



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

Docket No. 7586-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) Petitioner's Physical Evaluation Board (PEB) documentation

Encl: (1) DD Form 149
(2) SECDEF Memo, subj: Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members, 24 Aug 21
(3) ALNAV 062/21, subj: 2021-2022 Department of the Navy Mandatory COVID-19 Vaccination Policy, dtg 302126Z AUG 21
(4) NAVADMIN 190/21, subj: 2021-2022 Navy Mandatory COVID-19 Vaccination and Reporting Policy, dtg 311913Z AUG 21
(5) NAVPERS 1070/613 Administrative Remarks, 1 September 2021
(6) NAVADMIN 225/21, subj: COVID-19 Consolidated Disposition Authority (CCDA), dtg 132050Z OCT 21
(7) NAVADMIN 256/21, subj: CCDA Guidance to Commanders, dtg 152239Z NOV 21
(8) NAVADMIN 283/21, subj: CCDA Execution Guidance to Commanders, dtg 151203Z DEC 21
(9) NAVPERS 1910/31 Administrative Separation Processing Notice, 20 December 2021
(10) [REDACTED] 1910 Ser N00J/235 Memo, subj: Recommendation for Administrative Separation ICO [Petitioner], 28 December 2021
(11) Certificate of Release or Discharge from Active Duty (DD Form 214)
(12) SECDEF Memo, subj: Rescission of August 24, 2021 and November 30, 2021 Coronavirus Disease 2019 Vaccination Requirements for Members of the Armed Forces, 10 Jan 23
(13) NAVADMIN 005/23, subj: Removal of COVID-19 Vaccination Mandate, dtg 112139Z JAN 23
(14) ALNAV 009/23, subj: Rescission of COVID-19 Vaccination Requirement for Members of the Armed Forces, dtg 201839Z JAN 23
(15) NAVADMIN 065/23, subj: Follow On COVID-19 Vaccine Rescission Actions, dtg 061627Z MAR 23
(16) ASN (M&RA) Memo, subj: Correction of Naval Records for Former Members of the Department of the Navy Following Rescission of the August 24, 2021, and November 30, 2021, Coronavirus Disease 2019 Vaccination Requirements for Former Members of the Armed Forces, 6 September 2023
(17) Executive Order 14184 of 27 January 2025

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

- (18) SECDEF Memo, subj: Providing Remedies for Service Members and Veterans Negatively Impacted by the Department's Defunct Coronavirus Disease 2019 Vaccination Mandate Based Executive Order, 6 February 2025
- (19) USD (P&R) Memo, subj: Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements, 1 April 2025
- (20) SECDEF Memo, subj: Providing Supplemental Remedies for Service Members and Veteran Negatively Impacted by the Department's Defunct Coronavirus Disease 2019 Vaccination Mandate, 23 April 2025
- (21) USD (P&R) Memo, subj: 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

1. Pursuant to the provisions of reference (a) section 1552, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting transfer to the permanent disability retired list (PDRL) with a rating of 70%.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 March 2026, and pursuant to its regulations, determined 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 records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, made the following findings:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy (DON).

b. A review of reference (b) indicates Petitioner was referred to the Integrated Disability Evaluation System (IDES) on 9 August 2021 due to UNSPECIFIED MOOD (AFFECTIVE) DISORDER.

c. By memorandum dated 24 August 2021, the Secretary of Defense (SECDEF)¹ 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 (2).

d. On 30 August 2021, the Secretary of the Navy (SECNAV) implemented the SECDEF's directive referenced in paragraph 3c above in ALNAV 062/21, ordering all DON active duty

¹ Due to the reference material utilizing the previous title of Secretary of Defense (SECDEF) and referring to the department as the Department of Defense (DoD), this decision document uses the same titles.

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.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

Service Members who were not already vaccinated or exempted to be fully vaccinated within 90 days, and all Reserve Component Service Members to be fully vaccinated within 120 days with an FDA-approved COVID-19 vaccination. In issuing this directive, SECNAV made the following statement:

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, and may result in punitive or adverse administrative action or both. The Chief of Naval Operations and Commandant of the Marine Corps 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 (3).

e. On 31 August 2021, the Navy published NAVADMIN 190/21 to implement the COVID-19 vaccination mandates referenced in paragraphs 3c and 3d above. Specifically, NAVADMIN 190/21 directed all Active Duty Navy service members, service members in the Selected Reserve, and Individual Ready Reserve service members to be fully vaccinated against COVID-19, unless medically or administratively exempt. All non-exempt Active Duty Navy service members were to achieve full vaccination no later than 28 November 2021,³ while all non-exempt Ready Reserve Navy service members were to achieve full vaccination no later than 28 December 2021.⁴ NAVADMIN 190/21 further specified that this mandate “constitutes a lawful order” and “[r]efusal to be fully vaccinated against COVID-19, absent an approved exemption, will constitute a failure to obey a lawful order and is punishable under the Uniform Code of Military Justice and/or may result in administrative action.” It further provided that ultimate disposition will be determined by the designated COVID Consolidated Disposition Authority (CCDA) who will serve as the “central authority for adjudication.” See enclosure (4).

f. On 1 September 2021, Petitioner signed an Administrative Remarks (Page 13) entry acknowledging the requirement for vaccination against COVID-19. Petitioner was ordered to be vaccinated within 90 days of the Page 13 counseling. He did not avail himself of the opportunity to submit a statement in response to the counseling/warning nor did he indicate his intention to seek an exemption. See enclosure (5).

g. On 13 October 2021, the Navy published NAVADMIN 225/21 to supplement the guidance of NAVADMIN 190/21 referenced in paragraph 3e above. The message announced the Chief of Naval Personnel (CNP) assignment as CCDA and further delineated the CCDA as the officer show cause authority and enlisted separation authority while the Vice Chief of Naval Operations retained the authority for nonjudicial punishment (NJP) and courts-martial. The message further delineated the CCDA as the authority for administrative processes regarding

³ This date was 90 days from issuance of ALNAV 062/21 (see paragraph 3c above).

⁴ This date was 120 days from issuance of ALNAV 062/21 (see paragraph 3c above).

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

removal of warfare qualifications, additional qualification designations (AQD), Navy Enlisted Classifications (NEC), or sub-specialties except in cases where removal authority is otherwise authorized by law of Executive Order. This message provided guidance that "Navy service members refusing the COVID-19 vaccination, absent a pending or approved exemption, shall be processed for administrative separation." The message defined a Navy service member refusing the vaccine as "one who has: (1) received a lawful order to be full vaccinated against COVID-19; (2) is not or will not be fully vaccinated on the date required by the order; and (3) does not have a pending or approved exemption." The message further clarified that "[a]dministrative actions per this NAVADMIN may begin as soon as a Navy service member meets the definition of refusing this vaccine." Additionally, this message directs senior leaders who do not comply with the lawful order to be relieved from their leadership position and the initiation of detachment for cause (DFC) procedures. Finally, this message established guidance for officer and enlisted administrative separations, officer promotion delay and enlisted advancement withholds, counseling, and documentation in fitness reports and enlisted evaluations. See enclosure (6).

h. On 15 November 2021, the Navy published NAVADMIN 256/21 to provide specific guidance to Commanders regarding Navy service members who fail to obey a lawful order by refusing the COVID-19 vaccine. The message dictated that the least favorable characterization of service for Navy service members refusing the vaccine, without extenuating circumstances, would be General (Under Honorable Conditions) which could, at the discretion of the Department of Veterans Affairs (VA), result in the loss of eligibility for some VA benefits. Additionally, the message specified detailed guidance for officer and enlisted administrative separations, officer promotion delay and enlisted advancement withholds, counseling, education, documentation in fitness reports and enlisted evaluations, bonuses, special pays, and incentive pays. For E-1 to E-5 evaluations, the message directed the issuance of an adverse special evaluation containing no greater than a 2.0 on block 36 (Military Bearing/Character) and block 39 (Leadership). Further, block 45 (Promotion Recommendation) required "Not Recommended" and block 43 was required to contain the opening statement "Member failed to maintain deployability or individual readiness standards by refusing the order to receive the COVID-19 vaccine." Finally, the message made Navy service members who refused the vaccine ineligible to continue Navy education opportunities and, for those who failed to complete an incurred service obligation, required reimbursement of the cost of the education received, prorated for the obligated time served. See enclosure (7).

i. On 15 December 2021, the Navy issued NAVADMIN 283/21 directing Commanders to conduct separation processing of Navy service members refusing the COVID-19 vaccine. The message differentiated between those members eligible or approved to separate or retire on or before 1 June 2022 and those not eligible before 1 June 2022. For those eligible, the message permitted separation or retirement "as soon as practicable via expedited processes, in lieu of administrative separation processing" and for those ineligible, the message stated, "process for administrative separation as soon as practicable based on misconduct." For officers, the CCDA, as the show cause authority, directed mandatory show cause processing for all officers who refused the vaccine on the bases of Misconduct, Moral or Professional Dereliction, and Substandard Performance. Further, the message provided detailed guidance regarding retirement-eligible officers, officers who had not met time in grade requirements, officers with prior enlisted service, officers eligible to resign, and non-probationary/probationary officers. For

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

enlisted members, the CCDA directed Commanders to initiate administrative separation processing by reason of misconduct due to commission of a serious offense, plus any additional basis known at the time of processing. Finally, the message provided specific Navy Reserve guidance including policies disallowing Navy service members separated from the Active Component to affiliate with or be assigned in any status within the Reserve Component and processing of Navy Reserve service members for vaccine refusal. See enclosure (8).

j. On 20 December 2021, Commander, [REDACTED] ([REDACTED]), notified Petitioner that he was being processed for administrative separation by reason of misconduct due to commission of a serious offense as evidenced by Petitioner's failure to obey a lawful order to receive a COVID-19 vaccination by 28 November 2021. Petitioner waived his rights to consult with qualified counsel, to submit a statement for consideration by the separation authority, and to receive general court-martial convening authority review. See enclosure (9).

k. By memorandum of 28 December 2021, [REDACTED] recommended Chief of Naval Personnel (CNP) administratively separate Petitioner by reason of misconduct due to commission of a serious offense. See enclosure (10).

l. On 9 March 2022, Petitioner was honorably discharged by reason of misconduct due to commission of a serious offense and assigned a RE-4 reentry code. See enclosure (11).

m. A review of reference (b) indicates the Physical Evaluation Board (PEB) found Petitioner unfit for UNSPECIFIED MOOD (AFFECTIVE) DISORDER on 11 April 2022 and recommended placement on the PDRL with a 70% rating. The informal findings were transmitted to Petitioner for his election of options – accept the informal PEB findings or request a formal PEB – but after no election was made by the 27 April 2022 deadline, the PEB presumed the case accepted by Petitioner. On 23 May 2022, the PEB notified CNP that Petitioner was unfit and requested PEB “effect the permanent retirement.”

n. On 23 December 2022, the James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 was enacted. Section 525 of the FY 2023 NDAA directed the SECDEF to rescind the vaccination mandate referenced in paragraph 3c above. See enclosure (12).

o. By memorandum dated 10 January 2023, the SECDEF rescinded the vaccine mandate referenced in paragraph 3c above in accordance with the FY 2023 NDAA. He also directed the military departments to update the records of individuals currently serving in the Armed Forces who sought an accommodation to the vaccine mandate on religious, administrative, or medical grounds “to remove any adverse actions solely associated with denials of such requests, including letters of reprimand.” No such directive was included for those Service Members who did not seek an accommodation to the vaccine mandate on religious, administrative, or medical grounds. See enclosure (12).

p. On 11 January 2023, the Navy published NAVADMIN 005/23 canceling NAVADMIN 190/21 and directing all commands to immediately discontinue administrative separation

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

processing of Navy service members solely for refusing the COVID-19 vaccine, including those with approved separation letters. See enclosure (13).

q. On 20 January 2023, the SECNAV published ALNAV 009/23, cancelling ALNAV 062/21. See enclosure (14).

r. On 6 March 2023, the Navy published NAVADMIN 065/23 to provide further guidance regarding the rescission of the former vaccine mandate. The message stated that the records of currently serving Navy service members who requested religious accommodation from COVID-19 vaccination “are being centrally reviewed to identify and remove any adverse information related to vaccine refusal, should it exist” but directed “other current and former Navy service members” to petition the Board regarding COVID-19 vaccination related matters. No provisions were discussed, however, for adverse matters pertaining to refusal of the COVID-19 vaccine mandate in the records of currently serving members who did not request a religious accommodation or an exemption for medical or administrative reasons. See enclosure (15).

s. On 6 September 2023, the ASN (M&RA) issued supplemental policy guidance to the Board to “help facilitate consistency” when considering applications for corrections of records of former members of the DoN who were involuntarily separated for refusal to receive the COVID-19 vaccination. See enclosure (16).

t. On 27 January 2025, the President of the United States issued Executive Order (EO) 14184 stating:

[t]he 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.

The EO further directed the SECDEF to take appropriate and necessary action to make reinstatement available to all members of the military (active and reserve) who were discharged solely for refusal to be vaccinated and who request to be reinstated and allow for reversion to their former rank and receipt of full back pay, benefits, bonus payments, or compensation. Additionally, the EO directed the SECDEF to 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.”

See enclosure (17).

u. On 6 February 2025, the SECDEF directed the Department “to make things right for the Service members who were subjected to the Department’s unfair, overbroad, and unnecessary coronavirus disease 2019 (COVID-19) vaccine mandate.” Further, the SECDEF directed USD (P&R) to provide detailed guidance to the Military Departments for “rapidly reinstat[ing] individuals who were involuntarily discharged or voluntarily left to avoid vaccination.”

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

See enclosure (18).

v. On 1 April 2025, the USD (P&R) provided updated guidance and procedures for implementing EO 14184 and the SECDEF memo of 6 February 2025, to include a requirement for the Secretaries of the Military Departments to “contact Service members” who had been involuntarily separated and “make available to them reinstatement via the Boards for Correction of Military/Naval Records (BCM/NRs) process.” For those cases “where members voluntarily left the service or allowed their service to lapse,” the Secretaries were directed to “continue to broadly communicate (e.g., via social media, external website, newsletters) information to inform these members about the process to return to service.” Should these members elect to return, presenting a “written statement attesting that they chose to leave the service or allowed their service to lapse, rather than be vaccinated under the vaccine mandate,” the Secretaries were directed to “provide an accelerated process for the member to return to service.”
See enclosure (19).

w. On 23 April 2025, the SECDEF directed the USD (P&R) to “provide 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.” The SECDEF specified that the guidance would facilitate removal of adverse actions based solely on refusal to take the COVID-19 vaccine, discharge upgrades for individuals involuntarily separated solely for refusing to take the vaccine whose service was characterized as less than fully honorable, and “appropriate remedies for Service members who suffered a wide variety of other career setbacks resulting from their principled refusal to take the COVID-19 vaccine.”
See enclosure (20).

x. On 7 May 2025, the USD (P&R) rescinded the ASN (M&RA) Memo of 6 September 2020 (enclosure (20)). The USD (P&R) provided the below supplemental guidance for the Review Boards when considering requests from present or former Service members who were (1) Involuntarily separated based solely on their refusal to receive the COVID19 vaccine, and who submit discharge upgrade requests (as defined in paragraph 5) pursuant to that separation; (2) Submitted a request for administrative or medical accommodation for exemption from the COVID-19 vaccine mandate, and requested correction of service records containing adverse information or reflecting adverse action (including withholding of favorable personnel actions) solely associated with such requests; or (3) Suffered additional harms or injustices not specifically addressed within this guidance, that were solely related to a Service member’s refusal to receive the COVID-19 vaccine.

(1) Review Boards should generally grant a discharge upgrade request from a former Service member when:

(a) The former Service member was involuntarily separated;

(b) The separation was based *solely* on a refusal to receive the COVID-19 vaccine; and

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

(c) There are no aggravating factors in the Service member's record, such as misconduct.

(2) Review Boards should normally grant requests to upgrade the characterization of service to "honorable," change the narrative reason for enlisted separation (i.e., to "Secretarial Authority"), and change the reentry code to an immediately-eligible-to-reenter code under these specific circumstances. Officer records should be changed to have similar effect.

(3) If an applicant's military records reflect multiple reasons for involuntary separation (i.e., when separation *was not solely* due to the fact that the former Service member refused to receive the COVID-19 vaccine), the Review Boards should apply existing policies that require the former Service member to establish evidence of an error, impropriety, inequity, or injustice in their discharge in order to warrant relief.

Additionally, the USD (P&R) directed the Review Boards to exercise their "broad discretion to assess the potential impact on the Service member's career and correct impacted personnel records appropriately for those instances where "adverse information associated solely with a request for exemption from the COVID-19 vaccination mandate is found within an applicant's OMPF." The USD (P&R) further noted that "present and former Service members may have suffered other harms from the COVID-19 vaccine mandate that are not specifically addressed in this guidance" such as "the overt withholding of favorable personnel actions, including such actions as removing individuals from approved lists to attend training or professional military education, to assume leadership positions, or to conduct a permanent change of station transfer on schedule." Further, many Service members "may have been denied these opportunities while waiting for the adjudication of their administrative or medical exemption requests." The USD (P&R) further stated that "[e]ven more concerning, some have reported that they were pressured to voluntarily separate from the military due to their COVID-19 vaccine status, even while awaiting adjudication of their exemptions." In these situations, the USD (P&R) directed the Review Boards to "exercise broad discretion in providing appropriate corrections to the records of Service members and former Service members who suffered harms resulting from the Department's COVID-19 vaccine mandate."

See enclosure (21).

y. Petitioner asserts his requested relief is warranted because he was enrolled in the IDES and waiting on a PEB, and the administrative separation package was routed to the separation authority without this crucial information. See enclosure (1).

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined equitable relief is warranted in the interests of justice.

EO 14184 declared the COVID-19 vaccine mandate "an unfair, overbroad, and completely unnecessary burden on our Service members." In his 23 April 2025 memo, the SECDEF directed

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

the USD (P&R) to provide additional guidance to the Review Boards concerning requests from Service members and former Service members “adversely impacted by the COVID-19 vaccine mandate” to include guidance to “facilitate removal of adverse actions,” discharge upgrades, and “appropriate remedies for Service members who suffered a wide variety of other career setbacks resulting from their principled refusal to take the COVID-19 vaccine.” The USD (P&R)’s supplemental guidance of 7 May 2025 provided guidance to Review Boards regarding discharge upgrade requests and directed the Boards to exercise their “broad discretion to assess the potential impact on the Service member’s career” and “in providing appropriate corrections to the records of Service members and former Service members who suffered harms resulting from the Department’s COVID-19 vaccine mandate.”

Relying on the guidance flowing from EO 14184, the Board found Petitioner’s involuntary discharge unjust because it was based solely on his refusal to take the COVID-19 vaccine. The Board concluded Petitioner’s record should be corrected to reflect the PEB findings of 11 April 2022 and the subsequent 23 May 2022 PEB request to CNP to effectuate Petitioner’s “permanent retirement.”

Having found Petitioner’s involuntary discharge unjust, the Board also found an injustice in any and all adverse actions related to, that followed from, or that contributed to that separation.

Based on the guidance provided and discussed above, the Board determined it was error and unjust for the administrative counseling entry and administrative separation documentation to remain in Petitioner’s record.

RECOMMENDATION

In view of the above, the Board recommends the following corrective action be taken on Petitioner’s naval record in the interests of justice:

That Petitioner be placed on the PDRL, effective the date of his discharge from active duty, for the following condition:

UNSPECIFIED MOOD (AFFECTIVE) DISORDER (stable), DC 9440, rated at 70%,
Not Combat Related, Not in a Combat Zone.

That any material or entries inconsistent with or relating to the Board’s recommendation be corrected, removed, or completely expunged from Petitioner’s record, specifically within DEERS.

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 entitled 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 Regulation, Section 723.6(e)) and

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/30/2026

