



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

Docket No. 7951-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) ALNAV 062/21, 2021-2022 Department of the Navy Mandatory COVID-19 Vaccination Policy, 30 Aug 21
(c) NAVADMIN 190/21, 2021-2022 Navy Mandatory Covid-19 Vaccination And Reporting Policy, 31 Aug 21
(d) NAVADMIN 256/21, CCDA Guidance to Commanders, 15 Nov 21
(e) Commander Navy Reserve Force ltr 1040 Ser N00/002, FY 2022 Selected Reserve (NON HPO) Officer Recruiting and Retention Incentive Program, 5 January 2022
(f) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, of 27 Jan 25
(g) Office of the Under Secretary of [War] memo, Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements, 1 Apr 25
(h) Secretary of [War], Providing Supplemental Remedies for Service Members and Veterans Negatively Impacted by the Department of [War] Defunct Coronavirus Disease 2019 Vaccination Mandate, 23 Apr 25
(i) Office of the Under Secretary of [War] 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 25

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by NPC email, 20 Apr 26
(3) Subject's naval record

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 (Board), requesting that his naval record be corrected to remove resignation date to reflect no break in service, retain original oath of office date and Pay Entry Base Date (PEBD), service credit for lost retirement points, back pay and back date Lieutenant (LT) date of rank (DOR).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 April 2026 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record.

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Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

- a. On 17 March 2004, Petitioner enlisted in the U.S. Naval Reserve for 8 years.
- b. Petitioner was released from active duty and transferred to the Navy Reserve with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 9 September 2004 to 8 September 2008 upon completion of required active service.
- c. On 13 February 2012, Navy Personnel Command (NPC) issued a Record of Discharge from the U.S. Navy Reserve (Inactive) with an honorable discharge effective 16 March 2012.
- d. Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) issued on 21 November 2018 and executed on 30 November 2018 listed the following: Block 3 (Designator) 1835. Block 18 (Permanent Grade) ENS [Ensign]. Block 19 (Permanent Grade Date) 20 November 2018. Block 20 (Present Grade) ENS. Block 21 (Present Grade Date) 20 November 2018. Block 23 (Type of Duty) Active. Block 24 (Type of Appointment) Permanent. Block 26 (Branch) USNR.
- e. On 21 September 2021, Commanding Officer (CO), [REDACTED], [REDACTED] notified Deputy Chief of Naval Operations, Washington (Manpower, Personnel, Training and Education) via First Endorsement [REDACTED] letter of 9 September 2021 that per DoD Instruction 1300.17, SECNAVINST 1730.8B, NAVPERS 1566651, and BUPERSINST 1730.11A, "I am forwarding this request recommending disapproval in full or in part during the following environments: a. Operational recommendation/Non-operational recommendation: The Mission of the Navy Reserve is to provide strategic depth and deliver operational capabilities to the Navy and Marine Corps team and Joint forces from peace to war. As individuals and units, Reservists continue to be more and more critical, serving side by side with Active Duty counterparts in direct support of the Fleet. [REDACTED] requested exemption from the COVID-19 vaccination imparts undue risk on the personnel comprising the Navy and Marine Corps team due to the susceptibility of disease due that the lack of vaccination produces. Further [REDACTED] personal readiness and availability will be severely limited as he will be non-worldwide deployable and severely limited in ability to mobilize or support within the Continental United States in any emergent timeline without acceptance of unnecessary risk, A lack of vaccination is a direct, undue and unnecessary risk to the mission of the Navy Reserve, the Navy, Marine Corps and Joint Force team."
- f. On 1 November 2021, Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) notified Petitioner via CO, [REDACTED] that pursuant to 42 U.S.C. §2000bb-1, DoD Instruction 1300.17 of 1 September 2020,

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SECNAVINST 1730.8B, ASN (M&RA) memo of 6 June 2013, MILPERSMAN 1730-020, United States Attorney General memo of 6 October 2017, “[y]our letter of 9 Sep 21 w/ends, and BUMED letter 6320 Ser M44/21UM40583 of 14 October 2021, your request for religious accommodation through waiver of immunization requirements is disapproved. You must receive all required vaccines. However, you are free to request from your healthcare provider alternative vaccines that are available and meet the Navy’s immunization requirements, as determined by a credentialed military healthcare provider. You are free to choose which COVID-19 vaccine to take. If you choose a COVID-19 vaccine that requires two doses, you must receive your first does within five calendar (5) days upon receipt of this letter and complete the series as prescribed. If you choose a one-dose vaccine you must meet the established vaccination timeline or receive the vaccine within five calendar (5) days upon receipt of this letter, whichever is later.”

g. On 9 February 2022, Chief of Naval Operations notified Petitioner via CO, [REDACTED] that “[y]our appeal of reference (a) is disapproved. I am disapproving your appeal due to the Navy’s compelling governmental interest in preventing the spread of diseases to support mission accomplishment, including military readiness, unit cohesion, good order and discipline, and health and safety, at the individual, unit, and organizational levels. A waiver of immunizations would have a predictable and detrimental effect on the readiness of you and the Sailors who serve alongside you. Granting your request will have a direct and foreseeable negative impact on the compelling governmental interest in military readiness and health of the force. I further find that there are no less restrictive means to achieve the Navy’s compelling governmental interest.”

h. On 14 April 2022, Commander, NPC (PERS-91) notified Petitioner that per SECNAVINST 1920.6D, the Secretary of the Navy accepted “your voluntary request to resign your commission as an officer in the United States Navy Reserve. Accordingly, you have been honorably discharged from the Navy Reserve effective 14 April 2022. Honorable Discharge Certificate DD 256 is provided for your records.”

i. Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) issued on 8 September 2023 and executed on 12 September 2023 listed the following: Block 3 (Designator) 1835. Block 18 (Permanent Grade) LTJG. Block 19 (Permanent Grade Date) 14 April 2022. Block 20 (Present Grade) LTJG. Block 21 (Present Grade Date) 14 April 2022. Block 23 (Type of Duty) inactive. Block 24 (Type of Appointment) Permanent. Block 26 (Branch) USNR.

j. On 10 April 2026, NPC issued a Statement of Service for Navy Reserve Retirement for the period of 17 March 2004 to 11 September 2025 listing the following: Qualifying Years of Service: 10 years. Total Retirement Points Creditable for Pay: 2061. Date Eligible for Notification of Eligibility for Retired Pay: Not applicable.

k. Navy Standard Integrated Personnel System/Electronic Service Record – Member Data Summary listed the following: PEBD 19 October 2012 and ADSD 3 April 2026. Furthermore, Rank/Rat/Grad/Rank Date ENS/O1/20 November 2018, LTJG/O02/14 April 2022, LTJG/O2/8 September 2023, LT/O3/1 May 2024.

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1. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action. Stating that "[i]f you remove the break in service, then his LT DOR should be 12/01/2022 and he would be in-zone eligible for this year's FY-27 NR O4 Line PSB that convenes 15 June 2026."

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of references (f), (g), (h), and (i), the Board finds the existence of an injustice warranting the following corrective action. The Board determined that Petitioner resigned his commission due to refusing to comply with reference (b) and was discharged from the Navy Reserve effective 14 April 2022. Petitioner signed a new NAVPERS 1000/4 on 12 September 2023 as a LTJG. Petitioner's record currently shows a break in service, and DOR is listed as 14 April 2022. In accordance with reference (f), the Secretary of [WAR], as appropriate, shall take all necessary action permitted by law to make reinstatement available to all members of the military (Active and Reserve) who were discharged solely for refusal to receive the COVID-19 vaccine and who request to be reinstated; enable those service members reinstated under this section to revert to their former rank and receive full back pay, benefits, bonus payments, or compensation. The Board determined that Petitioner reentered the Navy Reserves prior to the release of reference (f), however he resigned solely for refusal to receive the COVID-19 vaccine. The Board found it would be unjust to treat Petitioner differently than those who are reinstated after its release, therefore relief is warranted. Furthermore, the Board found that Petitioner was not eligible for an Officer Retention Bonus in the amount of \$12,000/year for 3 years. In accordance with reference (e), there was no bonus offered for designator 1835 at the time of reentry. Finally, the Board determined that once Petitioner's LTJG DOR is corrected, he will be eligible for this year's FY27 NR O4 Line PSB that convenes 15 June 2026.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's discharge from the U.S. Naval Reserve effective 14 April 2022, is rescinded.

Petitioner's PEBD is 22 May 2011 vice 5 November 2022. Note: Petitioner's AFADBD will be adjusted by NPC accordingly.

Petitioner's appointment to LTJG/O-2 is 20 November 2020.

Petitioner's appointment to LT/O-3 is 1 December 2022 vice 1 May 2024. Note: By removing the break in service and reestablishing Petitioner's DOR he would be in-zone eligible for this year's FY-27 NR O4 Line PSB that convenes 15 June 2026.

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 29 November 2022. Note: To accomplish this, in addition to the 10 paid Inactive Duty Training (IDT) points, and 6 membership points,

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Petitioner already earned, Petitioner was credited with 25 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 November 2022 (1 points), and plus 9 membership points.

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 29 November 2023. Note: To accomplish this, a total of 35 paid IDT points was credited for the following periods:

3 to 4 December 2022 (4 points); 7 to 8 January 2023 (4 points); 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 (3 points), and plus 15 membership points.

Petitioner earned a satisfactory year after completing all training and administrative requirements for the anniversary years ending, 29 November 2024 and 29 November 2025. Note: Adjustments/movement of earned points may be required based on the correction of the anniversary year.

Note: NPC is directed to scrub Petitioner's record and remove any and all references to Petitioner's discharge, including but not necessarily limited the documents related to his discharge process for COVID-19. Furthermore, that fitness report Admin Filler(s) are created for the period of service not observed. That any other corrections affected by the Board's recommendation be corrected.

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 titled 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 Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

4/26/2026

[REDACTED]