



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

Docket No. 8871-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

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

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 reflect continued service with no separation, remedial promotion to current rank, and to receive full back pay in accordance with reference (g) Executive Order 14184.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 September 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. On 25 April 2022, Petitioner entered active duty for 5 years with an /End of Current Contract (ECC) of 24 April 2027.

b. 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.

c. 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

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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.

d. On 2 May 2022, Petitioner's Commanding Officer issued and signed an Administrative Remarks (NAVMC 118(11)) listing the following: "Counseled this date concerning the following deficiencies. On or about 2 May 2022 you refused an available inoculation, specifically a COVID-19 vaccine inoculation, prescribed for all service members by the Secretary of Defense on 24 August 2021. MARADMIN 462/21, and as otherwise required by U.S. Navy Regulation Article 1144. This counseling is required per MCO 1916. C1 13 paragraph 620 3.7 f."

e. On 6 May 2022, Petitioner's Commanding Officer issued and signed an Administrative Remarks (NAVMC 118(11)) listing the following: "Counseled this date concerning the following deficiencies: On 24 August 2021. the Secretary of Defense mandated all Service members he fully vaccinated against COVID-19 and directed the Military Departments to immediately begin vaccinating Service Members using ambitious timelines. In accordance with MARADMIN 462/21. Commanders shall ensure rapid vaccination for all Active Duty Service Members, achieving full vaccination no later than 90 days from ALNAV 062/21 dated 30 August 2021. Unless such personnel have submitted for a medical or administrative exemption. In accordance with the above directives, on 2 May 2022, your commander issued a lawful order to received the mandatory FPA-approved COVID-19 inoculation according to the unit's vaccination plan. On 5 May 2022. you violated your commander's lawful order 1 Article 92. UCMJ) by refusing to get the mandatory COVID-19 inoculation when directed."

f. On 15 July 2022, Commanding General, [REDACTED] notified Petitioner that "1. Effective, 2359 on 19 July 2022 you will be involuntarily discharged from active duty for the following reasons: a. Separation Reason: MISCONDUCT (SERIOUS OFFENSE). b. Your discharge characterization is: Uncharacterized. c. You have been assigned a separations code of: JKQ1. d. Date of Bn CO Notification of Separation: 27 May 2022."

g. Petitioner was entry level separated with a General (Under honorable conditions) character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 25 April 2022 to 19 July 2022 for misconduct (Serious Offense).

h. On 17 July 2023, Petitioner reenlisted for 5 years with an ECC of 16 July 2028.

i. On 2 October 2023, Petitioner was meritoriously promoted to Private First Class/E-2.

j. 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.

k. In accordance with reference (e), provided 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 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.

l. In accordance with reference (f), 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.

m. Marine Corps Total Force System (Basic Individual Record/Present Grade – Grade Select Data) listed a Pay Entry Base Date (PEBD) of 17 July 2023, an Armed Forces Active Duty Base Date (AFADBD) of 17 July 2023, and Present Grade of E-4 with a Date of Rank of 1 June 2025. Furthermore, Pay Grade of E-3 with a Date of Rank of 1 June 2024 and Pay Grade of E-2 with a Date of Rank of 13 October 2023.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board determined that on 19 July 2022, Petitioner was discharged for misconduct (Serious Offense) due to refusing to comply with reference (b). On 17 July 2023, Petitioner reenlisted for 5 years and on 2 October 2023. Petitioner's record currently shows a break in service. In 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 could not determine if Petitioner would have been promoted earlier to his current rank of Corporal if not separated for refusing the COVID-19 vaccination.

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RECOMMENDATION

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

Petitioner's discharge from the U.S. Marine Corps effective 19 July 2022, is rescinded.

Petitioner's PEBD/AFADBD is 25 April 2022 vice 17 July 2023.

Petitioner's Private First Class/E-2 DOR is 1 October 2022 vice 13 October 2023.

Petitioner's Lance Corporal/E-3 DOR is 1 June 2023 vice 1 June 2024.

Note: Petitioner was promoted to Corporal/E-4 with a Date of Rank of 1 June 2025. Upon correction to Petitioner's dates of rank, Headquarters, U.S. Marine Corps (HQMC) (MMPB) will determine if Petitioner would have met all requirements for promotion to Corporal sooner and promote him accordingly.

Note: 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 for COVID-19. Furthermore, any other corrections affected by the Board's decision 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 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.

9/10/2025

