



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

██████████
Docket No. 8015-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
USN, XXX-XX-██████████

Ref: (a) 10 U.S.C. §1552
(b) USD (P&R) Memo, subj: 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) ASN (M&RA) Memo, "Correction of Naval Records for 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 (Cancelled)
(d) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997
(e) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, 27 January 2025
(f) USD (P&R) Memo, subj: Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements, 7 February 2025
(g) USD (P&R) Memo, subj: Limitation on the Authority of Military Department Correction Boards, 10 February 2025
(h) 10 U.S.C. § 628
(i) ASN (M&RA) Memo, subj: Delegation of Authority to the Board for Correction of Naval Records (BCNR) to Direct the Convening of a Special Selection Board (SSB), Supplemental All-Fully-Qualified Officers List (AFQOL), and Special AFQOL, 28 November 2017
(j) DoD Manual 1348.33, Manual of Military Decorations and Awards (Volume 4: DoD Joint Decorations and Awards), 21 December 2016 (Change 6, 19 September 2023)
(k) SECNAV M-1650.1, Navy and Marine Corps Awards Manual, August 2019
(l) 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

Encl: (1) DD Form 149, signed 24 July 2025 (w/attachments)
(2) NAVPERS 1000/4, Officer Appointment Acceptance and Oath of Office, 11 March 2011
(3) DD Form 214
(4) Office of the Chief of Naval Operations (N131) Memo 1430, subj: Advisory Opinion

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ICO [Petitioner], 30 July 2025

- (5) NPC Memo 1920 Ser 834/069, subj: Notification of Administrative Show Cause Proceedings, 10 February 2022
- (6) Petitioner's Memo, subj: Qualified Resignation from Naval Service for an Honorable (HON) Discharge, 10 February 2022
- (7) BUPERS Memo 1920 BUPERS-00B/114, subj: Administrative Separation ICO [Petitioner], 28 February 2022
- (8) BCNR Memo JMP Docket No. 2330-23, subj: Review of Naval Record of [Petitioner], 8 January 2024 (with Acting ASN (M&RA) Decision, 2 April 2024)
- (9) BCNR Memo JMP Docket No. 5423-24, subj: Review of Naval Record of [Petitioner], 10 August 2024 (with PTDO ASN (M&RA) Decision, 23 April 2025)
- (10) Office of the Chief of Naval Operations (N36) Memo, subj: Retention Eligibility for COVID-19 Reinstatement in the United States Navy, 24 July 2025

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 the following corrective action be taken on her naval record:¹

a. That her naval record be corrected to reflect that she was not involuntarily discharged for refusing the former COVID-19 vaccination mandate on 25 May 2022, but rather that she continued to serve honorably with no break in service;²

b. Immediate promotion to Commander (CDR);

c. Award of the Defense Distinguished Service Medal (DDSM);

¹ In addition to the record corrections listed below, Petitioner also requested several other forms of relief not related to the correction of her naval record. Specifically, she requested that the value of all benefits received from the Department of Veterans Affairs (VA) be excluded from calculation of her backpay due; that she be given the first choice of assignment upon reinstatement; that she receive \$515,000 for the loss of her home; and that she receive \$30,000 to recover her stored belongings. Unfortunately, these forms of relief are outside of the Board's purview. In accordance with reference (a), the Board is empowered to correct individual naval records in any way deemed necessary to correct errors in or remove injustices from naval records. The Board does not, however, have the authority to direct payments for any reason. Any entitlement to pecuniary benefits that may incidentally result from corrective action taken by the Board on a naval record is determined and calculated by the Defense Finance and Accounting Service (DFAS). Unfortunately, there is no correction that the Board could make upon Petitioner's naval record which would incidentally entitle her to payments for her house and/or moving expenses, or to the exclusion of any VA benefits received from the calculation of backpay that will be performed by DFAS. The Board also does not make assignments for naval personnel. As such, Petitioner's assignment upon reinstatement is a matter to be negotiated with Navy Personnel Command (NPC) before Petitioner accepts the terms of any reinstatement that may be offered. Accordingly, none of these requested forms of relief were addressed by the Board herein.

² Petitioner did not phrase her request in this form, but rather requested multiple forms of relief, to include: "Reinstatement back-dated to the time of [her] involuntary separation"; "Recompense in the form of back-pay, including [Basic Allowance for Subsistence (BAS)], [Basic Allowance for Housing (BAH)], Base Pay, and all other appropriate forms of monetary recompense owed"; "All accumulated leave since the time of [her] involuntary separation." Her request is recharacterized here in a manner which would enable each of these forms of relief. As discussed in footnote 1, the Board is not empowered to direct any payments. However, entitlement to BAS, BAH, and/or base pay may incidentally result from corrective actions taken by the Board, to be determined by DFAS.

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- d. Removal of all “derogatory and retaliatory documentation in [her] record”;³ and
 - e. Insertion of “[o]fficial documentation of admittance that the COVID-19 injection order were unlawful, and that all [Department of Defense (DOD)] actions taken against [her] were retaliatory and illegal.”
2. A three-member panel of the Board, meeting in executive session, convened on 12 August 2025 to review Petitioner’s allegations of error or injustice and, pursuant to its governing policies and procedures, determined that the corrective action recommended in paragraph 6 below should be taken on Petitioner’s naval record. The names and votes of the panel members will be provided upon request. 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 her naval record and/or the matters provided with her application:
- a. Petitioner was appointed as a commissioned officer in the Navy on 22 February 2011 and entered active duty pursuant to this appointment on 11 March 2011. See enclosures (2) and (3).
 - b. Petitioner was promoted to Lieutenant CDR (LCDR) effective 1 October 2020. As such, she would have been in-the-zone for consideration by the Fiscal Year (FY) 2026 Active-Duty Navy CDR Promotion Selection Board (PSB), which convened on 19 February 2025. See enclosure (4).
 - c. By memorandum dated 10 February 2022, Petitioner was formally notified that she was required to show cause for retention in the Navy due to her refusal to comply with the former COVID-19 vaccination mandate.⁴ See enclosure (5).
 - d. By memorandum also dated 10 February 2022, Petitioner submitted a qualified resignation in lieu of further administrative processing, conditioned upon her receipt of an honorable characterization of service. This qualified resignation request included the following statement:

I assert, as I have always asserted, that the order to be injected with the experimental COVID-19 treatments is unlawful. I take full responsibility for my declination of these experimental medical treatments. The Navy has decided to separate me due to my declination of the injections and my solemnly held beliefs that the COVID-19 military orders of masking and injections are devastating to medical readiness, good order and discipline, personal character, and the morale of the service. I acknowledge the Navy’s decision to

³ Petitioner requested that this relief be granted only after her reinstatement is complete and compensation awarded. In other words, she made this request contingent upon her acceptance and execution of the terms of any reinstatement she may be offered.

⁴ The regulatory bases for separation for which Petitioner was required to show cause for retention were misconduct (i.e., a violation of Article 92, Uniform Code of Military Justice (UCMJ)) and substandard performance of duty (i.e., inability to maintain adequate levels of performance as evidenced by her failure to conform to prescribed standards of military deportment).

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separate me, and I have faith that this miscarriage of the Navy's core values will be recognized in the due course of human history.

See enclosure (6).

e. On 30 March 2022, the Acting Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) accepted Petitioner's qualified resignation and directed that she be honorably discharged from the Navy due to "Unacceptable Conduct." See enclosure (7).

f. On 25 May 2022, Petitioner was honorably discharged from the Navy for unacceptable conduct.⁵ See enclosure (3).

4. Procedural Background.

a. Petitioner first sought relief from the Board in March 2023. Specifically, she requested to be reinstated in the Navy at the rank of LCDR and the removal of the adverse information pertaining to her refusal of the former COVID-19 vaccination mandate. On 3 November 2023, the majority of a three-member panel of the Board recommended that all of the adverse information pertaining to Petitioner's refusal of the former COVID-19 vaccination mandate be removed from her naval record but that her request for reinstatement be denied in Docket No. 2330-23.⁶⁷ This decision was in accordance with the guidance of reference (c), which was in effect at the time. The Principal Deputy ASN (M&RA) (PDASN (M&RA)) approved the majority recommendation on 2 April 2024. See enclosure (8).

b. Upon receipt of the decision referenced in paragraph 4a above, Petitioner characterized the Board's action in removing the adverse information from her record as an attempt to hide the wrongful actions taken against her by the Navy.⁸ Accordingly, in May 2024 she requested that the adverse matters that were removed from her record in Docket No. 2330-23 be restored. On 13 June 2024, the Board unanimously found no error or injustice in the previous removal of the adverse information from Petitioner's naval record in Docket No. 5423-24, noting that Petitioner had specifically requested such relief and that it is the policy of the Board not to correct a naval

⁵ There is no evidence in Petitioner's record of any conduct which could reasonably have been deemed "unacceptable" at the time other than her refusal to comply with the former COVID-19 vaccination mandate. Accordingly, it is apparent that that refusal was the sole reason that Petitioner was required to show cause for retention in the Navy.

⁶ Consistent with its determination that the adverse information associated with her refusal of the former COVID-19 vaccination mandate should be removed from her naval record, the Majority also recommended that the type of separation stated on Petitioner's DD Form 214 be changed from "Discharged" to "Resigned" and her narrative reason for separation changed from "Unacceptable Conduct" to "Secretarial Authority."

⁷ The minority member of the three-member panel disagreed with the majority's conclusion that the adverse material in Petitioner's naval record related to her refusal to comply with the former COVID-19 vaccination mandate should be removed in the interests of justice, but nonetheless supported the majority's recommended changes to Petitioner's DD Form 214 because it appeared from the record that Petitioner was unaware that her qualified resignation request could result in the adverse narrative reason for separation/separation code assigned.

⁸ The Board attempted to halt implementation of Docket No. 2330-23 immediately upon learning of Petitioner's dissatisfaction with this result, but the corrective action directed by the PDASN (M&RA) had already been executed by NPC.

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record in any manner which would place the individual in a less favorable position. See enclosure (9).

c. On 10 August 2024, the Board's Executive Director determined that the Board's decision in Docket No. 5423-24 warranted Secretarial-level review and therefore forwarded it to the ASN (M&RA) for review and action in accordance with Section 6e(1)(c) of Enclosure (1) to reference (d) with a recommendation that Petitioner's request be approved. On 23 April 2025, the person performing the duties of the (PTDO) ASN (M&RA) approved the Executive Director's recommendation and therefore disapproved the Board's decision in Docket No. 5423-24, instructing instead that the adverse materials previously removed from her record be restored and the previously corrected DD Form 214 be destroyed as Petitioner requested.⁹ See enclosure (9).

d. By memorandum dated 24 July 2025, the Director, Navy Recruiting Operations Center (N36) certified that Petitioner has been prescreened in accordance with reference (b) and determined to meet retention standards. See enclosure (10).

5. Conclusions. Upon careful review and consideration of all the evidence of record, the Board found an injustice warranting corrective action upon Petitioner's naval record.

a. According to reference (e), the COVID-19 vaccination mandate was an "unfair, overbroad, and completely unnecessary burden on our Service members" and the military "unjustly discharged those who refused the vaccine." Additionally, reference (f) provides that "the requirement that Service members receive a non-critical and unnecessary COVID-19 vaccine without an adequate due process mechanism for vaccine accommodations was an injustice," and directs that "[i]n cases where the Service member was involuntarily separated [solely for refusing the former COVID-19 vaccination mandate], the [Board] should exercise [its] broad discretion to order all appropriate retroactive corrections of the Service member's record and should normally grant requests to correct the record to reflect continued service with no separation (i.e., reinstatement with no break in service), restoration of the Service member's previous grade and rank ..., and credit for lost service time due to separation." The Board found no evidence in Petitioner's naval record of any basis for her requirement to show cause other than her refusal to comply with the former COVID-19 vaccination mandate. The Board also determined that Petitioner's separation should be treated as "involuntary" for purposes of this request despite her voluntary qualified resignation request since it was submitted in response to the initiation of show cause proceedings. Accordingly, the Board found the guidance of reference (f) to be applicable to Petitioner's case and an injustice in that Petitioner was involuntarily separated from the Navy solely for refusing the former COVID-19 vaccination mandate.

b. Having found an injustice in that Petitioner was involuntarily separated from the Navy 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.

⁹ Petitioner erroneously claimed in her current application that her request to restore the adverse material to her record was denied in Docket No. 5423-24. While the panel recommended that Petitioner's request to restore the adverse information to her record be denied, the decision of the PTDO ASN (M&RA) disapproving this recommendation constituted the final action on Docket No. 5423-24

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c. *Promotion to CDR.* Per reference (g), the Board lacks the authority to direct Petitioner's immediate appointment to CDR as she requests. Only the President may appoint officers to grades above officers above the grade of Lieutenant in the Regular Navy, and the Board's corrective authority in reference (a) may usurp neither the Constitutional appointment process nor the statutory process by which officer promotion selections are made. However, the Board has been delegated authority to direct the convening of a Special Selection Board (SSB) pursuant to reference (h) on behalf of the Secretary of the Navy (SECNAV) when necessary to correct an error or injustice in reference (i). The FY 2026 Active-Duty Navy CDR PSB convened on 19 February 2025, during the period for which Petitioner will receive constructive service credit if she is ultimately reinstated as recommended below. As such, she will have been excluded from the population considered by this PSB despite her retroactively established eligibility for such consideration.¹⁰ This would constitute an injustice warranting corrective action. Accordingly, the Board determined that an SSB should be convened to provide Petitioner fair consideration for promotion under the selection criteria of the FY 2026 Active-Duty Navy CDR PSB if she is ultimately reinstated to the Navy with the constructive service credit recommended below.

d. *Award of DDSM.* The Board found no evidence of any error or injustice in the fact that Petitioner is not entitled to wear the DDSM

(1) In accordance with paragraph 3.1.c. of reference (j), the DDSM "may be awarded by the Secretary of Defense [(SECDEF)] to a member of the U.S. Armed Forces who performs exceptionally meritorious service in a duty of great responsibility with the [Office of the SECDEF], the Organization of the Joint Chiefs of Staff, a Combatant Command, a Defense Agency, or for any such other [joint duty activity] as designated by the SECDEF." It is "normally awarded to recognize only the most senior members of the U.S. Armed Forces whose ... [d]uties bring them in direct and frequent contact with the [SECDEF] and other senior government officials ... [or whose] [e]xceptional performance of duty and contributions to national security or defense have been at the highest levels." As a LCDR assigned to [REDACTED] Petitioner did not satisfy this eligibility criteria.

(2) In accordance with paragraph 3.1.f. of reference (j), only the SECDEF may approve issuance of the DDSM. As this Board derives its corrective authority from the SECNAV, who is not authorized to award the DDSM, it could not direct the correction of Petitioner's record to reflect authorization to wear the DDSM even if Petitioner provided evidence to show that she satisfied the criteria for this award unless she provided evidence that the SECDEF himself had previously approved it.

(3) If Petitioner decides to adjust her request to seek authorization to wear an award under the purview of the SECNAV, she must first exhaust her administrative remedies before seeking such relief from this Board in accordance with reference (d). The procedures for issuance of such awards are found in reference (k).

¹⁰ Petitioner will only become eligible for consideration by the FY 2026 Active-Duty Navy CDR PSB if the contingent recommendations in paragraph 6 below are executed. Otherwise, she will remain off the rolls of the Navy and therefore ineligible for promotion consideration.

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e. Insertion of Official Documentation Establishing the Illegality of the Former COVID-19 Vaccination Order and that the Adverse Actions Taken Against Petitioner were Illegal and Retaliatory.

(1) The Board found this relief requested by Petitioner to be neither necessary nor appropriate. In accordance with reference (a), this Board is empowered to correct individual naval records in any way deemed necessary to correct errors in or remove injustices from those naval records. Insertion of documentation such as that requested by Petitioner would serve neither purpose. Rather, it would create an anomaly in Petitioner's record, as such documentation exists in no other military records. Accordingly, the Board will direct the insertion of no such documentation in Petitioner's naval record.

(2) As stated in Docket No. 5423-23, this Board is not a judicial body. It is not empowered to rule on the legality of orders, or to speak on behalf of the DOD or Department of the Navy (DON) regarding such matters. In this regard, Petitioner is seeking validation of her personal beliefs regarding the legality of the former COVID-19 from the wrong source by requesting such relief from this Board.

(3) Finally, Petitioner provided no evidence to establish that any of the adverse actions taken against her were retaliatory in nature. All of the actions taken were consistent with DOD and DON guidance in effect at the time. Petitioner was also honorably discharged despite being required to show cause for retention due to her violation of an order, which suggests the absence of any retaliatory or malicious intent in the actions taken against her.

6. Recommendations.

a. Having found an injustice in that Petitioner was involuntarily separated from the Navy solely for refusing the former COVID-19 vaccination mandate, the Board recommends that the following corrective actions be taken on Petitioner's naval record contingent upon her acceptance of the Navy's offer of reinstatement subject to the terms of reference (b):

(1) That Petitioner's naval record be corrected to reflect that she was not discharged from the Navy on 25 May 2022, but rather that she continued to serve honorably in the rank of LCDR with no break in service at her last duty station. As such, Petitioner is to receive constructive service credit for the period from 25 May 2022 until the date that she is reinstated in the Navy. To effectuate this relief, NPC is directed to scrub Petitioner's record and remove or redact as appropriate any and all references to Petitioner's discharge, including but not necessarily limited to her DD Form 214 and all documents related to her administrative separation process.

(2) That NPC scrub Petitioner's naval record to identify and remove or redact as appropriate any and all adverse information pertaining to Petitioner's refusal to comply with the former COVID-19 vaccination mandate, including but not necessarily limited to, the Report of Misconduct dated 7 January 2022, along with all associated endorsements thereto; the NAVPERS 1070/613 (i.e., "Page 13") Administrative Remarks, dated 9 September 2021, along with Petitioner's response thereto dated 11 September 2021; and the adverse fitness reports

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(FITREP) for the reporting periods of 1 November 2021 to 28 November 2021 and 29 November 2021 to 22 May 2022 respectively.¹¹

(3) That appropriate administrative fillers be inserted into Petitioner's naval record to remove the gap in her record between 1 November 2021 (i.e., the starting date of the adverse FITREP which is to be removed from Petitioner's record pursuant to paragraph 6a(2) above) and her eventual reinstatement date.

(4) That a SSB be convened after Petitioner's reinstatement in the Navy to consider her corrected record for promotion pursuant to the criteria of the FY 2026 Active-Duty Navy CDR PSB.

b. In accordance with the procedures of reference (b), 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 6a above.

c. A copy of this record of proceedings shall be filed in 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. I have assured compliance with the provisions of reference (g) in the Board's proceedings.

8. The foregoing action of the Board is submitted for your review and action in accordance with Sections 6c(1)(c) 6c(2)(a) of Enclosure (1) to reference (d).

8/20/2025



¹¹ Consistent with reference (l), the Board would not normally make such relief contingent upon the applicant's acceptance of the terms of reinstatement. It did so in this case only because Petitioner insisted that no such corrective action should be taken upon her naval record unless and until she is reinstated. Accordingly, this corrective action should be executed only if Petitioner is ultimately reinstated in the Navy.

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ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS)
DECISION:

[REDACTED] Board Recommendation Approved (Grant Relief – I concur with the Board's conclusions and therefore direct the corrective action recommended in paragraph 6 above.)

— Board Recommendation Disapproved (Deny Relief – I do not concur with the Board's conclusions for the following reason(s), and therefore direct that no corrective action be taken on Petitioner's naval record.)

[REDACTED]