



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 9907-25

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,  
USN, XXX-XX-██████████

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) USD (P&R) 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 2025  
(f) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149  
(2) DD Form 214  
(3) SECDEF Memo, subj: Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members, 24 August 2021  
(4) ALNAV 062/21, subj: 2021- 2022 Department of Navy Mandatory COVID-19 Vaccination Policy, dtg 302126Z AUG 21  
(5) NAVADMIN 190/21, subj: Nav Mandatory COVID-19 Vaccination and Reporting Policy, dtg 311913Z AUG 21  
(6) NAVPERS 1070/613, subj: COVID-19 Vaccination Administrative Counseling, 24 October 2021  
(7) NAVPERS 1910/31, Administrative Separation Processing Notice, 23 January 2022  
(8) ██████████ CO Memo, subj: [Petitioner] Recommendation for Administrative Separation, 13 May 2022  
(9) SJA memo, subj: Legal Sufficiency Review of Administrative Separation [Petitioner], 23 May 2022  
(10) COMNAVPERSCOM naval message, subj: Administrative Separation from Reserve Naval Service, dtg 062101Z Jul 22

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████, USN, XXX-XX-██████

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 record be cleared of all COVID-19 related documents that his naval record be corrected as necessary to establish his eligibility for back pay and lost benefits. Petitioner additionally requests his time in the Navy Reserves be combined with his time in the Air Guard.

2. A three-member panel of the Board convened in executive session on 30 September 2025 to review Petitioner's allegations of error or injustice in accordance with its governing policies and procedures, and determined that the partial corrective action reflected in paragraph 6 below should be taken upon Petitioner's naval record in the interests of justice.<sup>1</sup> Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies.

3. Factual Background. 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. Petitioner enlisted in the U.S. Navy Reserve on 13 November 2019. Petitioner entered active duty for training on 6 January 2020 and was discharged with an Honorable characterization of service at the completion of required active service on 5 October 2020. See enclosure (2).

b. Petitioner reports to his Reserve Command on 6 October 2020.

c. By memorandum dated 24 August 2021, the Secretary of Defense (SECDEF) mandated that all members of the Armed Forces under Department of Defense (DOD) authority be fully vaccinated against the COVID-19 virus with a vaccine receiving full licensure from the Food and Drug Administration (FDA).<sup>2</sup> Accordingly, he directed the Service Secretaries to immediately begin full vaccination of all Service members of their respective services. See enclosure (3).

d. On 30 August 2021, the Secretary of the Navy (SECNAV) implemented the SECDEF's directive referenced in paragraph 3b above in ALNAV 062/21, ordering all Department of the Navy (DON) active-component Service Members who were not already vaccinated or exempted to be fully vaccinated within 90 days with an FDA-approved COVID-19 vaccination. In issuing this directive, SECNAV made the following statement:

The order to obtain full vaccination is a lawful order, and failure to comply is punishable as a violation of a lawful order under Article 92, Uniform Code of Military Justice [(UCMJ)], and may result in punitive or adverse administrative action or both. The Chief of Naval Operations [(CNO)] and Commandant of the Marine Corps [(CMC)] have authority to

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<sup>1</sup> Petitioner's application was originally reviewed by the Board on 20 October 2025. However, before the decision for that case was published the Board received and reviewed several other applications with a similar fact pattern to the one presented in Petitioner's case. For this reason, Petitioner's case was reopened for reconsideration on 22 January 2026 to ensure consistency in the Board's treatment of the circumstances of Petitioner's case.

<sup>2</sup> A Service member was considered to be fully vaccinated two weeks after completing the second dose of a two-dose COVID-19 vaccine, or two weeks after receiving a single dose of a one-dose vaccine.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],  
USN, XXX-XX-[REDACTED]

exercise the full range of administrative and disciplinary actions to hold non-exempt Service Members appropriately accountable. This may include, but is not limited to, removal of qualification for advancement, promotions, reenlistment, or continuation, consistent with existing regulations, or otherwise considering vaccination status in personnel actions as appropriate. See enclosure (4).

d. On 31 August 2021, the CNO published NAVADMIN 190/21 to implement the COVID-19 vaccination mandates referenced in paragraphs 3b and 3c above in the Navy. Specifically, NAVADMIN 190/21 directed all non-exempt active-component Sailors to achieve full vaccination no later than 28 November 2021. See enclosure (5).

e. On 24 October 2021, Petitioner received a NAVPERS 1070/613, indicating that his medical record indicates that he was not fully vaccinated against COVID-19 and unless he had an approved medical or administrative exemption or a pending exemption request, he was ordered to be fully vaccinated by 28 December 2021. Further advised this was a lawful order and refusal to be fully vaccinated against COVID-19 would constitute a failure to obey a lawful order. He refused to comply with this order. See enclosure (6).

f. On 23 January 2022, The Commanding Officer notified Petitioner of administrative separation processing for misconduct commission of a serious offense. The factual basis stated for this recommendation was Petitioner's refusal to comply with the order referenced in paragraph 3e above to receive the mandatory COVID-19 vaccine. Petitioner was informed that the least favorable characterization of his service that could be approved was "General (under honorable conditions)."

g. Petitioner acknowledged the notice referenced in paragraph 3f above on the same day and waived all of his rights with regard to the administrative discharge process.<sup>3</sup> See enclosure (7).

h. By memorandum dated 13 May 2022, Petitioner's Commanding Officer recommended that Petitioner be separated from the Navy with an honorable characterization of service. See enclosure (8).

i. By memorandum dated 23 May 2022, the Staff Judge Advocate concurred with the Commanding Officer's recommendation for separation referenced in paragraph 3h above. See enclosure (9).

j. By naval message, Navy Personnel Command approved the recommendation that Petitioner be administratively discharged from the Navy Reserve with an Honorable characterization of service for misconduct due to commission of a serious offense. See enclosure (10).

k. On 7 July 2022, Petitioner was discharged from the Navy with an honorable characterization of service for misconduct due to commission of a serious offense.

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<sup>3</sup> Petitioner explicitly stated that he did not wish to speak to legal.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],  
USN, XXX-XX-[REDACTED]

4. Petitioner's Application. Petitioner submitted a DD Form 149 to the Board in August 2025 requesting the corrective action discussed in paragraph 1 above. Specifically, he stated that his discharge was based solely upon his refusal to comply with the COVID-19 vaccine mandate, and record to be cleared of COVID-19. that his time in the Navy be combined with his Air Guard time and back pay. See enclosure (1).

5. Conclusions.<sup>4</sup>

a. The Board found no error in Petitioner's discharge with an Honorable characterization of service for misconduct due to commission of a serious offense when it was administered.

Petitioner refused to comply with the order in NAVADMIN 190/21 to become fully vaccinated against COVID-19 and such refusal constituted a violation of Article 92, UCMJ, for which a punitive discharge was authorized according to the Manual for Courts-Martial. As discussed in paragraph 3g above, the processing of Sailors without an approved or pending exception or accommodation request for administrative separation upon this basis was also mandated by NAVADMIN 190/21. Accordingly, the factual predicate for Petitioner's discharge upon this basis was satisfied, and his processing for administrative separation under these circumstances was mandated by Navy policies in effect at the time. It also appears that all procedural requirements were satisfied to sustain Petitioner's discharge upon this basis, as he was properly notified and waived his rights with regard to the administrative separation process before any action was taken to separate him. Petitioner's separation was also approved by Commander Naval Personnel Command. Finally, the Board found no error in the characterization of Petitioner's discharge given the circumstances.

b. While finding no error in Petitioner's discharge with an honorable for misconduct due to commission of a serious offense when it was administered, the Board did find sufficient evidence of an injustice warranting corrective action. In reference (d), the President described the former COVID-19 vaccination mandate as "an unfair, overbroad, and completely unnecessary burden on our service members." He further stated that "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." Additionally, per the Attachment to reference (b), the former requirement that Service members receive the COVID-19 vaccine without an adequate due process mechanism for vaccine accommodation was an injustice. Since Petitioner was involuntarily discharged in a manner described by the President as unjust solely for refusing an order which the President also described as unfair and overbroad, and the binding guidance of reference (b) describes that mandate as in injustice, the Board found the adverse consequences resulting from that unjust discharge to also represent an injustice warranting corrective action.

c. In accordance with the Attachment to reference (b), the Board should normally grant requests to upgrade the characterization of service to "Honorable," to change the narrative reason for enlisted separations to "Secretarial Authority, and to change the reentry code to an immediately-eligible-to-reenter code when: (1) The former Service member was involuntarily

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<sup>4</sup> The Board's conclusions were unanimous.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],  
USN, XXX-XX-[REDACTED]

separated; (2) The separation was based solely upon the former member's refusal to receive the COVID-19 vaccine; and (3) There are no aggravating factors in the Service member's record, such as misconduct. Petitioner satisfied each of these criteria. Accordingly, the Board determined that his, his narrative reason for separation changed to "Secretarial Authority," and his reentry code changed to "RE-1."

d. While finding an injustice in that Petitioner was discharged solely for refusing the former COVID-19 vaccination mandate, the Board did not find correction of his records to establish his eligibility for backpay (i.e., correction of his record to reflect that he was never actually discharged, but rather continued to serve honorably with no break in service) to be appropriate or necessary relief under the circumstances. Reference (b) established the process to implement the President's directive in reference (d) to reinstate former members discharged solely for refusing the former vaccine mandate with back pay, and provided that the correction of military records to establish eligibility for back pay was contingent upon the member's acceptance of a four-year service commitment. It further provided that reinstatement of members involuntarily separated "will not be afforded to those who are unwilling or unable to return to active service ... for at least 4 years."

Petitioner states that he has already enlisted in the Air Guard, he is unable to return to service in the Navy and therefore does not qualify for reinstatement with back pay pursuant to the guidance of reference (e). Petitioner has provided no documentation of his enlistment in the Air Guard and the length of his enlistment. While Petitioner is not eligible for back pay according to the guidance of reference (e), the Board has broad statutory authority to correct his record in any way it deems necessary to address an injustice. As such, the Board is not prohibited by reference (e) from granting such relief if deemed necessary and appropriate. In this regard, the Board did not believe that Petitioner's selfless decision to commit himself to service in the Air Guard before the opportunity for reinstatement in the Navy Reserve (with back pay) became available to him should serve as a barrier to the back pay which may be afforded to similarly situated former members who simply waited until the opportunity for reinstatement came about. Additionally, Petitioner has provided no documentation of enlistment. As such, the Board believed it would be an injustice to grant him back pay under these circumstances when every other similarly-situated service member must commit to four full years of active-duty service to receive the same benefit in accordance with reference (e). Accordingly, the Board was not inclined to grant Petitioner's request in this regard.

e. In accordance with reference (a), Petitioner is entitled to request reconsideration of this decision upon the presentation of new material not previously presented to or considered by the Board. As such, the Board encourages Petitioner to seek reconsideration of this decision if or when he commits himself to the additional service necessary to achieve four years of obligated active duty service.

6. Recommendations. Based upon its conclusions discussed in paragraph 5 above, the Board recommends that the following corrective actions be taken upon Petitioner's naval record in the interests of justice:

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],  
USN, XXX-XX-[REDACTED]

a. That Petitioner be issued a new Honorable Discharge Certificate reflecting that his service ending on 7 July 2022, that the narrative reason for his separation was "Secretarial Authority"; that his separation authority was "MILPERSMAN 1910-164"; that his separation code was "JFF"; and that his reentry code was "RE-1." All other entries currently reflected on Petitioner's Record of Discharge are to remain unchanged.

b. The Board further recommends that that NPC scrub Petitioner's naval record and remove any adverse information pertaining to Petitioner's refusal to comply with the former COVID-19 vaccination mandate, and/or his involuntary discharge for misconduct, including but not necessarily limited to any punitive actions, "Page 13" entries counseling statements described herein and the documentation pertaining to his administrative separation process.

c. That a copy of this record of proceedings be filed in Petitioner's naval record.

d. That no further corrective action be taken upon 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 complete record of the Board's proceedings in the above titled matter.

8. Having assured compliance with the provisions of reference (f), I hereby announce that the foregoing action of the Board, to include its recommended corrective action reflected in paragraph 6 above, is approved and ordered executed on behalf of the SECNAV pursuant to the authority delegated in Section 6e of Enclosure (1) to reference (f) and in accordance with reference (a).

3/19/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]