DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

[redacted]
Docket No. 9510-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [redacted] USN, [redacted]

Ref: (a) 10 U.S.C. § 1552
(b) USD (P&R) Memo, "Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements," 7 February 2025
(c) USD (P&R) Memo, "Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements," 1 April 2025
(d) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997
(e) NAVADMIN 225/21, subj: COVID-19 Consolidated Disposition Authority (CCDA), dtg 132050Z OCT 21
(f) NAVADMIN 283/21, subj: CCDA Execution Guidance to Commanders, dtg 151203Z DEC 21
(g) Executive Order 14184, "Reinstatement Service Members Discharged Under the Military's COVID-19 Vaccination Mandate," 27 January 2025
(h) MILPERSMAN 1611-020, Officer Detachment for Cause
(i) SECNAVINST 1920.6D, Administrative Separation of Officers, 24 July 2019
(j) MILPERSMAN 1920-190, Types of Resignations by Officers
(k) NAVADMIN 256/21, subj: CCDA Guidance to Commanders, dtg 152239Z NOV 21

Encl: (1) DD Form 149, signed 3 June 2025
(2) DD Form 214, 3 May 2022
(3) NAVPERS 1000/4, Officer Appointment Acceptance and Oath of Office, 22 October 2010
(4) NAVPERS 1070/605, History of Assignments
(5) NPC Memo 1421 Ser 80/0256, subj: Temporary Appointment, 18 July 2019
(6) [redacted] 1611 Ser SSN777/033, subj: Detachment for Cause ICO [Petitioner], 8 February 2021
(7) Petitioner's Memo 1611, First Endorsement on Enclosure (6), subj: Detachment for Cause ICO [Petitioner], 18 February 2021
(8) [redacted] 1611 Ser SSN777/162, Second Endorsement on Enclosure (6), subj: Detachment for Cause ICO [Petitioner], 12 April 2021
(9) Submarine Force, U.S. Pacific Fleet CO Memo 1611 Ser N02L/040, Fourth Endorsement on Enclosure (6), subj: Detachment for Cause ICO [Petitioner], 29 April 2021
(10) Petitioner's Memo, subj: Qualified Resignation from Naval Service for an

Honorable (HON) Discharge, 9 August 2021
(11) SECDEF Memo, subj: "Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members," 24 August 2021
(12) ALNAV 062/21, subj: 2021-2022 Department of Navy Mandatory COVID-19 Vaccination Policy, dtg 302126Z AUG 21
(13) BUPERS Memo 1611 BUPERS-00B/478, subj: Detachment for Cause ICO [Petitioner], 19 September 2021
(14) BUPERS Memo 1920 BUPERS-00B/485, subj: Administrative Separation ICO [Petitioner], 21 September 2021
(15) Petitioner's Memo, subj: Withdrawal of Resignation from Naval Service, 12 January 2022 (unsigned)

1. Pursuant to the provisions of reference (a), the Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, requesting that his naval record be corrected to reflect that he did not resign his commission but rather that he continued to serve without a break in service until he reached retirement-eligibility and was thereafter retired in the grade of Lieutenant Commander (LCDR). Alternatively, Petitioner requested reinstatement to active duty in the grade of LCDR "for the minimum time required to complete 20 years of service, with a non-operational command in [redacted] with backpay and relief from any in-service debt. Petitioner further requested "[r]elief from repayment of submarine bonus, compensation for rank/pay loss, and acknowledgment of undue hardship sustained by [his] family during this process."[1]

2. A three-member panel of the Board, meeting in executive session, convened to review Petitioner's allegations of error or injustice pursuant to the policies and procedures governing Board deliberations on 20 October 2025 and determined that no corrective action is warranted. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies. The guidance of reference (b), however, was not applied because Petitioner's USNR service was terminated by acceptance of his voluntary resignation request.[2]

3. Factual Background. Following is the relevant factual background of Petitioner's case based upon review of his naval record and the evidence provided with his application:

a. Petitioner enlisted in the Navy and commenced a period of active duty service on 1 November 2004. See enclosure (2).

b. On 6 May 2011, Petitioner was appointed as an officer in the Navy upon completion of

[1] Relief from Petitioner's obligation to repay any otherwise unearned bonuses and back pay would naturally follow from correction of his record to reflect that he did not resign but rather continued to serve throughout his obligated service. Absent such relief, however, Petitioner has not exhausted his administrative remedies as required before seeking relief from his obligation to repay any unearned bonus from this Board.

[2] Reference (b) provides that its guidance does not apply to "those Service members who remained in service, *voluntarily left the service*, or allowed their service to lapse according to appropriate procedures, rather than be vaccinated under the COVID-19 mandate (*emphasis added*)." As discussed further below, Petitioner failed to provide sufficient evidence to prove that the submission of his apparently voluntary resignation request was actually involuntary.

the Navy Reserve Officer Training Corps (ROTC) program at the [redacted] See enclosure (3).

c. Petitioner reported for duty aboard the [redacted] on 22 June 2019. See enclosure (4).

d. On 22 July 2019, Petitioner accepted a temporary appointment as a LCDR, which was to remain effective while he continued to serve as the Nuclear Engineer aboard the [redacted] and to terminate on the date that he relinquished such duties. See enclosure (5).

e. Petitioner reportedly performed his duties aboard the [redacted] satisfactorily early in his tour. However, his performance began to decline after he experienced significant family issues shortly before deploying in March 2020. These issues reportedly resulted in a poor performance during the deployment. On 20 January 2021, Petitioner was formally counseled in writing for inadequate planning within his department resulting in a delay in ship's operation. Subsequent to this event, Petitioner's performance as Officer of the Deck (OOD) reportedly remained stagnant and eventually declined following additional family troubles both before and during deployment. This declining performance culminated with his removal from watchstanding duties due to negligence on his pat when he allowed a watchstander to leave CONTROL without a relief while on mission after repeated counseling to improve his focus while on watch. Petitioner also reportedly struggled to stay awake and maintain focus during many planning meetings, briefs, and training events. These struggles were reportedly so noticeable and serious that he was ordered to seek medical attention to identify and correct his constant state of drowsiness.[4] See enclosure (6).

f. Petitioner requested to be relieved of his duties aboard the [redacted] on three separate occasions between 10 January 2021 and 25 January 2021. Specifically, he sent e-mails to his commander on 10 January 2021 and 19 January 2021 respectively in which he cited his need to "do what is best for his family and resign as Engineer as soon as possible." He was counseled by the [redacted] commander after each such request and strongly advised to reconsider his request based upon the adverse ramifications of such a decision. During this period, his commander spent approximately 20 hours attempting to find alternative assignment options for Petitioner which would allow him to continue his naval career while reducing the impact of his service upon his family. However, Petitioner rejected those potential options because each would require him to stay on board the [redacted] through at least June 2021, which he was unwilling to do. On 22 January 2021, Petitioner's commander instructed Petitioner to take the weekend to discuss his situation with his family. On 25 January 2021, Petitioner's commander presented Petitioner with a Letter of Instruction (LOI) informing him of the measures that would be necessary to prevent his detachment for cause (DFC) from the [redacted] and enclosed a Page 13 that invited him to clearly state whether he desired to be relieved of his position or remain in it. Petitioner returned that Page 13 on the same

[3] Petitioner was selected for and participated in the Seaman-to-Admiral 21 (STA-21) Commissioning Program. As such, he remained on active duty while attending [redacted]

[4] A sleep study was reportedly conducted on Petitioner which resulted in no conclusive evidence showing any type of sleep irregularities that would cause his drowsiness. Petitioner's commander attributed Petitioner's distraction and drowsiness to a large amount of stress at both home and work.

day, explicitly stating his desire to resign his duties. See enclosure (6).

g. By memorandum dated 8 February 2021, Petitioner's commander requested Petitioner's DFC from th[redacted] for substandard performance involving one or more significant events and substandard performance of duty over an extended period of time based upon his multiple requests to be relieved discussed in paragraph 5f above and his performance issues discussed in paragraph 5e above. In making this request, Petitioner's commander opined that Petitioner might be able to continue serving in some capacity in the Navy if he were to seek help from available resources to regain his focus, but recommended against his continued service in the Submarine Force because he became a danger to the ship and the crew due to his distractions. He also recommended that Petitioner be required to show cause for retention in the Navy, "as he will not be able to meet performance standards unless and until he resolves the issues that have caused this situation." See enclosure (6).

h. By memorandum dated 18 February 2021, Petitioner provided a response to the DFC request referenced in paragraph 3g above. Specifically, he reported that the fatigue described by his commander was an issue that he experienced for years and throughout his service aboard submarines. He also reported that he attempted to identify and address what he believed to be the root cause of his drowsiness when he was removed as OOD, but that the resulting sleep study failed to identify the cause.[5] Petitioner denied responsibility for the incident involving the watchstander leaving his post without relief, asserting that the watchstander left with his supervisor's permission and that Petitioner would not have allowed it. He also denied the claim made in the DFC request that his distraction made him a danger to the ship and crew, noting that it was not recorded in his previous fitness report. Finally, Petitioner denied his commander's claim that he rejected all potential assignment options that involved remaining onboard the [redacted] through June. He concluded this response by accepting full responsibility for his decision to leave the [redacted] and acknowledging that the DFC was warranted. See enclosure (7).

i. By memorandum dated 12 April 2021, Petitioner commander forwarded the DFC request referenced in paragraph 5g above and Petitioner's response thereto referenced in paragraph 5h above to Navy Personnel Command (NPC) (PERS-83), recommending approval. See enclosure (8).

j. By memorandum dated 29 April 2021, NPC (PERS-834) directed that Petitioner show cause for retention in the Navy. See enclosure (9).

k. By memorandum dated 9 August 2021, Petitioner submitted a qualified resignation request in response to the show cause proceedings pending against him in accordance with reference (j). In making this request, he acknowledged his belief that he was financially indebted to the U.S. Government and may be required to repay the prorated amount of his debt.[6] See enclosure (10).

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[5] Petitioner reported that he had a follow-up student scheduled for 10-18 March 2021 with the [redacted]

[6] The Board presumes this was in reference to the Submarine service bonus from which Petitioner seeks repayment relief.

l. On 24 August 2021, the Secretary of Defense mandated that all Service members be vaccinated for COVID-19. See enclosure (11). The Secretary of the Navy (SECNAV) implemented this mandate by message dated 30 August 2021, directing that all active duty members of the Department of the Navy (DON) be vaccinated within 90 days. See enclosure (12).

m. By memorandum dated 19 September 2021, the DFC request referenced in paragraph 5g above was approved. See enclosure (13).

n. By memorandum dated 21 September 2021, the Deputy Chief of Naval Personnel (DCNP) forwarded Petitioner's qualified resignation request to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)), recommending that it be accepted and that Petitioner be honorably discharged. See enclosure (14).

o. Petitioner prepared a request to withdraw his resignation request with the assistance of civilian counsel on 12 January 2022. This request asserted that he had continued seeking medical treatment for his persistent and still undiagnosed medical issues, which he believed to be a significant contributing factor his separation action. As such, he stated his belief that it was in his best interest to withdraw his resignation and proceed to a Board of Inquiry (BOI).[7] See enclosure (13). This request, however, was never signed or submitted.

p. On 23 February 2022, the Acting ASN (M&RA) approved the DCNP's recommendation referenced in paragraph 5n above, thus approving Petitioner's qualified resignation request. See enclosure (14).

q. On 29 April 2022, Petitioner was honorably discharged from the Navy pursuant to his resignation for substandard performance. See enclosure (2).

4. Petitioner's Application. Petitioner submitted his application to the Board seeking the corrective action discussed in paragraph 1 above in September 2025.[8] He asserted that the narrative reason stated for his separation (i.e., substandard performance) was procedurally flawed and issued under conditions that denied him an opportunity to defend himself, which he attributed to a conflict between his attempt to rescind his resignation and his sincere religious refusal of the COVID-19 vaccination mandate. Specifically, Petitioner asserted that he submitted an administrative exemption request to the mandate "due to the non-acceptance of religious exemptions by all services in the DoD" while having decided to rescind his resignation request to challenge the allegation of substandard performance, but decided not to submit the rescission request when he was told that the Navy "would separate [him] within 14 days for [his] COVID-19 vaccination refusal" if he did so. While acknowledging that he was not separated solely because of his COVID-19 vaccination refusal, Petitioner asserts that his decision not to

[7] Other evidence in the record suggests that Petitioner retained a civilian law firm in early January 2022 to represent him in this matter, and he asserts that this request was prepared with their assistance and based upon their advice. His attorney sent an e-mail to a Navy officer whose duties are unknown to the Board, indicating his intent to request recission of the resignation request.

[8] The signature on Petitioner's DD Form 149 is dated 12 August 2025, but it was not received by the Board until 4 September 2025.

fight the separation and to ultimately leave the Navy was based upon his religious objection to the vaccine. As such, he asserts that his separation was "both voluntary and involuntary," and therefore he should be reinstated pursuant to references (c) and (g).

5. Conclusions.[9]

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the DON.

b. *Detachment for Cause.* The Board found insufficient evidence of any error or injustice in Petitioner's DFC due to substandard performance involving one or more significant events resulting in complete disregard of duty and over an extended period of time.

(1) Petitioner personally requested to be relieved of his position on three separate occasions in January 2021. Despite being strongly advised against this course of action by his commander after the first two such requests and being offered alternative options to reduce the impact of his service upon his family, Petitioner subsequently insisted upon his own relief in writing with full knowledge of the consequences. In accordance with reference (h), DFC is the administrative removal of an officer from his current duty assignment before their normal transfer or planned rotation date. Paragraph 3b of reference (h) provides that substandard performance involving one or more significant events resulting in compete disregard of duty is a proper basis for a DFC request, and that an officer's request to be relieved by itself will be considered as such an event. Accordingly, the DFC request submitted by Petitioner's commander was the proper mechanism to effectuate Petitioner's request in this regard.

(2) Petitioner's DFC was not requested solely due to his own request to be relieved. Rather, it was also requested due to documented incidents of substandard performance of duty over an extended period of time. Specifically, Petitioner's commander documented several instances of substandard performance, to include Petitioner's receipt of formal counseling when his inadequate planning resulted in a delay in ship's operations and his removal from watchstanding duties when he allowed a watchstander to leave his post without relief while on mission even after repeated counselings regarding the need to improve his focus. Petitioner's commander also documented Petitioner's ongoing struggle to remain awake during planning meetings, briefs, and training events. The allegation that Petitioner's inadequate planning resulting in a delay in ship's operations was unrefuted and Petitioner acknowledged the ongoing fatigue referenced by his commander for which no medical explanation was found,in enclosure (7). While Petitioner asserted in enclosure (7) that he was unaware of the watchstander's departure and that he would not have allowed it if he was aware, he provided no evidence to establish that he was not responsible for this deficiency and that the allegation was therefore unsupported. Paragraph 3c of reference (h) provides that substandard performance of duty over an extended period of time is a proper basis for a DFC, and Petitioner failed to provide sufficient evidence to establish that his performance was not substandard in this regard.[10] Accordingly, the Board found no error in the request for Petitioner's DFC upon this basis in addition to the basis

[9] The Board's conclusions were unanimous.

[10] Petitioner cited to a previously favorable fitness report, but satisfactory performance during a previous reporting period does not evidence such performance in a subsequent reporting period.

discussed in paragraph 5b(1) above.

(3) Petitioner stated in paragraph 6 of his own statement at enclosure (7) that the requested DFC was warranted.

c. *Show Cause Proceedings*. Having found insufficient evidence of any error or injustice in Petitioner's DFC, the Board also found insufficient evidence of any error or injustice in the initiation of show cause proceedings.

(1) In accordance with paragraph 1 of enclosure (6) to reference (i), officers who fail to maintain required standards of performance of duty may be processed for separation for cause. In this regard, the inability of an officer to maintain adequate levels of performance may be evidenced by the failure to demonstrate acceptable qualities of leadership required of an officer in the member's grade or failure to properly discharge duties assigned to or expected of an officer in the member's grade. Given the bases for Petitioner's approved DFC, the initiation of show cause proceedings against him for substandard performance of duty upon either of these evidentiary bases appears to be supported by the evidence.

(2) In response to the initiation of show cause proceedings, Petitioner voluntarily elected to submit a voluntary resignation request rather than exercise his right to a hearing before a BOI in accordance with reference (j). That resignation request was properly acted upon and approved by the Acting ASN (M&RA) on behalf of the SECNAV. As such, the circumstances resulting in Petitioner's discharge were entirely unrelated to Petitioner's reported objection to the COVID-19 vaccination mandate which came into effect only after he submitted his voluntary resignation request.

d. Effect of COVID-19 Vaccination Refusal. Petitioner provided no evidence of his COVID-19 vaccination refusal and his claimed refusal is not documented in his naval record as would be required in accordance with reference (k). Even if he actively refused the former vaccination mandate, however, the absence of evidence recording such refusal would be unsurprising given the timing and circumstances of his resignation request relative to the COVID-19 vaccination mandate. Specifically, Petitioner submitted his voluntary resignation request before the mandate went into effect and it was favorably endorsed by his chain of command. As such, Petitioner was essentially just awaiting action on the request, and enforcement of the COVID-19 vaccination mandate would be superfluous in his case. This severely undermines the credibility of his claim regarding his motivation to refrain from requesting withdrawal of the resignation request.

(1) Even assuming as true Petitioner's claim that he would have withdrawn his resignation request but for the fear that he would immediately thereafter be administratively separated for his COVID vaccination refusal would not change the factual basis for Petitioner's separation. As noted above, the factual basis for Petitioner's DFC and show cause proceedings predated the COVID-19 vaccination mandate. Likewise, all procedural requirements for these actions, except for the final decision by the ASN (M&RA), were completed prior to the mandate. Accordingly, Petitioner's discharge was entirely unrelated to his reported vaccination refusal.

(2) If Petitioner had actually withdrawn his resignation request and that withdrawal was accepted, Petitioner's show cause proceedings for the substandard performance of duty would have resumed. As discussed above, Petitioner has provided insufficient evidence to call that alleged substandard performance of duty in question, and that part related to his request to be relieved from his position as the [redacted] Engineer is not disputed. Additionally, his refusal to comply with the COVID-19 vaccination mandate may have been added as an additional basis for separation (i.e., misconduct) for which Petitioner would have been required to show cause. Accordingly, there is no evidence or reason to believe that Petitioner would have been retained but for his decision not to submit the if he had withdrawn the resignation request. The primary difference would have been that he may have been subject to a less than fully honorable discharge and any resulting discharge would have been considered involuntary.

(3) Petitioner's novel contention that his discharge was both voluntary and involuntary is logically impossible. The evidence reflects that he was discharged pursuant to his voluntary resignation request submitted in response to administrative separation proceedings initiated long before the COVID-19 vaccination mandate. Petitioner's ultimate motivation for not submitting the withdrawal request prepared by his attorney does not change the voluntary nature of his request – only the actual submission and acceptance of that request could have subsequently resulted in an involuntary separation.

(4) In accordance with references (c) and (g), reinstatement (with back pay) is available only to members who were discharged solely for refusing to comply with the COVID-19 vaccination mandate. Accordingly, Petitioner would remain ineligible for reinstatement with backpay under current policies because his discharge would not have been due solely to such refusal even if there was any evidence that his refusal to comply with the COVID-19 vaccination mandate contributed in any way to his discharge.

(5) In accordance with reference (g), reinstatement with back pay will not be afforded to those who were involuntarily separated solely for refusing to comply with the COVID-19 vaccination mandate unless they are willing and able to return to active service for at least four years.[11] Accordingly, even if Petitioner's discharge was hypothetically discharged involuntarily and solely due to his claimed refusal of the COVID-19 vaccination mandate which is not documented in his naval record, he would remain ineligible for reinstatement with backpay because he has not indicated his willingness to consent to a four-year active service obligation starting upon the date of such reinstatement.

6. Recommendation. Based upon its conclusions as discussed in paragraph 5 above, the Board recommends that no corrective action be taken on 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 compete record of the Board's proceedings in the above titled matter.

[11] A two-year minimum service obligation is available for individuals who would have become eligible for a regular retirement within two years or less from the date of their separation if they had not been separated solely due to their refusal to comply with the COVID vaccination mandate. Petitioner, however, was not within two years of eligibility for a regular retirement at the time of his resignation.

Subj: REVIEW OF NAVAL RECORD OF [redacted], USN, [redacted]

8. The person performing the duties of the ASN (M&RA) has indicated his desire to act upon this category of cases. According, the foregoing action of the Board is submitted for your review and action in accordance with Sections 6e(1)(c) and 6e(2)(c) of enclosure (1) to reference (d).

11/17/2025

[redacted]

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

[redacted] Board Recommendation Approved (Relief Denied – I concur with the Board's conclusions and therefore direct that no corrective action be taken on Petitioner's naval record.)

___ Board Recommendation Disapproved (Grant Relief – I do not concur with the Board's conclusions and therefore direct the following relief, contingent upon Petitioner meeting the retention standards for continued service in the Navy and his acceptance of a four-year service obligation for the following reasons: _____

_____

_____)

[redacted]