



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

██████████
Docket No. 4454-26
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
XXX XX ██████████ USMCR (RET.)

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) ALNAV 019/26, subj: Restoration of Honor and Careers for Individuals Unjustly Discharged Due to COVID-19 Vaccine Refusal, dtg 250121Z APR 26
(f) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/attachments
(2) DD Form 214, 15 May 91
(3) DD Form 4/1, Enlistment/Reenlistment Documents, 5 December 1996
(4) DD Form 4/1, Enlistment/Reenlistment Documents, 5 March 2002
(5) DD Form 4/1, Enlistment/Reenlistment Documents, 4 March 2003
(6) DD Form 368, Request for Conditional Release, 10 May 2005
(7) NAVMC 763, USMC Appointment Acceptance and Record
(8) DD Form 214, 4 August 2007
(9) CMC memo, subj: Notification of Entitlement to Retired pay at age 60 and Eligibility to Participate in the Reserve Component Survivor Benefit Plan (RCSBP), 15 September 2010
(10) CMC memo, subj: Status in the USCMR, 8 June 2018
(11) CMC memo, subj: Continuation of Service Beyond Mandatory Removal Date, 3 December 2020
(12) CMC memo, subj: Status in the USMCR, 21 June 2021
(13) SECDEF Memo, subj: Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members, 24 August 2021
(14) ALNAV 062/21, subj: 2021- 2022 Department of Navy Mandatory COVID-19 Vaccination Policy, dtg 302126Z AUG 21
(15) MARADMIN 462/21, subj: Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, dtg 011400Z SEP 21

- (16) Deputy Commandant (M&RA) memo, subj: Religious Accommodation Regarding Obligated Vaccine Including COVID-19 Vaccine, 18 October 2021
- (17) Assistant CMC memo, subj: Appeal from Denial of Religious Accommodation Request, 8 February 2022
- (18) CO, Headquarters and Service Battalion, subj: Order to Receive COVID-19 Vaccination, 14 March 2022
- (19) Commander, U.S. Marine Corps Forces, Pacific, subj: Report of Misconduct, 26 May 2022
- (20) Petitioner's memo, subj: Report of Misconduct, 30 June 2022
- (21) Commander, U.S. Marine Corps Forces, Pacific, subj: Show Cause Determination and Notification of Board of Inquiry, 25 July 2022
- (22) SECDEF Memo, "Rescission of August 24, 2021 and November 30, 2021 Coronavirus Disease 2019 Vaccination Requirements for Members of the Armed Forces, 10 January 2023
- (23) CMC memo, subj: Transfer to the Retired Reserve Awaiting Pay, 25 May 2023

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, hereinafter referred to as the Board, pursuant to the guidance in reference (b). Specifically, Petitioner requested reimbursement from two years loss of wages at CWO5 pay in the Marine Corps Reserve to include two years loss annual training pay with four weeks' pay, two-year loss of drill pay with approximately 160 drill periods. Additionally request for approximately four years of loss due to receiving a reduced military retirement every month from 3 June 2022. Lastly, he requests an administrative correction for his two unsatisfactory years and loss of retirement credit points for 2022 and 2023.

2. The Board reviewed Petitioner's allegations of error and injustice on 12 May 2026 and, pursuant to its governing policies and procedures, determined that the corrective action reflected in paragraph 5 below should be taken upon Petitioner 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. The Board determined that Petitioner's appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered Petitioner's case based on the evidence of record.

3. Factual Background. The 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. On 18 September 1990, Petitioner enlisted in the Marine Corps Reserve for a period of eight years, consisting of six years in the Selected Marine Corps Reserve (SMCR) and two years in the Individual Ready Reserve (IRR).

b. Petitioner entered active duty in the Marine Corps pursuant to the enlistment described in paragraph 3a above on 9 October 1990. Petitioner was released from active duty at the completion of his initial duty for training and transferred to SMCR on 15 May 1991. See enclosure (2).

c. Petitioner served continuously as an enlisted Marine in the SMCR until 31 January 2007. See enclosures (3 - 6).

d. On 31 January 2007, Petitioner was released from the Marine Corps Reserve as a gunnery sergeant to accept commission as a WO1. See enclosure (7).

e. On 4 August 2007, Petitioner was released from active duty after completion of active service and returned to the SMCR. See enclosure (8).

f. By memorandum dated 15 September 2010, Commandant of the Marine Corps informed Petitioner of his entitlement to retired pay at age 60. See Enclosure (9).

g. By memorandum dated 8 June 2018, Commandant of the Marine Corps informed Petitioner of his status in the Marine Corps Reserve. He was advised that his Mandatory Removal Date (MRD) had been adjusted to 1 March 2021 and the adjustment allowed him to complete 30 years of qualifying service. See Enclosure (10).

h. By memorandum dated 3 December 2020, Commandant of the Marine Corps informed Petitioner of his continuation of service beyond MRD. His request to continue past his MRD had been approved. The new MRD had been adjusted to 1 October 2021. See Enclosure (11).

i. By memorandum dated 21 June 2021, Commandant of the Marine Corps informed Petitioner of his status in the Marine Corps Reserve. A review of his official military personnel file was conducted following his selection to chief warrant officer 4 on the FY22 USMCR Chief Warrant Officer Selection Board. He was advised that his MRD was established as 1 August 2023, which allowed him to complete two years of creditable service in the selected grade. See Enclosure (12).

j. By memorandum dated 24 August 2021, the then-Secretary of Defense (SECDEF) mandated that all Service members were required to be vaccinated against COVID-19 and directed the Secretaries of the Military Departments to impose ambitious timelines for implementation. See enclosure (13).

k. On 30 August 2021, the then-Secretary of the Navy (SECNAV) implemented the mandate referenced in paragraph 3m above in ALNAV 062/21, directing that all active-duty Service members in the Department of the Navy (DON) who were not already vaccinated or exempted become fully vaccinated within 90 days. See enclosure (14).

l. On 1 September 2021, the Commandant of the Marine Corps (CMC) implemented the SECNAV's directive referenced in paragraph 3l above within the USMC with the publication of MARADMIN 462/21. See enclosure (15).

m. By memorandum dated 27 September 2021, Petitioner requested religious accommodation regarding obligated vaccine including COVID-19 vaccine. By

memorandum dated 16 October 2021, Deputy Commandant for Manpower and Reserve Affairs denied Petitioner's request for religious accommodation. See enclosure (16).

n. By memorandum dated 21 October 2021, Petitioner submitted an appeal from denial of religious accommodation. By memorandum dated 8 February 2022, Assistant Commandant of the Marine Corps denied Petitioner's appeal from denial of religious accommodation request. See enclosure (17).

o. By memorandum dated 14 March 2022, Commanding Officer, [REDACTED], issued an order to Petitioner to receive his first dose of the COVID-19 vaccine no later than 25 March 2022. Further ordered to receive the second dose of the COVID-19 vaccine within 30 days of receiving the first dose. Petitioner certified that he read and fully understands the order and does not intend to receive the COVID-19 vaccine and hand wrote based on my request to retire on 1 August 2022. See enclosure (18).

p. By memorandum dated 26 May 2022, Commander, [REDACTED], submits report of misconduct to Commandant of the Marine Corps (JPL). Petitioner was given 10 calendar days to submit either a response to the report or written indication that he had no matters to submit. By memorandum dated 30 June 2022, Petitioner submitted response to report of misconduct. In the response he annotated that he submitted his request to retire on 15 March 2022. He requested that careful consideration be taken into the facts of his situation and that he be allowed to retire with an Honorable discharge after serving 31 years of Honorable years in the Marine Corps and that he be able to retain the rank of CWO5. See enclosures (18) and (19).

q. By memorandum dated 25 July 2022, Commander, [REDACTED], directed Petitioner to show cause determination and notification of Board of Inquiry (BOI). Petitioner acknowledged receipt of notice of show cause on 11 August 2022. See enclosure (21).

r. By memorandum dated 10 January 2023, the SECDEF rescinded the COVID-19 vaccination mandate referenced in paragraph 3f above pursuant to the Fiscal Year 2023 National Defense Authorization Act and directed the Military Departments to administratively update the records of any individuals then serving in the Armed Forces who sought a religious accommodation to remove any adverse actions solely associated with the denials of such requests. See enclosure (22).

s. By memorandum dated 25 May 2023, Commandant of the Marine Corps informed Petitioner his transfer to the retired reserve on 31 July 2023 with retired pay beginning on 3 June 2022. Petitioner retired on 1 August 2023. See enclosure (23).

4. Conclusion. Upon careful review and consideration of all the evidence of record, the Board found an injustice warranting relief.

a. According to reference (d), the COVID-19 vaccine mandate was an “unfair, overbroad, and completely unnecessary burden on our Service members” and the military “unjustly discharged those who refused the vaccine.” Accordingly, the Board would find an injustice in any adverse actions arising out of the refusal of that mandate.

b. Although Petitioner’s naval record reflects that he retired from the Marine Corps Reserve, it was based on his refusal to comply with the COVID-19 vaccination mandate. Specifically, the evidence clearly reflects the Petitioner requested accommodation of religious practice and was denied. Petitioner then appealed the denial to his request and that request was denied. Petitioner was then given a written order to receive the COVID-19 vaccine and he acknowledged the order and indicated that he did not intend to receive the COVID-19 vaccine. The Petitioner then submitted his request to retire, and this was based on his strong religious beliefs on receiving the COVID-19 vaccine. The Petitioner’s command then initiated the administrative process by submitting a report of misconduct which was based on his refusal of the order to receive the COVID-19 vaccine. In his response to the report of misconduct, Petitioner goes through the timeline of his request for religious accommodation and the steps he took, including his decision to submit his request to retire. The Petitioner’s command then notified him of show cause determination, and notification of BOI, and this was based on a violation of Article 92, Uniform Code of Military Justice for failing to obey a lawful general order, by failing to be vaccinated against the COVID-19 vaccine. Petitioner acknowledged the notice and that he had 30 days to which to prepare his case and his rights. While Petitioner was not technically retired from the Marine Corps Reserve due to his refusal to comply with the vaccination mandate, his service was erroneously and involuntarily ended as a consequence of that refusal. As such, the Board determined that Petitioner is entitled to the same corrective action that he would be entitled to pursuant to reference (b) as if he were discharged solely for refusing to comply with the mandate.

5. Recommendations. Having found both error and injustice in the circumstances of Petitioner’s retirement from the Marine Corps Reserve, the Board recommends that the following corrective actions be taken on Petitioner’s naval record.

a. The following recommended corrective actions.

(1) That Petitioner earned a satisfactory year after completing all training and administrative requirements to include 62 points for the anniversary year ending 17 September 2022. Note: To accomplish this, in addition to the 6 Inactive Duty Training (IDT) points Petitioner already earned, Petitioner was credited with 29 IDT points for the following periods:

6 February 2022 (1 point),
5 to 6 March 2022 (4 points),
2 to 3 April 2022 (4 points),
7 to 8 May 2022 (4 points),
4 to 5 June 2022 (4 points),
2 to 3 July 2022 (4 points),
6 to 7 August 2022 (4 points),
3 to 4 September 2022, (4 points),

Plus 15 membership points

That Petitioner's naval record shall be corrected as necessary to reflect that he completed annual training (AT) for the period of 15 August 2022 to 26 August 2022. This correction will include the crediting of 12 points and constructive reserve credit with retroactive pay and allowances.

That Petitioner earned 60 points for the anniversary year ending 17 September 2023. Note: To accomplish this, Petitioner was credited with 35 IDT points for the following periods:

1 to 2 October 2022 (4 points),
5 to 6 November 2022 (4 points),
3 to 4 December 2022 (4 points),
7 to 8 January 2023 (4 points),
4 to 5 February 2023 (4 points),
4 to 5 March 2023 (4 points),
1 to 2 April 2023 (4 points),
6 to 7 May 2023 (4 points),
3 to 4 June 2023, (3 points),
Plus 13 membership points.

That Petitioner's naval record shall be corrected as necessary to reflect that he completed annual training (AT) for the period of 17 July 2023 to 28 July 2023. This correction will include the crediting of 12 points and constructive reserve credit with retroactive pay and allowances.

b. The Board further recommends that that HQMC scrub Petitioner's naval record and remove any adverse information pertaining to Petitioner's refusal to comply with the former COVID-19 vaccination mandate, including but not limited to any punitive actions, "Page 11" entries subject to the contingency referenced in paragraph 5(a) above and should be implemented without delay.

c. 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.

6. 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. I have assured compliance with the provisions of reference (e) in the Board's proceedings.

7. Pursuant to the authority delegated to me by the Secretary of the Navy in reference (e), I hereby approve the Board's recommendations and direct the corrective actions reflected in paragraph 5 above on his behalf.

6/16/2026

