serve with no break in service until 8 August 2023.

2. A three-member panel of the Board convened in executive session on 4 March 2026 to review Petitioner's allegations of error or injustice in accordance with its governing policies and procedures, and determined that the corrective action reflected in paragraph 6 below should be taken upon Petitioner's naval record in the interests of justice.¹ 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. 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. Petitioner enlisted in the Marine Corps and commenced a period of active duty service on 13 January 2020. See enclosure (2).

b. By memorandum dated 24 August 2021, the Secretary of Defense (SECDEF) mandated that all members of the Armed Forces under Department of Defense (DOD) authority be fully vaccinated against the COVID-19 virus with a vaccine receiving full licensure from the Food and Drug Administration (FDA).² Accordingly, he directed the Service Secretaries to immediately begin full vaccination of all Service members of their respective services. See enclosure (3).

c. On 30 August 2021, the Secretary of the Navy (SECNAV) implemented the SECDEF's directive referenced in paragraph 3b above in ALNAV 062/21, ordering all Department of the Navy (DON) active-component Service Members who were not already vaccinated or exempted to be fully vaccinated within 90 days with an FDA-approved COVID-19 vaccination. In issuing this directive, SECNAV made the following statement:

¹ Petitioner's application was originally reviewed by the Board on 30 September 2025. However, before the decision for that case was published the Board received and reviewed several other applications with a similar fact pattern to the one presented in Petitioner's case. The Board also received a new application from Petitioner on 24 February 2026 which included documentation of Petitioner's reenlistment in the U.S. Army (see paragraph 3o below). For this reason, Petitioner's case was reopened to ensure consistency in the Board's treatment of the circumstances of Petitioner's case and to address the new evidence provided.

² A Service member was considered to be fully vaccinated two weeks after completing the second dose of a two-dose COVID-19 vaccine, or two weeks after receiving a single dose of a one-dose vaccine.

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The order to obtain full vaccination is a lawful order, and failure to comply is punishable as a violation of a lawful order under Article 92, Uniform Code of Military Justice [(UCMJ)], and may result in punitive or adverse administrative action or both. The Chief of Naval Operations and Commandant of the Marine Corps [(CMC)] have authority to exercise the full range of administrative and disciplinary actions to hold non-exempt Service Members appropriately accountable. This may include, but is not limited to, removal of qualification for advancement, promotions, reenlistment, or continuation, consistent with existing regulations, or otherwise considering vaccination status in personnel actions as appropriate.

See enclosure (4).

d. On 1 September 2021, the CMC published MARADMIN 462/21 to implement the COVID-19 vaccination mandates referenced in paragraphs 3b and 3c above in the Marine Corps. Specifically, MARADMIN 462/21 directed all non-exempt active-component Marines to achieve full vaccination no later than 28 November 2021. See enclosure (5).

e. On 7 October 2021, Petitioner was formally counseled in writing regarding the COVID-19 vaccination mandate discussed in paragraph 3d above because he had not yet received his first dose of an approved COVID-19 vaccine. Petitioner acknowledged this counseling without comment. See enclosure (6).

f. On 6 October 2021, Headquarters, Marine Corps (HQMC) published MARADMIN 533/21 to supplement the guidance of MARADMIN 462/21 referenced in paragraph 3d above. MARADMIN 533/21 provided that commanders could initiate adverse administrative or judicial proceedings against Marines refusing to comply with the COVID-19 vaccination mandate referenced in paragraphs 3b – 3d above without waiting until the 28 November 2021 deadline referenced in paragraph 3d. See enclosure (7).

g. On 22 October 2021, HQMC published MARADMIN 621/21 to supplement the guidance of MARADMIN 462/21 referenced in paragraph 3d above. MARADMIN 621/21 provided that Marines refusing the COVID-19 vaccination absent an approved administrative or medical exemption, religious accommodation, or pending appeal “shall be processed for administrative separation.” Specifically, MARADMIN 621/21 directed commanders to notify any enlisted Marine refusing the vaccine of their intent to recommend to the general court-martial convening authority (GCMCA) that the Marine be involuntarily separated, and that the least favorable characterization of service that may be approved if the sole basis for separation was vaccine refusal was “General (under honorable conditions).” See enclosure (8).

h. By memorandum dated 15 November 2021, Petitioner was formally notified that he was being recommended for discharge from the Marine Corps for misconduct due to commission of a serious offense. The factual basis stated for this recommendation was Petitioner’s refusal to comply with the mandate of MARADMIN 462/21d above. In accordance with the guidance contained in MARADMIN 621/21 as discussed in paragraph 3g above, Petitioner was informed that the least favorable characterization of his service that could be approved was “General (under honorable conditions).” See enclosure (9).

i. Petitioner acknowledged the notice referenced in paragraph 3h above on 22 November 2021 and elected not to submit a statement in response after consulting with counsel. See enclosure (10).

j. On 22 November 2021, Petitioner was again formally counseled in writing for refusing the COVID-19 vaccination mandate and acknowledged that he was being processed for administrative separation for misconduct due to commission of a serious offense. He elected not to submit a statement in response to this counseling. See enclosure (11).

k. By memorandum dated 7 January 2022, Petitioner's battalion commander recommended that Petitioner be separated from the Marine Corps with a general (under honorable conditions) characterization of service for violating MARADMIN 462/21 by refusing to become fully vaccinated against COVID-19. See enclosure (12).

l. By memorandum dated 30 April 2022, Petitioner's GCMCA approved the recommendation that Petitioner be administratively discharged from the Marine Corps with a general (under honorable conditions) characterization of service for misconduct due to commission of a serious offense. See enclosure (13).

m. On 9 May 2022, Petitioner was discharged from the Marine Corps with a general (under honorable conditions) characterization of service for misconduct due to commission of a serious offense. See enclosure (2).

n. On 8 August 2023, Petitioner's enlisted in the U.S. Army with an active duty service obligation (ADSO) of three years and two weeks. See enclosure (14).

o. On 27 October 2025, Petitioner reenlisted in the U.S. Army with an additional two years ADSO. See enclosure (15).

4. Petitioner's Application. Petitioner submitted a DD Form 149 to the Board in March 2025 requesting the corrective action discussed in paragraph 1 above. Specifically, he asserted that he was entitled to this relief in accordance with references (c) and (e). See enclosure (1).

5. Conclusions.³

a. The Board found no error in Petitioner's discharge with a general (under honorable conditions) characterization of service for misconduct due to commission of a serious offense when it was administered. In accordance with paragraph 6210.6 of reference (b), a Marine may be processed for separation for misconduct due to commission of a serious offense when the specific circumstances of the offense warrant separation and a punitive discharge would be authorized for the same or a closely related offense under the UCMJ. Petitioner refused to comply with the order in MARADMIN 462/21 to become fully vaccinated against COVID-19 and such refusal constituted a violation of Article 92, UCMJ, for which a punitive discharge was authorized according to the Manual for Courts-Martial. As discussed in paragraph 3g above, the

³ The Board's conclusions were unanimous.

processing of Marines without an approved or pending exception or accommodation request for administrative separation upon this basis was also mandated by MARADMIN 621/21. Accordingly, the factual predicate for Petitioner's discharge upon this basis was satisfied, and his processing for administrative separation under these circumstances was mandated by Marine Corps policies in effect at the time. It also appears that all procedural requirements were satisfied to sustain Petitioner's discharge upon this basis, as he was properly notified and waived his rights with regard to the administrative separation process with the advice of counsel before any action was taken to separate him. Petitioner's separation was also approved by his GCMCA, in accordance with MARADMIN 621/21. Finally, the Board found no error in the characterization of Petitioner's discharge given the circumstances. In accordance with paragraph 6210.1, the characterization of service normally assigned to discharges based upon misconduct is under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted in some circumstances. As MARADMIN 621/21 directed that the least favorable characterization for a discharge based solely upon refusal of the COVID-19 vaccination mandate that could be approved was "General (under honorable conditions)," the circumstances of Petitioner's case were such that a general (under honorable conditions) characterization could be (and should have been) approved.

b. While finding no error in Petitioner's discharge with a general (under honorable conditions) for misconduct due to commission of a serious offense when it was administered, the Board did find sufficient evidence of an injustice warranting corrective action. In reference (c), the President described the former COVID-19 vaccination mandate as "an unfair, overbroad, and completely unnecessary burden on our service members." He further stated that "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." Additionally, per the Attachment to reference (d), the former requirement that Service members receive the COVID-19 vaccine without an adequate due process mechanism for vaccine accommodation was an injustice. Since Petitioner was involuntarily discharged in a manner described by the President as unjust solely for refusing an order which the President also described as unfair and overbroad, and the binding guidance of reference (d) describes that mandate as in injustice, the Board found the adverse consequences resulting from that unjust discharge to also represent an injustice warranting corrective action.

c. In accordance with the Attachment to reference (d), the Board should normally grant requests to upgrade the characterization of service to "Honorable," to change the narrative reason for enlisted separations to "Secretarial Authority, and to change the reentry code to an immediately-eligible-to-reenter code when: (1) The former Service member was involuntarily separated; (2) The separation was based solely upon the former member's refusal to receive the COVID-19 vaccine; and (3) There are no aggravating factors in the Service member's record, such as misconduct. Petitioner satisfied each of these criteria. Accordingly, the Board determined that his characterization of service should be upgraded to honorable, his narrative reason for separation changed to "Secretarial Authority," and his reentry code changed to "RE-1A."

d. In addition to finding that an upgrade to Petitioner's discharge is warranted, the Board also determined that the corrective action necessary to establish Petitioner's eligibility for back

pay (i.e., correction of his record to reflect that he was never actually discharged, but rather continued to serve honorably with no break in service) is also appropriate under the specific circumstances of his case. Reference (e) established the process to implement the President's directive in reference (c) to reinstate former members discharged solely for refusing the former vaccine mandate with back pay, and provided that the correction of military records to establish eligibility for back pay was contingent upon the member's acceptance of a four-year service commitment. It further provided that reinstatement of members involuntarily separated "will not be afforded to those who are unwilling or unable to return to active service ... for at least 4 years." Because Petitioner has already enlisted in the U.S. Army, he is unable to return to active service in the Marine Corps and therefore does not qualify for reinstatement with back pay pursuant to the guidance of reference (e). While Petitioner is not eligible for back pay according to the guidance of reference (e), the Board has broad statutory authority to correct his record in any way it deems necessary to address an injustice. As such, the Board is not prohibited by reference (e) from granting such relief if deemed necessary and appropriate. In this regard, the Board did not believe that Petitioner's selfless decision to commit himself to service in the U.S. Army before the opportunity for reinstatement in the Marine Corps (with back pay) became available to him should serve as a barrier to the back pay which may be afforded to similarly situated former members who simply waited until the opportunity for reinstatement came about. With his recent reenlistment in U.S. Army, Petitioner has committed himself to more than four years of active duty service in the Army, so he has effectively satisfied the requirement of reference (e) that members commit themselves to such service in order to receive back pay. Accordingly, the Board determined that Petitioner should receive constructive service credit in the Marine Corps from 10 May 2022 (i.e., the date following his discharge from the Marine Corps) until 7 August 2023 (i.e., the day before his enlistment in the U.S. Army).

6. Recommendations. Based upon its conclusions discussed in paragraph 5 above, the Board recommends that the following corrective actions be taken upon Petitioner's naval record in the interests of justice:

a. That Petitioner's naval record be corrected to reflect that he was not discharged from the Marine Corps on 9 May 2022 but rather that he continued to serve honorably at his previous grade and duty location with no break in service until 7 August 2023. To effectuate this relief, 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 existing DD Form 214 and the documents related to his administrative separation process.

b. That Petitioner be issued a new DD Form 214 reflecting that he was honorably discharged from the Marine Corps with a separation date of 7 August 2023 and that the reason for his discharge was "Secretarial Authority" (with corresponding entries in the separation authority and separation code boxes). His reentry code shall reflect "RE-1A" and the entries of block 12 shall be adjusted to reflect Petitioner's corrected separation date.

c. That Petitioner be issued an Honorable Discharge Certificate for his corrected Marine Corps service ending date of 7 August 2023.

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d. That HQMC carefully scrubbed Petitioner's naval record and remove any adverse information pertaining to his refusal of the former COVID-19 vaccination mandate and/or his involuntary discharge for misconduct, including but not necessarily limited to the two "Page 11" counseling statements described herein and the documentation pertaining to his administrative separation process.

e. Upon correction of Petitioner's record as directed herein, copies of Petitioner's corrected records and this record of proceedings shall be provided to the Defense Finance and Accounting Service (DFAS) to determine what, if any, back pay and allowance may be due to Petitioner as a result of this corrective action.

f. That a copy of this record of proceedings be filed in Petitioner's naval record.

g. That no further corrective action be taken upon Petitioner's naval record.

7. 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.

8. Having assured compliance with the provisions of reference (f), I hereby announce that the foregoing action of the Board, to include its recommended corrective action reflected in paragraph 6 above, is approved and ordered executed on behalf of the SECNAV pursuant to the authority delegated in Section 6e of Enclosure (1) to reference (f) and in accordance with reference (a).

3/11/2026

