



Docket No. 6288-26
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO
XXX XX [REDACTED] 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 show he received service credit for lost time and back pay to include any bonuses as authorized in accordance with reference (e).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 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.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC

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 12 February 2020, Petitioner enlisted in the United States Marine Corps Reserve for 8 years with an End of Obligated Service of 11 February 2028 and 6 years will be served in the Reserve Component of the Service in which Petitioner enlisted.

b. On 2 November 2020, Petitioner entered active duty.

c. On 26 May 2021, Petitioner was released from active duty upon completion of required active service.

d. On 1 August 2021, Petitioner was promoted to Lance Corporal/E-3.

e. On 4 December 2021, Commanding Officer issued Petitioner an Administrative Remarks, NAVMC 118(11) 6105 entry listing the following: Counseled this date concerning the following deficiency violation of Article 92...

f. In January 2022, Commanding Officer issued Petitioner an Administrative Remarks (NAVMC 118(11)) listing the following: Counseled this date concerning the following deficiency violation of Article 92, Uniform Code of Military Justice (Failure to obey a lawful general order and failure to obey other orders). On 4 December 2021, you were counseled to ensure that you were fully vaccinated against COVID-19, you received a lawful order in writing to ensure that you received your first dose of vaccine no later than 14 December 2021 and your second dose no later than 20 December 2021. You failed to comply with those orders.

g. On 8 January 2022, Commanding Officer, [REDACTED] notified Petitioner that "[y]ou are hereby notified that I intend to recommend to the Commanding General, [REDACTED] that you be discharged from the U.S. Marine Corps/U.S. Marine Corps Reserve in accordance with paragraph(s) 6210 of the reference by reason of:

a. Separation Basis. (1) GENERAL BASIS: Misconduct. (2) SPECIFIC BASIS; Misconduct (Other). (3) FACTUAL BASIS: 6210.6 / Misconduct: Commission of a Serious Offense: On or about 28 December 2021, SNM violated Article 92, UCMJ, a serious military offense for which a punitive discharge is authorized under the UCMJ. SMM violated a lawful general order which was his duty to obey, to wit: Paragraph 3.a. of MARADMIN 462/21 dated 1 September 2021, by wrongfully failing to achieve full vaccination against COVID-19. SNM violated a lawful general order which was their duty to obey, to wit: U.S. Navy Regulations, art. 1144 (14 Sept. 1990), by wrongfully refusing authorized immunization."

h. On 24 March 2022, Commanding General, [REDACTED] notified Commandant of the Marine Corps (MMRP-20) that "[r]eaddressed and forwarded for filing in accordance with section 6311 of the reference.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC

As the respondent is a Reserve Marine not on active duty, I did not review the Separation History and Physical Examination (SEPE), 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; a. Characterization of Set-vice; Honorable. b. Authority for Discharge: MARCORSEPMAN, par.6210. c. Separation Code; JKM1 - MISCONDUCT (OTHER). d. Reenlistment Code: RE-3P."

i. Marine Corps Total Force System – Chronological Record 130 Remarks listed the following: On 24 March 2022, Petitioner was separated from the U.S. Marine Corps Reserve with an SPD Code of JKM1 (Misconduct – Other) and RE Code of RE-3P.

j. In accordance with reference (d), announced the Selective Retention Bonus (SRB) Program and the Broken Service SRB (BSSRB) Program authorized for the FY24 retention campaign which began 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) within reference (d), in the amounts outlined in section 6.

k. On 15 August 2023, Petitioner reenlisted in the U.S. Marine Corps as a Lance Corporal/E-3 for 4 years with an End of Current Contract of 14 August 2023. Furthermore, Petitioner's date of rank (DOR) was 15 August 2023.

l. On 1 September 2024, Petitioner was promoted to Corporal/E-4.

m. Marine Corps Total Force System – Basic Individual Record listed the following: AFADB 22 March 2022. PEBD 2 November 2020. Present Grade E-5 with a date of rank 1 March 2026. PMOS 7240.

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 24 March 2022, Petitioner was separated from the U.S. Marine Corps Reserve due to refusing to comply with reference (b). On 15 August 2023, 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 for Lance Corporal is listed as 15 August 2023.¹ In accordance with reference (e), the Secretary of

¹ Current grade Sergeant/E-5 as of 1 March 2026.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC

[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 when Petitioner would have been eligible for promotion to Corporal/E-4 and Sergeant/E-5, therefore Headquarters, U.S. Marine Corps (HQMC) will conduct a remedial promotion and retroactively promote Petitioner if appropriate.

RECOMMENDATION

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

Petitioner's discharge from the U.S. Marine Corps Reserve effective 24 March 2022, is rescinded.

Petitioner's AFADBD will be adjusted by HQMC accordingly.

Petitioner's Lance Corporal/E-3 date of rank is "1 August 2021" vice "15 August 2023. Note: HQMC will conduct a remedial promotion for possible correction to Corporal/E-4 date of rank and then conduct a remedial promotion for possible correction to Corporal/E-5 date of rank, if applicable.

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 11 February 2023. Note: To accomplish this, in addition to the 2 membership points Petitioner already earned, Petitioner was credited with 35 Inactive Duty Training (IDT) points for the following periods:

- 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);
- 1 to 2 October 2022 (4 points);
- 5 to 6 November 2022 (4 points);
- 3 to 4 December 2022 (3 point), and
- plus 13 membership points.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC

Petitioner completed all training and administrative requirements for anniversary year 12 February 2023 to 14 August 2023. Note: To accomplish this, Petitioner was credited with 24 IDT points for the following periods:

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 (4 points);
1 to 2 July 2023 (4 points);
5 to 6 August 2023 (4 points), and
plus, the appropriate membership points for this period.

Note: Petitioner's current reenlistment in the active component effective 15 August 2023 for 4 years is not affected.

HQMC is directed to scrub Petitioner's naval record and remove any administrative remarks and all references pertaining to Petitioner's discharge, including but not necessarily limited to 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.

5/22/2026

[REDACTED]

Deputy Director

Signed by: [REDACTED]