



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

██████████
Docket No. 7552-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
XXX XX ██████████ USMC

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) MARADMIN 733/21, subj: Change 1 to Supplemental Guidance (2) to Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 222015Z DEC 21
(d) MARADMIN 462/21, subj: Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 011400Z SEP 21
(e) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, 27 January 2025
(f) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/attachments
(2) DD Form 214
(3) HQMC Retention Eligibility Memo
(4) HQMC (MMPB-11) Advisory Opinion, 4 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, 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 Marine Corps Reserve and that continued to serve without interruption. Additionally, Petitioner requested that his reinstatement be aligned with a reenlistment, and he be considered for 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 23 January 2019, Petitioner enlisted in the Marine Corps Reserve for a period of eight years.

b. Petitioner entered active duty in the Marine Corps pursuant to the enlistment described in paragraph 3a above on 8 July 2019. Petitioner was released from active duty at the completion of his initial duty for training and assigned to his Reserve unit on 28 February 2020. See enclosure (2).

c. On 6 January 2022, Petitioner refused an available inoculation, specifically a COVID-19 inoculation. Petitioner was advised that failure to take corrective action and any further violations of the UCMJ may result in punitive and or administrative action, including but not limited to administrative separation.

d. On 3 May 2022, Petitioner was involuntarily discharged from the Marine Corps Reserve 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.

e. By memorandum, Headquarters, Marine Corps (HQMC) certified that Petitioner was prescreened in accordance with reference (b) and determined to meet retention standards. See enclosure (3).

f. By memorandum, HQMC advised the Board as follows:

Petitioner entered a contract for eight-year enlistment, consisting of six years in the SMCR and two years in the Individual Ready Reserve (IRR). This contract established his Military Service Obligation (MSO) through 22 January 2027, his Mandatory Drill Participation Stop Date (MDPSD) as 22 January 2025, and his Reserve Expiration of Current Contract (RECC) as 22 January 2025. Petitioner was involuntarily administratively separated on 28 February 2020. This enlistment is recommended to be recognized as valid and completed through the originally established drilling obligation without interruption.

To facilitate continuous service in accordance with the anticipated Board directive, it is recommended that Petitioner's record reflect a completed eight-month extension to his current contract, establishing a new RECC of 22 September 2025. This extension serves as the appropriate administrative action to support reinstatement processing and preserve obligated service requirements.

As a result of this action, Petitioner is now considered a Fiscal Year (FY) 2025 Reserve First Term Alignment Plan (FTAP) Marine. Per reference (d), Petitioner is eligible for promotion to Sergeant on 1 September 2023. Petitioner is eligible for a \$15,000 SRB-R in accordance with reference (e), which authorizes the incentive for Sergeants in MOS 3531 who obligate to serve in a SMCR unit for three years. See enclosure (3).

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g. By memorandum dated 4 June 2025, advisory opinion, HQMC (MMPB-11) advised the Board as follows:

Petitioner was promoted to the rank of lance corporal with a date of rank and effective date of 1 September 2020. Due to insufficient data, MMPB-11 is unable to determine the promotion scores he would have received for promotion to corporal and sergeant. However, based on the time-in-grade and time-in-service requirements, he would have been eligible for promotion to corporal on 1 September 2022 and to sergeant on 1 September 2023. See enclosure (4).

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 Marine Corps solely for refusing the former COVID-19 vaccination mandate.

b. Having found an injustice in that Petitioner was involuntarily separated from the Marine Corps Reserve 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 Marine Corps Reserve 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 Marine Corps’ 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 Marine Corps Reserve on 3 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 3 May 2022 until the date that he is reinstated in the Marine Corps Reserve. 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 DD Form 214 and the documents related to his administrative separation process.

(2) That Petitioner’s discharge from the Marine Corps Reserve effective 3 May 2022 is rescinded

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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(3) Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending **22 January 2023**. Note: To accomplish this, in addition to the 2 paid Inactive Duty Training (IDT) points Petitioner already earned, Petitioner was credited with 33 IDT points for the following periods:

7 to 8 May 2022 (4 points),
4 to 5 June 2022 (4 points),
2 to 3 July 2022 (4 points),
6 to 7 August 2022 (4 points),
3 to 4 September 2022 (4 points),
1 to 2 October 2022 (4 points),
5 to 6 November 2022 (4 points),
3 to 4 December 2022 (4 points),
7 January 2023 (1 points),
Plus 15 membership points

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending **22 January 2024**. Note: To accomplish this, a total of 35 paid IDT points were credited for the following periods:

4 to 5 February 2023 (4 points)
4 to 5 March 2023 (4 points),
1 to 2 April 2023 (4 points),
6 to 7 May 2023 (4 points),
3 to 4 June 2023 (4 points),
1 to 2 July 2023 (4 points),
5 to 6 August 2023 (4 points),
2 to 3 September 2023 (4 points),
7 to 8 October 2023 (3 points),
Plus 15 membership points.

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending **22 January 2025**. Note: To accomplish this, a total of 35 paid IDT points were credited for the following periods:

3 to 4 February 2024 (4 points)
2 to 3 March 2024 (4 points),
6 to 7 April 2024 (4 points),
4 to 5 May 2024 (4 points),
1 to 2 June 2024 (4 points),
6 to 7 July 2024 (4 points),
3 to 4 August 2024 (4 points),
7 to 8 September 2024 (4 points),
5 to 6 October 2024 (3 points),
Plus 15 membership points.

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Petitioner completed all training and administrative requirements for anniversary year **23 January 2025 to 22 July 2025**. Note: To accomplish this, Petitioner was credited with 24 IDT points for the following periods:

1 to 2 February 2025 (4 points)
1 to 2 March 2025 (4 points),
5 to 6 April 2025 (4 points),
3 to 4 May 2025 (4 points),
7 to 8 June 2025 (4 points),
5 to 6 July 2025 (4 points),
plus, the appropriate membership points for this period.

(4) That his enlistment is to be recognized as valid and completed through the originally established ECC without interruption. That HQMC in consultation with Petitioner, complete an extension for eight months to his current contract, establishing a new RECC of 22 September 2025. This administrative action serves as the appropriate contractual bridge to support reinstatement processing and ensure uninterrupted obligated service. As a result of this action, the Petitioner is now considered a Fiscal Year (FY) 2025 Reserve First Term Alignment Plan (FTAP). Petitioner is eligible for a \$15,000 SRB-R, which authorizes the incentive for sergeants in MOS 3531 who obligate to serve in a SMCR unit for three years.

(5) That Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary years through his reinstatement. To accomplish this, a total of 35 paid drill points and 15 membership points will be credited.

(6) That Petitioner's record be corrected to reflect that he was promoted to corporal with a date of rank of 1 September 2022; and to sergeant with a date of rank of 1 September 2023. HQMC will make all appropriate service record entries of his correction promotion dates.

(7) 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 HQMC 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 11" 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.

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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.

9/5/2025

