



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

█
Docket No. 9764-25

Ref: Signature Date

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Dear █,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code (USC). After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 19 February 2026. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove the fitness report for the reporting period 1 June 2021 to 31 May 2022. You contend the fitness report was unjust due to reprisal by the Reporting Senior (RS) because you requested religious exemption from the COVID-19 vaccination. Further, you contend Executive Order (EO) 14184 "recognizes this injustice." You also contend the fitness report should be removed because it is "an anomaly in a career of high performance." Additionally, the Board considered your request to grant a remedial promotion board to correct your retirement rank to Master Gunnery Sergeant/E-9, to include back pay. In support of your requested relief, you submitted six character statements/recommendation letters. You contend these corrections are warranted because you "did not want to retire but felt forced out" and your requested relief would "address retaliation, restore justice," and ensure you retired at the "rank [you] earned through faithful and honorable service."

The Board determined there is insufficient evidence to support your contention the RS's marks and comments were in retaliation of your decision to request religious exemption. The Board noted you did not specify any marks or comments that reflected your reprisal contention, and further the Board disagreed with the sentiment of one of the Marine captains that argued it was "impossible to divorce vaccine refusal from perceived performance." After full consideration of your contested fitness

report through the lens of EO 14184, the Board found no impropriety or injustice nor even a hint of reprisal/retaliation.

Additionally, the Board noted you were considered -- but not selected for promotion -- by the Fiscal Year 2022 (FY22) Sergeant Major through Master Sergeant Selection Board that convened on 19 October 2021. Further, noting the reporting period of the contested fitness report ended 31 May 2022, the Board determined that "even if" there was an error/injustice in the report, the contested report was not in your record at the time of the FY22 selection board.

The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board also considered your reprisal contentions but determined there was insufficient evidence to conclude you were the victim of reprisal in violation of 10 USC 1034. 10 USC 1034 provides the right to request Secretary of Defense review of cases with substantiated reprisal allegations where the Secretary of the Navy's follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with DoD policy you have the right to request review of the Secretary of the Navy's decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the Secretary of the Navy acted arbitrarily, capriciously, or contrary to law. This is not a *de novo* review and under 10 USC 1034(c) the Secretary of Defense cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of Defense for Personnel and Readiness (USD (P&R)), Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your BCNR application and final decisional documents; and, a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the BCNR, therefore, please also include previously presented documentation that supports your statements.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

3/9/2026

