



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 10723-25  
Ref: Signature Date

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

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Ref: (a) 10 U.S.C. §1552  
(b) MCO P1900.16F, Marine Corps Separation and Retirement Manual (Short Title: MARCORSEPMAN), 30 May 2001 (with Changes 1-2, 6 June 2007)  
(c) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, 27 January 2025  
(d) 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  
(e) USD (P&RA) 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  
(f) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149, signed 24 October 2025 (with attachments)  
(2) DD Form 4/1 Enlistment/Reenlistment Document – Armed Forces of the United States, 13 November 2017  
(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) MARADMIN 462/21, subj: Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 011400Z SEP 21  
(6) MARADMIN 533/21, subj: Supplemental Guidance to Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 061806Z OCT 21  
(7) NAVMC 118(11), Administrative Remarks (1070), 15 October 2021  
(8) MARADMIN 612/21, subj: Supplemental Guidance (2) to Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 222100Z OCT 21  
(9) NAVMC 118(11), Administrative Remarks (1070), 27 October 2021  
(10) NAVMC 118(11), Administrative Remarks (1070), 15 November 2021  
(11) NAVMC 10132 (Unit Punishment Book), 23 November 2021  
(12) ■■■■■■■■■■ CO Memo 5800, subj: Order to Receive COVID-19 Vaccine, 17 December 2021

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- (13) [REDACTED] CO Memo 1900, subj: Recommendation of Separation Proceedings ICO [Petitioner], undated
- (14) DD Form 4, Enlistment/Reenlistment Document – Armed Forces of the United States, 30 January 2024
- (15) DD Form 1695, Oath of Extension of Enlistment, 13 January 2026

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 to be eligible for backpay.

2. A three-member panel of the Board convened in executive session on 5 February 2026 to review Petitioner's allegations of error or injustice in accordance with its governing policies and procedures and determined that the corrective action reflected in paragraph 6 below should be taken upon Petitioner's naval record in the interests of justice. 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 Marine Corps and commenced a period of active duty service on 13 November 2017. See enclosure (2).

b. 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>1</sup> Accordingly, he directed the Service Secretaries to immediately begin full vaccination of all Service members of their respective services. See enclosure (3).

c. 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 and Commandant of the Marine Corps [(CMC)] have authority to 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)

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<sup>1</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.

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d. On 1 September 2021, the CMC published MARADMIN 462/21 to implement the COVID-19 vaccination mandates referenced in paragraphs 3b and 3c above in the Marine Corps. Specifically, MARADMIN 462/21 directed all non-exempt active-component Marines to achieve full vaccination no later than 28 November 2021. See enclosure (5).

e. On 6 October 2021, Headquarters, Marine Corps (HQMC) published MARADMIN 533/21 to supplement the guidance of MARADMIN 462/21 referenced in paragraph 3d above. MARADMIN 533/21 provided that commanders could initiate adverse administrative or judicial proceedings against Marines refusing to comply with the COVID-19 vaccination mandate referenced in paragraphs 3b – 3d above without waiting until the 28 November 2021 deadline referenced in paragraph 3d. See enclosure (6).

f. On 15 October 2021, Petitioner was formally counseled in writing regarding the COVID-19 vaccination mandate discussed in paragraph 3d above that all Marine Corps active and reserve component 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 28 November 2021. All non-exempt reserve component personnel will achieve full vaccination no later than 28 December 2021. To be in compliance, active component personnel must receive their final dose no later than 14 November 2021. Petitioner acknowledged this counseling without comment. See enclosure (7).

g. On 22 October 2021, HQMC published MARADMIN 621/21 to supplement the guidance of MARADMIN 462/21 referenced in paragraph 3d above. MARADMIN 621/21 provided that Marines refusing the COVID-19 vaccination absent an approved administrative or medical exemption, religious accommodation, or pending appeal “shall be processed for administrative separation.” Specifically, MARADMIN 621/21 directed commanders to notify any enlisted Marine refusing the vaccine of their intent to recommend to the general court-martial convening authority (GCMCA) that the Marine be involuntarily separated, and that the least favorable characterization of service that may be approved if the sole basis for separation was vaccine refusal was “General (under honorable conditions).” See enclosure (8).

h. On 27 October 2021, Petitioner was formally counseled in writing concerning his failure to obey a lawful general order and failure to obey other lawful order in violation of the Article 92, Uniform Code of Military Justice (UCMJ). In that, having received a lawful order on 15 October 2021 in writing to ensure that he received his first dose of vaccine no later than 24 October 2021 and his second dose no later than 14 November 2021. Petitioner failed to comply with these orders. See enclosure (9).

i. On 15 November 2021, Petitioner was formally counseled in writing for concerning his willful disobedience of superior commissioned officer, in violation of Article 90, UCMJ. Specifically, Petitioner was given a lawful order from his Squadron Commanding Officer, at which time he knew to be his superior commissioned officer, to wear a mask. Petitioner willfully disobeyed said order. See enclosure (10).

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j. On 23 November 2021, Petitioner received non-judicial punishment for willfully disobeying his superior commissioned officer, in violation of Article 90, UCMJ. See enclosure (11).

k. On 17 December 2021, Petitioner received an order in writing to be fully vaccinated against COVID-19 no later than 24 January 2022. Petitioner was directed to be in compliance with said order and that he must receive his final dose of COVID-19 vaccine no later than 10 January 2022. Petitioner acknowledged that he has received the foregoing order. See enclosure (12).

l. By memorandum, Petitioner's commanding officer recommended that Petitioner be separated from the Marine Corps with a general (under honorable conditions) characterization of service for violating Article 92, UCMJ by refusing to receive the COVID-19 vaccine. See enclosure (13).

m. On 11 January 2022, Petitioner was discharged from the Marine Corps with a general (under honorable conditions) characterization of service for misconduct due to commission of a serious offense.

n. On 30 January 2024, Petitioner's enlisted in the U.S. Army with an active-duty service obligation (ADSO) of three years and twenty-seven weeks. See enclosure (14).

o. On 13 January 2026, Petitioner voluntarily extended his enlistment in the U.S. Army to a period of four years, four months, and twenty-seven weeks. This period of extension was 16 months brought his new ETS to 6 December 2028. See enclosure (15).

4. Petitioner's Application. Petitioner submitted a DD Form 149 to the Board requesting the corrective action discussed in paragraph 1 above. See enclosure (1).

#### 5. Conclusions.<sup>2</sup>

a. The Board found no error in Petitioner's discharge with a general (under honorable conditions) characterization of service for misconduct due to commission of a serious offense when it was administered. In accordance with paragraph 6210.6 of reference (b), a Marine may be processed for separation for misconduct due to commission of a serious offense when the specific circumstances of the offense warrant separation and a punitive discharge would be authorized for the same or a closely related offense under the UCMJ. Petitioner refused to comply with the order in MARADMIN 462/21 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 Marines without an approved or pending exception or accommodation request for administrative separation upon this basis was also mandated by MARADMIN 621/21. 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 Marine

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<sup>2</sup> The Board's conclusions were unanimous.

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Corps policies in effect at the time. Based on the record, it appears Petitioner was notified of administrative separation processing for misconduct due to commission of a serious offense. Unfortunately, the documents pertinent to his administrative separation proceedings are not in his official military personnel file. Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. It appears Petitioner's separation was also approved by his GCMCA, in accordance with MARADMIN 621/21. Finally, the Board found no error in the characterization of Petitioner's discharge given the circumstances. In accordance with paragraph 6210.1, the characterization of service normally assigned to discharges based upon misconduct is under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted in some circumstances. As MARADMIN 621/21 directed that the least favorable characterization for a discharge based solely upon refusal of the COVID-19 vaccination mandate that could be approved was "General (under honorable conditions)," the circumstances of Petitioner's case were such that a general (under honorable conditions) characterization could be (and should have been) approved.

b. While finding no error in Petitioner's discharge with a general (under honorable conditions) 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 (c), 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 (d), 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 (d) 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 (d), 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 separated; and (2) the separation was based solely upon the former member's refusal to receive the COVID-19 vaccine. Petitioner satisfied each of these criteria. Accordingly, the Board determined that his characterization of service should be upgraded to honorable, his narrative reason for separation changed to "Secretarial Authority," and his reentry code changed to "RE-1A."

d. In addition to finding that an upgrade to Petitioner's discharge is warranted, the Board also determined that the corrective action necessary to establish Petitioner's eligibility for back pay (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) is also appropriate under the specific

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circumstances of his case. Reference (e) established the process to implement the President's directive in reference (c) 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." Because Petitioner has already enlisted in the U.S. Army, he is unable to return to active service in the Marine Corps and therefore does not qualify for reinstatement with back pay pursuant to the guidance of reference (e). 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 U.S. Army before the opportunity for reinstatement in the Marine Corps (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. With his recent reenlistment in U.S. Army, Petitioner has committed himself to more than four years of active-duty service in the Army, so he has effectively satisfied the requirement of reference (e) that members commit themselves to such service in order to receive back pay. Accordingly, the Board determined that Petitioner should receive constructive service credit in the Marine Corps from 11 January 2022 (i.e., the date following his discharge from the Marine Corps) until 29 January 2024 (i.e., the day before his enlistment in the U.S. Army).

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:

a. That Petitioner's naval record be corrected to reflect that he was not discharged from the Marine Corps on 11 January 2022 but rather that he continued to serve honorably at his previous grade and duty location with no break in service until 29 January 2024. To effectuate this relief, 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 existing DD Form 214 and the documents related to his administrative separation process.

b. That Petitioner be issued a new DD Form 214 reflecting that he was honorably discharged from the Marine Corps with a separation date of 29 January 2024 and that the reason for his discharge was "Secretarial Authority" (with corresponding entries in the separation authority and separation code boxes). His reentry code shall reflect "RE-1A" and the entries of block 12 shall be adjusted to reflect Petitioner's corrected separation date.

c. That Petitioner be issued an Honorable Discharge Certificate for his corrected Marine Corps service ending date of 29 January 2024.

d. That HQMC carefully scrub Petitioner's naval record and remove any adverse information pertaining to his refusal of the former COVID-19 vaccination mandate and/or his involuntary discharge for misconduct, including but not necessarily limited to the two "Page 11" counseling

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statements described herein and the documentation pertaining to his administrative separation process.

e. Upon correction of Petitioner's record as directed herein, copies of Petitioner's corrected records and this record of proceedings shall be provided to the Defense Finance and Accounting Service (DFAS) to determine what, if any, back pay and allowance may be due to Petitioner as a result of this corrective action.

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

g. 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]