



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

██████████
Docket No. 5524-26
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████
XXX XX ██████████ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 462/21, Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, 1 Sep 21
(c) MARADMIN 733/21, Change 1 To Supplemental Guidance (2) To Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components, 22 Dec 21
(d) MARADMIN 278/23, Fiscal Year 2024 (FY24) Selective Retention Bonus (SRB) Program and FY24 Broken Service SRB (BSSRB) Program, 31 May 23
(e) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, 27 Jan 25
(f) Office of the Under Secretary of [War] memo, Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements, 1 Apr 25
(g) Secretary of [War], Providing Supplemental Remedies for Service Members and Veterans Negatively Impacted by the Department of Defense Defunct Coronavirus Disease 2019 Vaccination Mandate, 23 Apr 25
(h) Office of the Under Secretary of [War] 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 25

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

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 (Board), requesting that his naval record be corrected to receive relief under reference (e) to include backpay, restoration of lost time in service, and any unpaid bonuses or allowances he would have otherwise earned during the period of separation.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 11 May 2026 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

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3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 14 September 2020, Petitioner enlisted in the U.S. Marine Corps Reserve for 8 years with an End of Obligated Service of 13 September 2028 and 6 years will be served in the Reserve Component of the Service in which Petitioner enlisted.

b. Petitioner was released from active duty with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 13 October 2020 to 15 July 2021 upon completion of required active service.

c. On 1 December 2021, Petitioner was promoted to Lance Corporal/E-3.

d. On 5 February 2022, Commanding Officer issued Petitioner an Administrative Remarks (NAVMC 118(11)) listing the following: "I understand that I am being placed in a promotion restriction status due to pending Administrative Separation for the following judicial or adverse administrative action: administrative separation per paragraph 6210.6 MARCORSEPMAN for Misconduct - Other (Commission of a Serious Offense)."

e. On 5 February 2022, Commanding Officer issued Petitioner an Administrative Remarks (NAVMC 118(11)) listing the following: "I have been informed by my Commanding Officer that I will be assigned training event code XR for COVID-19 vaccine refusal. I further understand that should discharge for refusal of the COVID-19 vaccine be approved. I will be assigned training event code XD."

f. On 2 May 2022, Commanding General, [REDACTED] notified Commandant of the Marine Corps (MMPP-20) that "[r]eaddressed and forwarded for filing in accordance with section 6311 of MCO 1900.16 CH2.

As the respondent is a Reserve Marine not on active duty, I did not review the Separation History and Physical Examination (SHPE), however I certify that the respondent has no combat service or deployment history, has not been diagnosed with PTSD, other mental disorder or TBI, and has not made an allegation of service related sexual assault based upon available records.

The recommendation that the Respondent be administratively discharged from the United States Marine Corps Reserve is approved. By copy of this letter, the Respondent's Commanding Officer is directed to take those administrative steps necessary to effect subject Marine's separation within 20 working days from the date of receipt of this letter under the following criteria: Characterization of Service Honorable. Authority for Discharge, MARCORSEPMAN par. 6210. Separation Code, JKM1 – Misconduct (Other). Reenlistment, RE-3P."

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g. On 2 May 2022, Petitioner was separated from the U.S. Marine Corps Reserve with an SPD code of JKM1 and RE code of RE-3P.

h. Petitioner's Career Retirement Credit Record for the period of 14 September 2020 to 2 May 2022 listed the following: Total Inactive Duty Points 0043. Total Active Duty Points 00276. Total Points Credit 00319. Total Satisfactory Years 01. Total Qualifying Service 01-00-00.

i. On 23 April 2024, Petitioner reenlisted in the U.S. Marine Corps as a Lance Corporal/E-3 for 4 years with an End of Current Contract of 22 April 2028. Furthermore, Petitioner's date of rank (DOR) was 23 April 2024.

j. In accordance with reference (d), announced the SRB Program and the BSSRB Program authorized for the FY24 retention campaign which began on 1 June 2023. Marines with an Expiration of Current Contract from 1 October 23 to 30 September 24 were encouraged to thoroughly review the contents of this MARADMIN.

Prior service regular component Marines who reenlist back into the active component with less than a 4-year break in service between regular component contracts are eligible to receive a BSSRB, per reference (c), in the amounts outlined in section 6.

k. Marine Corps Total Force System – Basic Individual Record listed the following: AFADB 20 July 2023. PEBD 20 July 2023. Present Grade E-4 with a date of rank 1 September 2025. PMOS 0671.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of references (e) through (h), the Board finds the existence of an injustice warranting the following corrective action. The Board determined that on 2 May 2022, Petitioner was separated from the U.S. Marine Corps Reserve due to refusing to comply with reference (b). On 23 April 2024, Petitioner reenlisted in the U.S. Marine Corps as a Lance Corporal/E-3 for 4 years. Petitioner's record currently shows a break in service, and his DOR is listed as 23 April 2024. In accordance with reference (e), the Secretary of [WAR], as appropriate, shall take all necessary action permitted by law to make reinstatement available to all members of the military (active and reserve) who were discharged solely for refusal to receive the COVID-19 vaccine and who request to be reinstated; enable those service members reinstated under this section to revert to their former rank and receive full back pay, benefits, bonus payments, or compensation. The Board determined that Petitioner reentered the Marine Corps prior to the release of reference (e), however he was discharged solely for refusal to receive the COVID-19 vaccine. The Board found it would be unjust to treat Petitioner differently than those who are reinstated after its release, therefore relief is warranted. Furthermore, the Board found that Petitioner was not eligible for a reenlistment bonus at the time of reentry in accordance with reference (d) because he reenlisted into the active component after a break in service following service in the reserve component. Finally, the Board was unable to determine if/when Petitioner would have been eligible for promotion to Corporal/E-4, therefore

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Headquarters, U.S. Marine Corps (HQMC) will conduct a remedial promotion and promote Petitioner if applicable.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's discharge from the U.S. Marine Corps Reserve effective 2 May 2022, is rescinded.

Petitioner's PEBD is 13 October 2020 vice 20 July 2023.

Petitioner's Lance Corporal/E-3 date of rank is 1 December 2021 vice 23 April 2024.

Note: HQMC will conduct a remedial promotion for possible correction to Corporal/E-4 date of rank and then for possible promotion to Sergeant/E-5 and promote Petitioner, if applicable.

Note: Petitioner's current reenlistment in the active component effective 23 April 2024 for 4 years is not affected.

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 13 September 2022. Note: To accomplish this, in addition to the 16 paid Inactive Duty Training (IDT) points and 9 membership points, Petitioner already earned, Petitioner was credited with 19 IDT points for the following periods:

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 (3 points),
plus 6 membership points.

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 13 September 2023. Note: To accomplish this, a total of 35 paid IDT points was credited 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 15 membership points.

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Petitioner completed all training and administrative requirements during the period of 14 September 2023 to 22 April 2024. Note: To accomplish this, Petitioner was credited with paid Inactive Duty Training (IDT) points and the appropriate membership points for this period.

7 to 8 October 2023 (4 points);
4 to 5 November 2023 (4 points);
2 to 3 December 2023 (4 points);
6 to 7 January 2024 (4 points);
3 to 4 February 2024 (4 points);
2 to 3 March 2024 (4 points);
6 to 7 April 2024 (4 points),
plus the appropriate membership points for this period.

Note: HQMC is directed to scrub Petitioner's naval record and remove any and all references to Petitioner's discharge, including but not necessarily limited the documents related to his discharge process for COVID-19. That any other corrections affected by the Board's recommendation be corrected.

4. 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.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

5/14/2026

[REDACTED]

Deputy Director

Signed by: [REDACTED]