

PERTINENT REGULATION/LAW

- A. 10 U.S.C. § 1553.
- B. Executive Order 14184, “Reinstating Service Members Discharged Under the Military’s COVID-19 Vaccination Mandate” of January 27, 2025.
- C. Secretary of War Memorandum, “Restoring Honor to Service Members Separated Under the Coronavirus Disease 2019 Vaccine Mandate,” December 6, 2025.
- D. Office of the Under Secretary of War for Personnel and Readiness Memorandum, “Guidance to Restore Honor to Service Members Separated Under the Coronavirus Disease 2019 Vaccine,” December 10, 2025.
- E. Secretary of the Navy Memorandum, “Department of the Navy Guidance to Restore Honor to Sailors and Marines Separated Under the Coronavirus 2019 Vaccine Mandate,” January 15, 2026.
- F. Office of the Under Secretary of War for Personnel and Readiness Memorandum, “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” of 7 May 2025.
- G. Assistant Secretary of the Navy (MRA) memo “Supplemental Guidance to the Board for Correction of Naval Records and Council of Review Boards Considering Requests Involving Coronavirus Disease 2019 Vaccination Requirements” of 29 July 2025.
- H. Secretary of the Navy Manual 5420.1 of 29 September 2020 (Standards for the execution of the Naval Discharge Review Board).
- I. Paragraph 6210.6, MISCONDUCT of the Marine Corps Separation and Retirement Manual, (MCO 1900.16 CH 2), effective 15 February 2019 until present.

**DEPARTMENT OF THE NAVY
NAVAL DISCHARGE REVIEW BOARD (NDRB)
DISCHARGE REVIEW DECISIONAL DOCUMENT**

ISSUE

1. Whether the former Service member was involuntarily discharged solely for refusing the COVID-19 vaccine and whether the assigned discharge characterization, narrative reason for separation, and reenlistment code was equitable and proper in accordance with current law and regulation.

DISCUSSION

Date: 3/31/2026 PROACTIVE REVIEW Location: WASHINGTON D.C. Representation: NONE

The Naval Discharge Review Board (NDRB), under its responsibility to examine the propriety and equity of a former Service member's discharge, is authorized, pursuant to 10 U.S.C. § 1553 to change the character of service and the reason for discharge if such change is warranted. In reviewing discharges, the Board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to rebut the presumption. The Board completed a thorough review of the circumstances that led to the discharge and the discharge process to ensure the pertinent standards of equity and propriety were met.

Issue 1: Whether the former Service member was involuntarily discharged solely for refusing the COVID-19 vaccine and whether the assigned discharge characterization, narrative reason for separation, and reenlistment code was equitable and proper in accordance with current law and regulation.

The NDRB may review, on its own motion, the propriety and equity of a former member's discharge. If such a review reveals an impropriety or inequity, relief is in order. Regulations permit relief on equitable grounds if the Applicant's discharge is inconsistent with standards of discipline of the Naval Service.

On its own motion, the NDRB conducted a Proactive Documentary Review of the Service Member's discharge under the authority of the stated references to determine if the characterization of service, narrative reason for separation, and reenlistment code should be changed based on a separation for refusal of the COVID-19 vaccine.

In reviewing discharges of former Service members of the Department of the Navy who were separated for refusing to receive the COVID-19 vaccination, the NDRB considers applicable regulations to include the Office of the Under Secretary of War for Personnel and Readiness Memorandum, "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" of 7 May 2025 [hereinafter "Hurst Memorandum"]. According to the Hurst Memorandum:

On January 27, 2025, the President issued Executive Order 14184, concerning the Department of War's since-rescinded coronavirus disease 2019 (COVID-19) vaccination mandate. Service members who were involuntarily separated solely for refusing to be vaccinated, did not receive the same treatment across the Department. While some Service members were assigned "honorable" discharge characterizations, others received "general (under honorable conditions)" characterization. To correct this injustice and enhance uniformity across the Military services, the Review Boards should generally grant a discharge upgrade request from a former Service member when:

- The former Service member was involuntarily separated;
- The separation was based solely on a refusal to receive the COVID-19 vaccine; and
- There are no aggravating factors in the Service member's record, such as misconduct.

Review Boards should normally grant requests to upgrade the characterization of service to "honorable," change the narrative reason for enlisted separation (i.e., to "Secretarial Authority"), and change the reentry code to an immediately-eligible-to-reenter code under these specific circumstances. Officer records should be changed to have similar effect.

If the former member's military records reflect multiple reasons for involuntary separation (i.e., when separation was not solely due to the fact that the former Service member refused to receive the COVID-19 vaccine), the Review Boards should apply existing policies that require the former Service member to establish evidence of an error, impropriety, inequity, or injustice in their discharge in order to warrant relief.

In this case, the former Service member's record shows: 1) the member was involuntary separated; 2) the member's separation was based solely on refusing to receive the COVID-19 vaccine; and 3) the member had no aggravating factors in their record, such as significant negative aspects of misconduct.

DECISION

After a thorough review of the available evidence, to include the Applicant's issues, summary of service, record entries, and discharge process, the Board found the awarded characterization of service shall change to HONORABLE, the narrative reason for separation shall change to SECRETARIAL AUTHORITY with a corresponding separation code of JFF1, and the reentry code shall change to RE-1A. The Applicant remains eligible for a personal appearance hearing for a period of fifteen years from the date of the discharge. The Board Members' names and votes for this Review will be made available to the member only upon request.

ADDENDUM: Information for the Applicant

Additional NDRB Reviews: After receiving a NDRB Document Review, an Applicant remains eligible for a Personal Appearance/Telephonic Hearing if the application is received by the NDRB within 15 years of the Applicant's date of discharge. The Applicant can provide documentation to support any claim(s) related to their discharge as well as evidence of post-service accomplishments. Representation at a personal appearance hearing by an Attorney (or Advocate) is recommended but not required. There are veterans organizations such as the American Legion and the Disabled American Veterans that are willing to provide guidance to former service members in their efforts to obtain a discharge upgrade. However, if you have been discharged for more than 15 years, already had a personal appearance hearing, or otherwise exhausted your opportunity to be heard by the NDRB, the Applicant may petition the Board for Correction of Naval Records (BCNR), 701 South Courthouse Road, Suite 1001, Arlington, VA 22204-2490, or <http://www.secnav.navy.mil/mra/bcnr/Pages/default.aspx> for further review.

Appeal Procedures on NDRB Decision: If you contest the NDRB's decision in your case AND you already contested the NDRB's previous decision at a Personal Appearance Hearing or otherwise exhausted your opportunity before the NDRB (or it has been more than 15 years since your discharge), the Applicant may petition the Board for Correction of Naval Records (BCNR), 701 South Courthouse Road, Suite 1001, Arlington, VA 22204-2490, or <http://www.secnav.navy.mil/mra/bcnr/Pages/default.aspx> for further review. The BCNR is the highest level of administrative review within the Department of the Navy/Marine Corps to correct errors or injustices to member's records.

Complaint Procedures on Format: If you believe the decision in your case is ambiguous, not responsive to the issues you raised, or does not otherwise comport with the decisional document requirements of DoD Instruction 1332.28, you may submit a complaint in accordance with Enclosure (5) of that Instruction to the Joint Service Review Activity (JSRA), OUSD (PR) PI-LP, The Pentagon, Washington, DC 20301-4000. You should read Enclosure (5) of the DoD Instruction 1332.28 before submitting such a complaint. This complaint procedure does not permit a challenge on the merits of the NDRB's decision; the JSRA is designed solely to ensure that the NDRB decisional documents meet applicable requirements for clarity and responsiveness. Therefore, if you are contesting the merits of the NDRB's decision and already had a NDRB personal appearance hearing or otherwise exhausted your opportunities before the NDRB, the Applicant may appeal/petition the Board for Correction of Naval Records (BCNR), 701 South Courthouse Road, Suite 1001, Arlington, VA 22204-2490, or <http://www.secnav.navy.mil/mra/bcnr/Pages/default.aspx> for further review.

Service [VA] Benefits: The U.S. Department of Veterans Affairs (VA) determines eligibility for post-service benefits, not the NDRB. The NDRB has no authority to upgrade a discharge for the sole purpose of facilitating access to VA benefits. Regulations limit the NDRB's review solely to a determination of the propriety, equity, and clemency of a discharge. Consequently, the Applicant should petition the VA, which determines eligibility for post-service benefits. The VA conducts its own determination of eligibility based on service records and input from an Applicant upon their request. (See www.va.gov/discharge-upgrade-instructions). Therefore, if the NDRB grants a change to a discharge, the NDRB will notify the Commander, Navy Personnel Command or Commandant of the Marine Corps that the DD 214 be corrected as appropriate; however, it is the Applicant's responsibility to ensure these changes are incorporated into the record by the respective Service Headquarters. Further, it is the Applicant's sole responsibility to submit these changes to the VA for a determination of eligibility for VA Benefits. Finally, the Applicant should refer to the Veterans Administration website (<https://www.va.gov/>) for information regarding VA benefits and healthcare. Additionally, Veterans in acute suicidal crisis can go to any VA or non-VA health care facility for emergency health care at no cost – including inpatient or crisis residential care for up to 30 days and outpatient care for up to 90 days. Veterans do not need to be enrolled in the VA system to use this benefit. In order to find the nearest VA office to receive assistance with determining VA eligibility/access, the Applicant should refer to <https://www.va.gov/find-locations>.

Employment/Educational Opportunities: The NDRB has no authority to upgrade a discharge for the sole purpose of enhancing employment or educational opportunities. Regulations limit the NDRB's review to a determination of the propriety and equity of the discharge.

Reenlistment/RE-code: The NDRB has no authority to upgrade a discharge for the sole purpose of enhancing reenlistment opportunities. An unfavorable "RE-CODE" is, in itself, not a bar to reenlistment. A request for a waiver can be submitted during the processing of a formal application for reenlistment through a recruiter.

Medical Conditions and Misconduct: DoD disability regulations do not preclude a disciplinary separation. Appropriate regulations stipulate that separations for misconduct take precedence over potential separations for other reasons. Whenever a member is being processed through the Physical Evaluation Board, and is processed subsequently for an administrative involuntary separation or is referred to a court martial for misconduct, the disability evaluation is suspended pending the outcome of the non-disability proceedings. If the action includes either a punitive or administrative discharge for misconduct or

for any basis wherein an Other Than Honorable discharge is authorized, the medical board report is filed in the member's terminated health record. Additionally, the NDRB does not have the authority to change a narrative reason for separation to one indicating a medical disability or other medical related reasons. Only the BCNR can grant this type of narrative reason change.

Automatic Upgrades: There is no law or regulation that provides for an unfavorable discharge to be upgraded based solely on the passage of time or good conduct subsequent to leaving naval service.

Post-Traumatic Stress Disorder and/or Traumatic Brain Injury: For all claims involving PTSD and/or TBI, the NDRB's review implemented the guidance set forth in the SECDEF Memorandum of 3 September 2014 (Supplemental guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder). In accordance with U.S. Code, Title X, Section 1553 (d)(1) (d)(2), the NDRB included a member who is a physician, clinical psychologist, or psychiatrist and accorded the case sufficient priority to achieve an expedited resolution and a final decision. If the Applicant's claim of PTSD/TBI was based in whole or in part on sexual trauma, intimate partner violence, or spousal abuse, the NDRB obtained a review by a psychiatrist, psychologist, or social worker with training on mental health issues associated with PTSD/TBI or other trauma.

Post-Service Conduct: The NDRB is authorized to consider post-service factors in the recharacterization of a discharge. Outstanding post-service conduct, to the extent such matters provide a basis for a more thorough understanding of the Applicant's performance and conduct during the period of service under review, is considered during Board reviews. Documentation to support a post-service conduct upgrade includes, but is not limited to: a verifiable continuous employment record; marriage and children's birth certificates (if applicable); character witness statements; documentation of community or church service; certification of non-involvement with civil authorities; evidence of financial stability or letters of good standing from banks, credit card companies, or other financial institutions; attendance at or completion of higher education (official transcripts); and documentation of a drug-free lifestyle. The Applicant is advised that completion of these items alone does not guarantee the upgrade of an unfavorable discharge, as each discharge is reviewed by the Board on a case-by-case basis to determine if post-service accomplishments help demonstrate that in-service misconduct was an aberration and not indicative of the member's overall character.

Issues Concerning Bad-Conduct Discharges (BCD): Because relevant and material facts stated in a court-martial specification are presumed by the NDRB to be established facts, issues relating to the Applicant's innocence of charges for which he was found guilty cannot form a basis for relief. With respect to a discharge adjudged by a special court-martial, the action of the NDRB is restricted to upgrades based on clemency. Clemency is an act of leniency that reduces the severity of the punishment imposed. The NDRB does not have the jurisdictional authority to review a discharge or dismissal resulting from a general court-martial.

Board Membership: The names and votes of the members of the NDRB Board are recorded on the original of this document and may be obtained from the service records by writing to: Secretary of the Navy Council of Review Boards, Attn: Naval Discharge Review Board, 720 Kennon Street SE Rm 309, Washington Navy Yard DC 20374-5023.

Military Sexual Trauma: The Department of Veterans Affairs (VA) uses the term "military sexual trauma" (MST) to refer to experiences of sexual assault or repeated, threatening sexual harassment experienced while on federal active duty, active duty for training, or inactive duty training. To get confidential one-on-one help please contact the MST Coordinator at your nearest VA Medical Center or Call Safe Helpline at 1-877-995-5247 or visit www.mentalhealth.va.gov/msthome.asp.

Reporting Military Sexual Trauma: To report a military sexual trauma, you can make an anonymous report to the Naval Criminal Investigative Service (NCIS) by Text or Online. The NCIS Tip Line provides service members, veterans and civilians a safe, discreet and ANONYMOUS option to report criminal and force protection threats within the USN and USMC without concerns of retaliation. To report a crime by Text: Text 274637 (CRIMES); Type "NCIS" at the top of the message; and include as much detail as possible to ensure your tip can effectively be investigated. To send your ANONYMOUS Tip via the online, go to <https://www.tipsubmit.com/webtipsNAV.aspx?AgencyID=840>.

Suicide Prevention: Veterans in emotional crisis or their loved ones can call the free and confidential Veterans Crisis Line at 1-800-273-8255 (then press 1); or chat online at <http://www.veteranscrisisline.net>, or send a text message to 838255 to connect with a caring, qualified Veteran Affairs Responder who can deal with any immediate crisis. Additionally, Veterans in acute suicidal crisis can go to any VA or non-VA health care facility for emergency health care at no cost; you can use this benefit regardless of your discharge status, or enrollment in VA health care. In order to find the nearest VA office to receive assistance, go to <https://www.va.gov/find-locations/?facilityType=health>.