



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

██████████
Docket No. 6972-26
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
XXX XX ██████████ USMCR

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
(3) Individual Separation Information
(4) Reserve RELM
(5) HQMC Retention Eligibility for Reinstatement (MM) AO, 1 Jun 26
(6) HQMC Enlisted Promotions Unit (MMPB-11) AO, 9 Jan 26

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 that his record be corrected to reflect that he was never separated from the Marine Corps Reserve and that he continued to serve without interruption. Additionally, he requested an upgrade of his reentry code, separation code and consideration for backpay, benefits and any other compensations.

2. The Board reviewed Petitioner's allegations of error and injustice on 10 June 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.

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:

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a. On 23 December 2015, Petitioner enlisted in the Marine Corps Reserve for a period of eight years, consisting of six years in the Selected Marine Corps Reserve 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 1 August 2016. Petitioner was released from active duty at the completion of his initial duty for training and transferred to SMCR on 13 April 2017. See enclosure (2).

c. On 7 March 2022, Petitioner was involuntarily discharged from the Marine Corps Reserve for misconduct (Other) with an Honorable characterization of service. The misconduct in question was his refusal to comply with the former COVID-19 vaccination mandate of reference (c) in violation of Article 92, Uniform Code of Military Justice. See enclosure (3).

d. By memorandum dated 1 June 2026, HQMC certified that Petitioner has been prescreened and evaluated and determined fully qualified for reenlistment/reinstatement. HQMC further advised the Board as follows:

On 23 December 2015, [Petitioner] entered an eight-year enlistment, establishing both his Military Service Obligation (MSO) and Reserve Expiration of Current Contract (RECC) through 22 December 2023. On 1 August 2016, the [Petitioner] commenced a six-year drilling obligation in the Selected Marine Corps Reserve (SMCR), establishing a Mandatory Drill Participation Stop Date (MDPSD) of 31 July 2022. [Petitioner] was involuntarily administratively separated on 07 March 2022. This enlistment is recommended to be recognized as valid and completed through the originally established Reserve obligation without interruption.

To facilitate continuous service in accordance with the anticipated Board directive, it is recommended that [Petitioner's] record reflect a completed extension of obligated service establishing a new MDPSD and RECC of 31 July 2026. This extension serves as the appropriate administrative action to support reinstatement processing and preserve obligated service requirements.

As a result of this action, [Petitioner] is now considered a Fiscal Year (FY) 2026 Reserve First Term Alignment Plan (FTAP) Marine. [Petitioner] will be eligible for any published incentives associated with FY26 reserve FTAP retention. See enclosure (4).

e. By memorandum, Enlisted Promotions Unit (MMPB-11) advised the Board as follows:

MMPB-11 determined that [Petitioner] was promoted to the rank of corporal with a date of rank and effective date of 1 January 2022. Due to insufficient data, MMPB-11 is unable to determine the promotion scores [Petitioner] would have received for promotion to sergeant. However, based on the time-in-grade and time-in-service requirements, [Petitioner] would have been eligible for promotion to sergeant on 1 January 2023. See enclosures (5).

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.” Since there was no other basis for administrative separation apparent in Petitioner’s naval record, the Board therefore found an injustice in that Petitioner was involuntarily separated from the Marine Corps Reserve solely for refusing the former COVID-19 vaccination mandate.

b. Having found an injustice in that Petitioner was involuntarily separated from the Marine Corps Reserve solely for refusing the former COVID-19 vaccination mandate, the Board also found an injustice in any and all adverse actions that followed from or contributed to that separation.

5. Recommendations. Having found an injustice in that Petitioner was involuntarily separated from the Marine Corps Reserve solely for refusing the former COVID-19 vaccination mandate, the Board recommends that the following corrective actions be taken on Petitioner’s naval record.

a. The following recommended corrective actions are contingent upon Petitioner’s acceptance of the Marine Corps offer of reinstatement subject to the terms of reference (b).¹

(1) That Petitioner’s naval record be corrected to reflect that he was not discharged from the Marine Corps Reserve on 7 March 2022, but rather that he continued to serve honorably in the rank indicated in paragraph 5a(2) below with no break in service at his last duty station. As such, Petitioner is to receive constructive service credit for the period from 7 March 2022 until the date that he is reinstated in the Marine Corps Reserve. To effectuate this relief, HMQC is directed to scrub Petitioner’s record and remove any and all references to Petitioner’s discharge, including but not necessarily limited to any documents related to his administrative separation process.

(2) That Petitioner’s record be corrected to reflect that he was promoted to sergeant with a date of rank of 1 January 2023. HMQC will make all appropriate service record entries of his correction promotion dates.

(3) That Petitioner’s discharge from the Marine Corps Reserve effective 7 March 2022 is rescinded.

(4) That documentation be added to Petitioner’s naval record establishing that he requested and was approved for a reenlistment prior to his original RECC date in order to facilitate his continuous service as recommended in paragraph 5a(1) above. That HMQC in consultation with Petitioner, complete a 48-month reenlistment and a 1-month extension of obligated service establishing a new MDPSD and RECC of 31 August 2026. This administrative

¹ Petitioner’s failure to agree to this contingency, or to execute the terms of his reinstatement shall negate these recommendations. This contingency is applied in accordance with the guidance attached to reference (b).

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action serves as the appropriate contractual bridge to support reinstatement processing and ensure uninterrupted obligated service. As a result of this action, the Petitioner is now considered a Fiscal Year (FY) 2026 Reserve First Term Alignment Plan (FTAP) Marine. Petitioner will be eligible for any published incentives associated with FY26 reserve FTAP retention.

(5) That Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 22 December 2022. Note: To accomplish this, in addition to the 4 Inactive Duty Training (IDT) points Petitioner already earned, Petitioner was credited with 31 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 point),
1 to 2 October 2022 (4 point),
5 to 6 November 2022 (3 points),
Plus 15 membership points

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 22 December 2023. Note: To accomplish this, A total of 35 paid IDT points were credited for the following periods:

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 (4 points),
1 to 2 July 2023 (4 points),
5 to 6 August 2023 (4 points),
2 to 3 September 2023 (3 points),
Plus 15 membership points

Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 22 December 2024. Note: To accomplish this, A total of 35 paid IDT points were credited for the following periods:

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),
4 to 5 May 2024 (4 points),
1 to 2 June 2024 (4 points),
6 to 7 July 2024 (4 points),
3 to 4 August 2024 (4 points),
7 to 8 September 2024 (3 points),
Plus 15 membership points

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Petitioner earned a satisfactory year after completing all training and administrative requirements to include 50 points for the anniversary year ending 22 December 2025. Note: To accomplish this, A total of 35 paid IDT points were credited for the following periods:

4 to 5 January 2025 (4 points),
1 to 2 February 2025 (4 points),
1 to 2 March 2025 (4 points),
5 to 6 April 2025 (4 points),
3 to 4 May 2025 (4 points),
7 to 8 June 2025 (4 points),
5 to 6 July 2025 (4 points)
2 to 3 August 2025 (4 points),
6 to 7 September 2025 (3 points),
plus, 15 membership points

Petitioner earned points for the anniversary year beginning 23 December 2025 to 16 June 2026. Note: To accomplish this, Petitioner was credited with 24 IDT points for the following periods:

3 to 4 January 2026 (4 points),
7 to 8 February 2026 (4 points),
7 to 8 March 2026 (4 points),
4 to 5 April 2026 (4 points),
2 to 3 May 2026 (4 points),
6 to 7 June 2026 (4 points),
plus, the appropriate membership points for this period.

(6) That appropriate administrative fillers be inserted into Petitioner's naval record to remove the gap in his record between 7 March 2022 and his eventual reinstatement date during which he did not receive any evaluation reports.

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. Copies of this record of proceedings shall be provided to the Defense Finance and Accounting Service and the Defense Health Agency to facilitate the estimate of all pay and benefits which may be due to the Petitioner as a result of the contingent corrective actions referenced in paragraph 5 above.

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.

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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

