



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

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Docket No. 8021-25
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) ALNAV 062/21, subj: 2021-2022 Department of Navy Mandatory COVID-19 Vaccination Policy, dtg 302126Z AUG 21
(d) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, 27 January 2025
(e) 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 Enlisted Promotions Unit (MMPB-11) AO, 22 Jul 25
(4) HQMC Retention Eligibility for Reinstatement (MM) AO, 30 Jul 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 and that he continued to serve without interruption.¹

2. The Board, consisting of ■■■■■, ■■■■■, and ■■■■■, reviewed Petitioner's allegations of error and injustice on 12 August 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:

¹ Petitioner styled his request for relief as simply reinstatement. His request is characterized as it is here because reinstatement with back pay necessarily entails correction of his naval record to reflect that the applicant was never separated from the Marine Corps and continued to serve without interruption.

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a. On 31 July 2020, Petitioner enlisted in the United States Marine Corps for a period of eight years, with a four-year active duty obligation.

b. Petitioner entered active duty in the Marine Corps pursuant to the enlistment described in paragraph 3a above on 2 November 2020. See enclosure (2).

c. On 29 June 2022, Petitioner was involuntarily discharged from the Marine Corps for misconduct due to commission of a serious offense with a General (Under Honorable Conditions) 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. See enclosure (2).

d. By memorandum dated 22 July 2025, Enlisted Promotions Unit (MMPB-11) advised the Board that Petitioner was promoted to the rank of Lance Corporal with a date of rank and effective date of 1 April 2022. Due to insufficient data, MMPB-11 was unable to determine the promotion scores Petitioner would have received for promotion to Corporal and Sergeant. However, based on the time-in-grade and time-in-service requirements, Petitioner would have been eligible for promotion to Corporal on 1 April 2023 and to Sergeant on 1 December 2024. See enclosure (3).

e. By memorandum dated 30 July 2025, HQMC certified that Petitioner has been prescreened and evaluated and determined fully qualified for reenlistment/reinstatement.

On 31 July 2020, Petitioner entered an eight-year enlistment contract, consisting of four years of active service and four years of obligated service in the Individual Ready Reserve (IRR). This contract established Petitioner's Military Service Obligation (MSO) through 30 July 2028.

Petitioner commenced active duty on 2 November 2020 for a period of four years, establishing his Expiration of Active Service (EAS) and Expiration of Current Contract (ECC) as 1 November 2024. The Petitioner was involuntarily administratively separated on 29 June 2022. This enlistment is recommended to be recognized as valid and completed through the originally established ECC without interruption. To facilitate continuous service in accordance with the anticipated Board directive, it is recommended that Petitioner's record reflect a completed 10-month extension to his current contract, establishing a new EAS and ECC of 1 September 2025. This extension serves as the appropriate administrative action to support reinstatement processing and preserve obligated service requirements.

Petitioner is now considered a Fiscal Year (FY) 2025 First Term Alignment Plan (FTAP) Marine in Zone A. Marines with Primary Military Occupational Specialty (PMOS) 0411 are not eligible for a Zone A Selective Reenlistment Bonus (SRB) during FY25. As such, Petitioner does not rate a bonus in conjunction with this extension and reinstatement. See enclosure (4).

4. Conclusion. Upon careful review and consideration of all the evidence of record, the Board found an injustice warranting relief.

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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 Navy solely for refusing the former COVID-19 vaccination mandate.

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

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).²

(1) That Petitioner’s record be corrected to reflect that he was promoted to Corporal with a date of rank of 1 April 2023 and Sergeant with a date of rank of 1 December 2024. HQMC will make all appropriate service record entries of his correction promotion dates.

(2) That Petitioner’s naval record be corrected to reflect that he was not discharged from the Marine Corps on 29 June 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 29 June 2022 until the date that he is reinstated in the Marine Corps. 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.

(3) That documentation be added to Petitioner’s naval record establishing that he requested and was approved for an extension prior to his original end of active obligated service (EAOS) date in order to facilitate his continuous service as recommended in paragraph 5(a)(2) above. That HQMC in consultation with Petitioner, complete an extension via NAVMC 321A, to adjust his End of Active Service (EAS) and Expiration of Current Contract (ECC) to 1 September 2025. This administrative action serves as the appropriate contractual bridge to support reinstatement processing and ensure uninterrupted obligated service. Marines with the PMOS 0411 are not eligible for a Zone A SRB during FY25. As such, the Petitioner does not rate a bonus in conjunction with reinstatement.

(4) That appropriate administrative fillers be inserted into Petitioner’s naval record to remove the gap in his record between 29 June 2022 and his eventual reinstatement date during which he did not receive any evaluation reports.

² 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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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.

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.

9/4/2025

