



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 8809-25

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

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- 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) Secretary of Defense, Providing Supplemental Remedies for Service Members and Veterans Negatively Impacted by the Department of Defense Defunct Coronavirus Disease 2019 Vaccination Mandate, 23 Apr 25
 - (g) 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

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 his service was restored from his End of Active Service (EAS), that he was promoted from the Fiscal Year 2024 promotion board, that he received back pay and allowances, and that he received compensation for financial loss incurred due to no access to Tricare.

2. The Board, consisting of ██████████, ██████████ and ██████████ reviewed Petitioner's allegations of error and injustice on 5 January 2026 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.

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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 16 July 2007, Petitioner enlisted in the U.S. Marine Corps Reserve for 8 years with an End of Obligated Service (EOS) of 15 July 2015.

b. Petitioner was released from IADT 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 30 November 2007 to 22 March 2008 upon completion of required active service.

c. On 17 April 2015, Petitioner reenlisted in the U.S. Marine Corps Reserve for 3 years with a Reserve End of Current Contract (ECC) of 16 April 2018.

d. On 9 February 2018, Petitioner reenlisted in the U.S. Marine Corps Reserve for 4 years with a Reserve ECC of 8 February 2022.

e. 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 3 April 2019 to 7 March 2020 upon completion of required active service.

f. In accordance with reference (b), provided guidance to Marine Corps active and reserve components to implement Secretary of Defense-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 COVID-19 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

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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.

g. On 24 October 2021, [REDACTED] [REDACTED], CHC, USN notified Commanding Officer, [REDACTED] that [REDACTED] [REDACTED] has submitted a request for accommodation of a religious practice. Per MCO 1730.9, I interviewed the requester on 24 October 2021. I explained that this interview would not be a confidential communication as defined by SECNAVINST 1730.8B and informed the requestor that referral for confidential chaplain support was available.”

h. On 15 November 2021, Deputy Commandant for Manpower and Reserve Affairs notified Petitioner that “I have carefully considered your request for an immunization waiver. Your request is denied.

In making this determination, I considered your request dated 28 September 2021, the command endorsements, advice from the Director, Health Services, Headquarters, U.S. Marine Corps [HQMC], and the recommendation of the Religious Accommodation Review Board. Additionally, I considered your right to observe the tenets of your sincerely held religious beliefs, and the government's compelling interests in mission accomplishment, including military readiness and the health and safety of the Total Force. I also considered whether an exception to the vaccination requirement is the least restrictive means of furthering the government's compelling interest. Finally, I consulted with legal counsel.

Per DoDI 1300.17, my decision must be consistent with mission accomplishment, including consideration of potential medical risks to other persons comprising the unit or organization. Immunizations are a critical component of individual and unit readiness. This compelling interest is not unique to the COVID-19 vaccination, and cannot be accomplished with the requested exception. I find that there is no less-restrictive way of accommodating your request that ensures military readiness and the preservation of the health of the force.

You have the right to appeal this decision to the Commandant of the Marine Corps. Should you decide to appeal this decision, your appeal should be in naval letter format, from you, addressed to the Commandant of the Marine Corps. Forward your appeal to the point of contact below, for delivery to the Commandant.”

i. 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 MARADMIN 612/2, Supplemental Guidance (2) To Mandatory Covid-19 Vaccination of Marine Corps Active and Reserve Components. Paragraph 8.b.

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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.

j. On 31 January 2022, Petitioner signed an agreement to extend enlistment for 3 months with an EAS of 8 May 2022.

k. On 23 March 2022, Petitioner's Careerist Reserve Extension request was submitted requesting a 6 month extension. SNCOIC Comments: "Forwarded recommending approval; SNM pending COVID-19 Waiver Appeal." Commanding Office Comments: "Concur with comments. Recommend extension to provide time for appeal."

l. On 16 April 2022, HQMC disapproved Petitioner's request. Message text: "Reference (A) is TFRS RELM request dated 03/23/2022 Reference (B) is MCO 1040R.31 Reserve Career Retention and Development Manual Reference. Request contained in reference (a) has been carefully considered and disapproved. Remarks: IAW MARADMIN 612/21 para 3c. Non-vaccinated Marines are considered "NOT WORLD WIDE DEPLOYABLE." Although SNM is pending an appeal, if approved an appeal SNM can submit a BCNR to re-affiliate."

m. On 8 May 2022, Petitioner was separated with a Separation Program Designator code of KBK3 (Completion of required active service).

n. On 8 October 2024, Petitioner reenlisted in the U.S. Marine Corps Reserve for 2 years with a Reserve ECC of 7 October 2027.

o. 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,

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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.

p. In accordance with reference (e), this memorandum provides updated guidance and procedures (Attachment 1) to implement Executive Order (EO) 14184, Reinstating Service Members Discharged Under 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 COVID-19 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 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.

q. In accordance with reference (f), on February 6, 2025, I directed the Department to make things right for the Service members who were subjected to the Department's unfair, overbroad, and unnecessary COVID-19 vaccine mandate. Since that time the Department has sent a formal apology to each former Service member involuntarily separated solely due to the COVID-19 vaccine mandate and invited them, along with anyone who voluntarily left the military due to that mandate, to apply to return to service. While those actions represent major progress, I believe that additional guidance is necessary to take care of the thousands of Service members who were unjustly impacted by the COVID-19 vaccine mandate.

I hereby direct the Under Secretary of Defense for Personnel and Readiness to provide 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. This guidance will facilitate, as appropriate, the removal of adverse actions based solely on refusal to take the COVID-19 vaccine (or requesting a medical or religious/administrative accommodation), discharge upgrades for individuals involuntarily separated solely for refusing to take the COVID-19 vaccine whose service was characterized as less than fully honorable, and appropriate remedies for Service

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members who suffered a wide variety of other career setbacks resulting from their principled refusal to take the COVID-19 vaccine.

r. In accordance with reference (g), the 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 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.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of references (d), (e), (f), and (g), the Board finds the existence of an injustice warranting the following corrective action. The Board determined that on 23 March 2022, Petitioner's Careerist Reserve Extension request was submitted to HQMC requesting a 6 month extension to provide time for COVID-19 Waiver Appeal. The request was disapproved by HQMC on 16 April 2022 due to Petitioner being in a non-vaccinated status. On 8 May 2022, Petitioner was discharged at his ECC. On 8 October 2024, Petitioner reenlisted in the U.S. Marine Corps Reserve for 2 years. Petitioner's record currently shows a break in service. In

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accordance with reference (d), 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. The Board agreed Petitioner has not exhausted all available administrative remedies regarding his request for promotion from the FY24 Staff Noncommissioned Officer Promotion Board. Petitioner needs to submit a request to HQMC for an Enlisted Remedial Selection Board. Regarding any request for reimbursement for Tricare, Petitioner needs to work directly with Tricare once corrections are made to his record. Therefore, partial 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 8 May 2022, is rescinded.

Petitioner's Pay Entry Base Date is 30 July 2007 vice 29 December 2009.

Petitioner's Gunnery Sergeant/E-7 DOR is 1 February 2020 vice 19 August 2023.

Petitioner was discharged on 7 May 2022 and reenlisted on 8 May 2022 for a term of 3 years. Note: Petitioner's current reenlistment effective 8 October 2024 for 2 years is not affected.

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 51 points for the anniversary year ending 15 July 2022. Note: To accomplish this, in addition to the 36 Inactive Duty Training (IDT) points and 12 membership points Petitioner already earned, Petitioner earned 3 additional membership points.

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 15 July 2023. Note: To accomplish this, A total of 35 paid IDT points was credited for the following periods:

- 6 to 7 August 2022 (4 points),
- 3 to 4 September 2022 (4 points),
- 1 to 2 October 2022 (4 points),
- 5 to 6 November 2022 (4 points),
- 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 (3 points),

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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 15 July 2024. Note: To accomplish this, A total of 35 paid IDT points was credited for the following periods:

5 to 6 August 2023 (4 points),
2 to 3 September 2023 (4 points),
7 to 8 October 2023 (4 points),
4 to 5 November 2023 (4 points),
2 to 3 December 2023 (4 points),
6 to 7 January 2024 (4 points),
3 to 4 February 2024 (4 points),
2 to 3 March 2024 (4 points),
6 to 7 April 2024 (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 15 July 2025. Note: To accomplish this, A total of 35 paid IDT points was credited for the following periods:

3 to 4 August 2024 (4 points),
7 to 8 September 2024 (4 points),
5 to 6 October 2024 (4 points),
2 to 3 November 2024 (4 points),
7 to 8 December 2024 (4 points),
4 to 5 January 2025 (4 points),
1 to 2 February 2025 (4 points),
1 to 2 March 2025 (4 points),
5 to 6 April 2025 (3 points),
Plus 15 membership points.

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

That no further changes be made to 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.

1/12/2026

