



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

Docket No. 7952-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO
XXX XX [REDACTED] USMC

Ref:

- (a) Title 10 U.S.C. § 1552
- (b) MARADMIN 462/21, Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, 1 Sep 21
- (c) MARADMIN 733/21, Change 1 To Supplemental Guidance (2) To Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, 22 Dec 21
- (d) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, of 27 Jan 25
- (e) Office of the Under Secretary of Defense 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
- (f) Office of the Under Secretary of Defense 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) Subject's naval record
(3) HQMC, Performance Branch (MMPB) email, 11 Aug 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 (Board), requesting that his naval record be corrected to show continuous service and receive back pay in accordance with reference (d).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 August 2025 and pursuant to its regulations, determined that 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 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:

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a. Petitioner was released from active duty 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 24 February 2020 to 19 August 2020 upon completion of required active service.

b. On 1 November 2020, Petitioner was promoted to Lance Corporal/E-3.

c. In accordance with reference (b), provided guidance to Marine Corps active and reserve components to implement Secretary of Defense (SECDEF)-directed mandatory Coronavirus Disease 2019 (COVID-19) vaccination of Department of Defense (DoD) service members. This MARADMIN cancels and replaces MARADMIN 754/20.

“3.a. Per refs (b)[OSD MEMO, Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members] and (c)[ALNAV 062/21 2021- 2022 Department of Navy Mandatory COVID-19 Vaccination Policy], all Marine Corps active and reserve component (Active Reserve, Selected Marine Corps Reserve, and Individual Mobilization Augmentee) service members shall be fully vaccinated against COVID-19, unless medically or administratively exempt. All non-exempt active component personnel will achieve full vaccination no later than 90 days from the date of ref (c), and all non-exempt reserve component personnel will achieve full vaccination no later than 120 days from the date of ref (c).”

“3.1. The provisions contained within paragraph 3.a of this MARADMIN constitute a lawful general order and any violation of these provisions is punishable as a violation of Article 92 of ref (i) [10 U.S.C. Chapter 47, Uniform Code of Military Justice]. Marines shall take action to fully immunize themselves against COVID-19 per ref (j) [U.S. Navy Regulations, paragraph 1144]. Paragraph 3.a is punitive and applies without further implementation. Commanders, commanding officers, and officers in charge shall issue appropriate orders to ensure that their Marines and Sailors are fully vaccinated. In accordance with Rule for Court Martial 306 of ref (n) [Manual for Courts Martial United States (2019 EDITION)], initial disposition authority for cases arising from COVID-19 vaccine refusals is withheld to the general court- martial convening authority level except that administrative counseling pursuant to paragraph 6105 of ref (k) [Marine Corps Order 1900.16 Chapter 2 (MARCORSEPMAN)] may be issued at the special court martial convening authority level.”

“This MARADMIN is applicable to the Marine Corps total force. This MARADMIN remains in effect until canceled.”

d. On 19 September 2021, Petitioner notified [REDACTED].com that “I [Petitioner] request religious exemption from the covid-19 vaccine. I am strong and true to my belief that receiving the covid-19 vaccine is a terrible sin. The Bible says, and he causes all, the small and the great, and the rich and the poor, and the free men and the slaves, to be given a mark on their right hand or on their forehead, and he provides that no one will be able to buy or to sell, except the one who has the mark, either the name of the beast or the number of his name Revelation 13:16-17. I see the modern translation of the mark is the vaccine card. Stronger powers have

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already isolated those are vaccinated and those who are not. Preventing people from engaging in free will. Following the agenda exactly as the Bible predicted. For these reasons I respectfully request an exemption for receiving the vaccine.”

e. On 23 November 2021, Command issued Petitioner an Administrative Remarks (NAVMC 118(11)) listing the following: “Counseled this date concerning the denial of my request for a religious accommodation to the requirement that I be fully vaccinated against COVID-19 in accordance with MARADMIN 462/21. In accordance with MCO 1730.9. I have ten business days from the date on this counseling to file an appeal, if I choose to do so. I understand that if I do not file an appeal within ten business days, then I am ordered to comply with MARADMIN 462/21 and commence the COVID-19 vaccination shot series no later than 10 business days following this notification and I will take the necessary steps to be fully vaccinated against COVID-19.”

f. On 10 December 2021, Commanding Officer issued Petitioner an Administrative Remarks (NAVMC 118(11)) listing the following: “Counseled this date concerning the following deficiencies Violations of Article 92, UCMJ. On 20211209, Marine Counseled did fail to obey a lawful general order which was his duty to obey to wit: paragraph 3m of MARADMIN 462/21, dated 20210901, by wrongfully failing to achieve full COVID-19 vaccination on or before the required vaccination timeline.”

g. In accordance with reference (c), announced a change to the Supplemental Guidance (2) to Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components.

“Change to reference (c) [MARADMIN 612/21, Supplemental Guidance (2) To Mandatory Covid-19 Vaccination of Marine Corps Active and Reserve Components]. Paragraph 8.b. is amended to change the reentry code of “RE- 4” to reflect “RE-3P.” Paragraph 8.b. is modified to read Enlisted Marines separated from active duty on the sole basis of failure to comply with MARADMIN 462/21 will receive a reentry code of “RE-3P” per ref (e) [Marine Corps Order 1900.16, Separation and Retirement Manual (MARCORSEPMAN)]. Commanders shall document the assignment of an RE-3P reenlistment code with a page 11 counseling entry signed by both the Marine and the Commander per paragraph 4006.3.d. of reference (f) [Marine Corps Order P1470.12K, Marine Corps Individual Records Administration Manual (IRAM)].” “This MARADMIN applies to the Total Force and is effective upon release.”

h. On 8 January 2022, Commanding Officer issued Petitioner an Administrative Remarks (NAVMC 118(11)) listing the following: “Counseled this date concerning the following deficiencies: Violation of Article 92. Uniform Code of Military Justice (failure to obey a lawful general order and failure to obey other lawful order). On 20211123. you were counseled to ensure that you were fully vaccinated against COVID-19 in accordance with MARADMIN 462/21. On 20211123, you received a lawful order in writing to ensure that you received your first dose of vaccine no later than 20211209 and your second dose no later than 20211228, You have failed to comply with these orders.”

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i. On 24 March 2022, Commanding General, [REDACTED] Marine Division notified Commandant of the Marine Corps (MMRP-20), Headquarters, U.S. Marine Corps (HQMC) that “Readdressed and forwarded for filing in accordance with section 6311 of the MCO 1900.16 CH2.

As the respondent is a Reserve Marine not on active duty, I did not review the Separation History and Physical Examination (SHPE), however I certify that the respondent has no combat service or deployment history, has not been diagnosed with PTSD, other mental disorder or TBI, and has not made an allegation of service related sexual assault based upon available records.

The recommendation that the Respondent be administratively discharged from the United States Marine Corps Reserve is approved. By copy of this letter, the Respondent's Commanding Officer is directed to take those administrative steps necessary to effect subject Marine's separation within 20 working days from the date of receipt of this letter under the following criteria: a. Characterization of Service: Honorable. b. Authority for Discharge: MARCORSEPMAN, par.6210. c. Separation Code: JKM1 - MISCONDUCT (OTHER). d. Reenlistment Code: RE-3P.”

j. Petitioner’s Career Retirement Credit Record covered the period of 7 February 2020 to 24 March 2022. Furthermore, Petitioner completed 2 years of qualifying service. The last qualifying year Petitioner completed was for the period of 7 February 2021 to 6 February 2022.

k. On 22 August 2024, Petitioner reenlisted for 4 years with an End of Current Contract (ECC) of 21 August 2028.

l. In accordance with reference (d), “Section 1. Purpose and Policy. On August 24, 2021, the Secretary of Defense mandated that all service members receive the COVID-19 vaccine. The Secretary of Defense later rescinded the mandate on January 10, 2023. The 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.

Sec. 2. *Redress*. Consistent with the policies announced in section 1 of this order, the Secretary of Defense or the Secretary of Homeland Security, 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; and 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.”

m. In accordance with reference (e), provided updated guidance and procedures (Attachment 1) to implement Executive Order (EO) 14184, “Reinstating Service Members Discharged Under

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the Military's COVID-19 Vaccination Mandate,” January 27, 2025 and Secretary of Defense Memorandum, “Providing Remedies for Service Members and Veterans Negatively Impacted by the Department's Defunct Coronavirus Disease 2019 Vaccination Mandate Based Executive Order,” February 6, 2025. This updated guidance replaces Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Correction of Military' Records for Service Members Involuntarily Separated for Refusal to Comply With COVID-19 Vaccination Requirements,” February 7, 2025 (hereby rescinded).

“As directed by the Secretary of Defense, the Department of Defense shall take all actions necessary to make reinstatement available to all members of the military (Active and Reserve Components) who were discharged solely for refusal to receive the Coronavirus disease 2019 (COVID-19) vaccine and who request to be reinstated. The Secretaries of the Military Departments will process reinstatements for individuals either involuntarily discharged or those who voluntarily left the service or allowed their service to lapse, rather than be vaccinated under the vaccine mandate, consistent with this guidance. In cases where the Service member was involuntarily separated (EO, sec. 2(a) and (b)), the Secretaries of the Military Departments will contact such Service members and make available to them reinstatement via the Boards for Correction of Military/Naval Records (BCM/NRs) process. The BCM/NRs should exercise their broad discretion to order all appropriate retroactive corrections of the Service member's record as described in Attachment 2.”

n. In accordance with reference (f), “[t]he Secretary of Defense has taken decisive action to execute the President's guidance to correct this injustice: (1) All former Service members discharged solely for refusing to receive the COVID-19 vaccine may pursue reinstatement in the military, and be considered for eligibility to receive backpay; and (2) Former Service members who attest that they voluntarily left the military or allowed their service to lapse according to appropriate procedures due to the military's previous COVID-19 vaccination mandate may pursue a return to military service.”

In addition... “Other Service members, who remained in service and requested religious, administrative, or medical accommodations related to the COVID-19 vaccine requirement, may still have adverse information in their records connected to those requests. To remedy these harms, on April 23, 2025, the Secretary of Defense directed the Under Secretary of Defense for Personnel and Readiness to issue 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. I hereby direct the following:

The Secretaries of the Military Departments will, through their Boards for Correction of Military / Naval Records (BCM/NRs), continue to apply the guidance contained within reference (b), which my office issued to facilitate the reinstatement or return of eligible individuals who wish to continue their military service.

Within 15 calendar days of the date of this memorandum, the Secretaries of the Military

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Departments will rescind references (c), (d), and (e) and distribute the attached guidance to their Discharge Review Boards (DRBs) and BCM/NRs in their place.

The BCM/NRs should carefully consider claims by individuals who filed formal requests for administrative or medical accommodation, including requests for religious accommodation, related to the Department's previous COVID-19 vaccine mandate, yet continued to serve. Adverse actions in a Service member's records solely associated with their refusal to take a COVID-19 vaccination or seek an exemption from that COVID-19 vaccine mandate should be removed...”

o. On 9 August 2025, the Board requested clarification as to Petitioner’s eligibility to the rank of Corporal/E-4 and Sergeant/E-5 from HQMC. On 11 August 2025, the Performance Branch (MMPB), HQMC notified the Board that, “SNM was promoted to LCpl 20201101. Would have been *eligible* for Cpl. on 20211101 and Sgt on 20240301. Cannot tell if they would have met the score as there is currently no data.”

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Upon review and consideration of all the evidence of record, and especially in light of the contents of references (d), (e), and (f), the Board finds the existence of an injustice warranting the following corrective action. The Board determined that on 24 March 2022, Petitioner was discharged for misconduct (other) due to refusing to comply with reference (b). On 22 August 2024, Petitioner reenlisted for 4 years in paygrade E-3. Petitioner's record currently shows a break in service and his DOR is listed as 22 August 2024. In accordance with reference (e), the Secretary of Defense or the Secretary of Homeland Security, 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 Marine Corps prior to the release of reference (d), however he was discharged 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.

RECOMMENDATION

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

Petitioner's discharge from the U.S. Marine Corps Reserve effective 24 March 2022, is rescinded.

Petitioner's Lance Corporal/E-3 DOR is 1 November 2020 vice 22 August 2024.

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Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 6 February 2023. Note: To accomplish this, Petitioner was credited with 35 Inactive Duty Training (IDT) points for the following periods: 2 April 2022 to 3 April 2022 (4 points), 7 May 2022 to 8 May 2022 (4 points), 4 June 2022 to 5 June 2022 (4 points), 2 July 2022 to 3 July 2022 (4 points), 6 August 2022 to 7 August 2022 (4 points), 3 September 2022 to 4 September 2022 (4 points), 1 October 2022 to 2 October 2022 (4 points), 5 November 2022 to 6 November 2022 (4 points), 3 December 2022 to 4 December 2022 (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 6 February 2024. Note: To accomplish this, a total of 35 paid IDT points were credited for the following periods: 4 March 2023 to 5 March 2023 (4 points), 1 April 2023 to 2 April 2023 (4 points), 6 May 2023 to 7 May 2023 (4 points), 3 June 2023 to 4 June 2023 (4 points), 1 July 2023 to 2 July 2023 (4 points), 5 August 2023 to 6 August 2023 (4 points), 2 September 2023 to 3 September 2023 (4 points), 7 October 2023 to 8 October 2023 (4 points), 4 November 2023 to 5 November 2023 (3 points), plus 15 membership points.

Petitioner completed all training and administrative requirements for anniversary year 7 February 2024 to 21 August 2024. Note: To accomplish this, Petitioner was credited with 24 IDT points for the following periods: 2 March 2024 to 3 March 2024 (4 points), 6 April 2024 to 7 April 2024 (4 points), 4 May 2024 to 5 May 2024 (4 points), 1 June 2024 to 2 June 2024 (4 points), 6 July 2024 to 7 July 2024 (4 points), 3 August 2024 to 4 August 2024 (4 points), plus the appropriate membership points for this period.

HQMC is directed to scrub Petitioner's record and remove any and all references to Petitioner's discharge, and the documents related to his administrative separation 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.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay record to determine amounts due, if any.

A copy of this report of proceedings will be filed in Petitioner's naval record.

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

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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.

8/20/2025

