



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

██████████
Docket No. 8027-25
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 Retention Eligibility Memo, 30 Jul 25
(4) HQMC (MMPB-11) Advisory Opinion, 27 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 Additionally, Petitioner requested that his reinstatement be aligned with the reenlistment action, compensation of all pay and entitlements, and reimbursement for out-of-pocket medical expenses.

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.

¹ 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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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:

a. On 30 October 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 7 December 2020. See enclosure (2).

c. On 31 May 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, Headquarters, Marine Corps (HQMC) certified that Petitioner was prescreened in accordance with reference (b) and determined to meet retention standards. See enclosure (3).

e. By memorandum, HQMC advised the Board as follows:

On 30 October 2020, Petitioner entered an eight-year enlistment contract, establishing his Military Service Obligation (MSO) through 29 December 2028. On 07 December 2020, Petitioner commenced active duty under a four-year agreement, which established his Expiration of Active Service (EAS) and Expiration of Current Contract (ECC) as 06 December 2024. Petitioner was involuntarily administratively separated on 31 May 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 12-month extension to his original contract using a NAVMC 321A. This extension establishes a new EAS and ECC of 6 December 2025. This administrative action serves as the appropriate contractual bridge to support reinstatement processing and ensure uninterrupted obligated service.

As a result of this action, Petitioner is now considered a Fiscal Year (FY) 2026 First Term Alignment Plan (FTAP) Marine in Zone A. In accordance with reference (c), Marines with Primary Military Occupational Specialty (PMOS) 0311 are eligible for a Zone A Selective Reenlistment Bonus (SRB) during FY26. As such, Petitioner remains eligible for a bonus in conjunction with this reinstatement.

f. By memorandum dated 27 July 2025, advisory opinion, HQMC (MMPB-11) advised the Board as follows:

Petitioner was promoted to the rank of private first class with a date of rank and

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effective date of 1 June 2021. Due to insufficient data, MMPB-11 is unable to determine the promotion scores he would have received for promotion to corporal and sergeant. However, based on the time-in-grade and time-in-service requirements, he would have been eligible for promotion to lance corporal on 1 February 2022, corporal on 1 February 2023, and to sergeant on 1 January 2025. See enclosure (4).

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

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 Marine Corps 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 Marine Corps 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 lance corporal with a date of rank of 1 February 2022; to corporal with a date of rank of 1 February 2023; and to sergeant with a date of rank of 1 January 2025. 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 31 May 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 31 May 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 his enlistment is to be recognized as valid and completed through the originally established ECC without interruption. That HQMC in consultation with Petitioner, complete an

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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extension for twelve months to his current contract, establishing a new ECC of 6 December 2025. This administrative action serves as the appropriate contractual bridge to support reinstatement processing and ensure uninterrupted obligated service. As a result of this action, the Petitioner is now considered a Fiscal Year (FY) 2026 First Term Alignment Plan (FTAP) in Zone A SRB during FY26. Petitioner remains eligible for a bonus in conjunction with this reinstatement.

(4) That appropriate administrative fillers be inserted into Petitioner's naval record to remove the gap in his record between 31 May 2022 and his eventual reinstatement date during which he did not receive any evaluation reports.

b. The Board further recommends 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

[REDACTED]