



PERSONNEL AND  
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

FEB - 7 2025

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements

As directed by the Secretary of Defense, the Department of Defense shall take all actions necessary to make reinstatement available to all members of the military (Active and Reserve Components) who were discharged solely for refusal to receive the coronavirus disease 2019 (COVID-19) vaccine and who request to be reinstated, in accordance with President Trump's Executive Order (EO) 14184, "Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate," January 27, 2025. This memorandum provides the procedures (attached) by which the Secretaries of the Military Departments will process reinstatements for individuals either involuntarily discharged or those who voluntarily left the service or allowed their service to lapse, rather than be vaccinated under the vaccine mandate.

In cases where the Service member was involuntarily separated (EO, sec. 2(a) and (b)), the Secretaries of the Military Departments will contact such Service members and make available to them reinstatement via the Boards for Correction of Military/Naval Records (BCM/NRs) process. The BCM/NRs should exercise their broad discretion to order all appropriate retroactive corrections of the Service member's record as described in the attached memorandum.

In cases where members voluntarily left the service or allowed their service to lapse (EO, sec. 2(c)), the Secretaries of the Military Departments will broadly communicate (e.g., via social media, external web sites, newsletters) information to inform these members about the process to return to service. Should those individuals elect to return to service, then they must present a written statement attesting that they chose to leave the service or allowed their service to lapse, rather than be vaccinated under the vaccine mandate. The Secretaries of the Military Departments will then provide an accelerated process for the member to return to service.

Beginning 30 days after the date of this memorandum, and every 30 days thereafter for 13 months, each Secretary of a Military Department will report on their progress to reinstate those Service members voluntarily and involuntarily separated solely due to the refusal to comply with the COVID-19 vaccination requirements. My point of contact is Mr. Kent Bauer at (703) 693-4204 or kent.p.bauer.civ@mail.mil.

A handwritten signature in black ink, reading "Darin S. Selnick".

Darin S. Selnick  
Performing the Duties of the Under Secretary of  
Defense for Personnel and Readiness

Attachments:  
As stated

# **Attachment**

**1**

## COVID-19 REINSTATEMENT GUIDANCE

**REFERENCE:** Executive Order (EO) 14184, “Reinstating Service Members Discharged Under the Military’s COVID-19 Vaccination Mandate,” January 27, 2020.

### I. GENERAL:

The Secretaries of the Military Department will:

- A. Implement a public information outreach program: (1) inviting former Service members discharged based solely on a refusal to comply with the coronavirus disease 2019 (COVID-19) vaccination mandate to seek reinstatement; and (2) inviting former Service members who voluntarily left the service or allowed their service to lapse in accordance with appropriate procedures to return to service within 60 days of this memorandum.
- B. Implement a screening process to identify those former Service members that were involuntarily separated based solely on their refusal to comply with the COVID-19 vaccination requirement within 30 days of this memorandum.
- C. Implement an eligibility assessment process to pre-screen interested former Service members for eligibility for reinstatement or re-accession, as appropriate, utilizing retention standards. The eligibility assessment process will maximize the usage of waivers.
- D. Implement a process to facilitate expedited and fair consideration of eligible reinstatement cases before the Boards for Correction of Military/Naval Records (BCM/NRs).
- E. Coordinate with the Defense Finance Accounting Service, Defense Health Agency, and Department of Veterans Affairs to implement an assistance process to facilitate expedited estimation of the pecuniary and other benefits entitled to a former Service member upon their return to service within 90 days of the BCM/NR’s decision to reinstate.

### II. INVOLUNTARY SEPARATIONS (EO 14184, sec. 2(a) and (b))

- A. Identification of Eligible Former Service Members.
  - 1) Using standardized but broad criteria (e.g., separation code, narrative reason, separation package), the Secretaries of the Military Departments will review the records of all former Service members involuntarily discharged in connection with the COVID-19 vaccination mandate to identify those discharged “solely” for refusal to comply.
  - 2) If there is doubt whether the former Service member’s record qualifies as a separation “solely” for refusal to be vaccinated, the individual will be included in the group provided direct contact outreach as detailed in paragraph II.B.

## B. Outreach.

- 1) The Secretaries of the Military Departments will contact each former Service member that was involuntarily separated solely for refusal to receive the COVID-19 vaccine.
- 2) Consistent with the EO 14184, the Secretaries of the Military Departments will invite these Service members to seek reinstatement by applying to have their records corrected to reflect continued service such that back pay, benefits, bonus payments, or other compensation, subject to required offsets, will be available.
- 3) Outreach will consist of: (1) a mailed written letter; (2) electronic mail outreach (if possible); and (3) follow-up telephonic outreach by a uniformed representative dedicated to reinstating these individuals.
- 4) The written outreach materials will include:
  - a. An invitation to seek reinstatement.
  - b. An explanation of the streamlined expedited process to seek reinstatement, to include instructions on completing the DD Form 149 Application and submitting other required documentation.
  - c. An explanation of the potential financial benefits upon reinstatement, to include a detailed explanation of the requirement for offsets.
  - d. An advisement that reinstatement will not be afforded to those who are unwilling or unable to return to active service for at least 2 years.
  - e. Contact information for a uniformed representative or other official to answer any questions or concerns.

## C. Eligibility Pre-Screening.

- 1) Upon confirmation that a former Service member is interested in seeking reinstatement, the Secretary of the Military Department concerned will conduct a pre-screening evaluation of the member's physical and medical eligibility.
- 2) The Secretaries of the Military Departments will evaluate and determine if interested former Service members meet retention standards, including medical retention standards as set forth in Department of Defense Instruction (DoDI) 6130.03, Volume 2, "Medical Standards for Military Service: Retention," September 4, 2020, as amended, via current Military Service processes.
- 3) As an exception to policy, those individuals who separated involuntarily *solely* for refusal to receive the COVID-19 vaccine are exempt from DoDI 6130.03, Volume 1,

“Medical Standards for Military Service: Appointment, Enlistment, or Induction,” May 6, 2018, as amended, Paragraph 5.1.a.(3) which states:

a. The medical standards in this volume apply to applicants for appointment as commissioned or warrant officers or enlistment in any Military Service and Component, to include federally recognized units or organizations of the National Guard.

(3) Applicants for re-accession in any Military Service and Component, including federally recognized units or organizations of the National Guard after a period of more than 12 months have elapsed since the date on their DD Form 214, “Certificate of Uniformed Service,” or separation orders, as applicable. These applicants no longer have a status in any component of the military.

Accordingly, retention medical standards would apply to such persons for purposes of determining eligibility for reinstatement.

- 4) The Secretaries of the Military Departments will broadly apply waiver authorities to permit maximum eligibility, as appropriate. Disapproval authority for any waivers necessary for reinstatement may only be delegated to a civilian official within a Military Department appointed by the President, by and with the advice and consent of the Senate.

#### D. BCM/NR Reviews.

- 1) The BCM/NRs will give COVID-19 reinstatement cases priority consideration, subject to existing statutorily specified priority consideration for post traumatic stress disorder, traumatic brain injury, and military sexual trauma.
- 2) The BCM/NRs, using the attached guidance in the memorandum, will assess each case to determine if an error or injustice exists within the former Service member’s record and order all appropriate records corrections, which may include but is not limited to reinstatement with no break in service, restoration of the member’s previous grade or rank, and credit for lost service time due to separation.
- 3) Disapproval authority for any BCM/NR case recommendations or decisions not awarding all requested relief must be sent to the Secretary of the Military Department concerned for final decision.
- 4) If the BCM/NR finds that the record should be corrected to reflect reinstatement, they will issue a tentative decision that permits calculation of associated pecuniary benefits but predicates final record correction upon acceptance of reinstatement by the Service member.

- 5) Nothing precludes a former Service member who has already requested reinstatement (or re-accession) through the BCM/NRs to apply again under this policy. Such cases should be reviewed de novo by the BCM/NRs.

E. Pre-Reinstatement Assistance.

- 1) For those former members whose records are corrected to reflect a reinstatement to service, the Secretaries of the Military Departments will implement a process to facilitate an expedited estimate of all pay and benefits with the Defense Financial Accounting Service, Defense Health Agency, and other Government Agencies as appropriate.
- 2) Where possible and appropriate, the Secretaries of the Military Departments will encourage and facilitate pre-submission of relevant information and documentation (e.g., tax returns, medical expenses) by the former Service member to facilitate faster calculation and processing of compensation payments.
- 3) For purposes of computing creditable service for the retired pay calculation, the Secretaries of the Military Departments shall treat the period of a returning member's involuntary gap in service as active service for a member who was separated while serving in a full-time status. For a member who was separated while serving in the Ready Reserve of a Reserve Component, the Military Department shall credit the member with the number of points toward retirement, as provided in 10 U.S.C. § 12732(a)(2), commensurate with the pay and allowances the member would have otherwise received in the member's part-time status during this period, with a minimum of 50 points per year status for the purposes of retirement calculation.
- 4) The Secretaries of the Military Departments shall obtain written confirmation of the Service member's intent to be reinstated and acknowledgement of the requirement for an additional service commitment.

F. Reinstatement Election.

- 1) Following receipt of their compensation payment estimate, the former Service member will have 60 days to consider and to decide whether to accept reinstatement. Acceptance will be submitted in writing and include an acknowledgement of the 2-year service commitment.
- 2) Those Service members who elect reinstatement will be reintegrated to service through existing Military Department policies.
- 3) Those Service members who decline reinstatement will not have their records corrected. Nothing in this policy prohibits or prevents these members from separately applying to the BCM/NR for alternate relief related to their COVID-19 vaccination discharge.

### III. VOLUNTARY SEPARATIONS (EO 14184, sec. 2(c))

#### A. Outreach.

- 1) The Secretaries of the Military Departments will use a broad communication strategy (social media, web sites, newsletters, etc.) to publicize the opportunity for any former Service members who voluntarily left the service or allowed their service to lapse according to appropriate procedures, rather than receive the COVID-19 vaccination, to return to service with no impact on their service status, rank, or pay.
- 2) Outreach materials will include:
  - a. An invitation to seek to return to service.
  - b. An explanation of the process for re-accession.
  - c. The requirements to be eligible for re-accession (i.e., meet retention standards and submit a written and sworn attestation that they voluntarily left the service or allowed their service to lapse according to appropriate procedures, rather than be vaccinated under the vaccine mandate, to return to service.)
  - d. A sample/form attestation form and instructions on completing.
  - e. An explanation that re-accession under this policy does not include backpay, bonuses, or other compensation.
  - f. An advisement that re-accession will require a minimum 2-year period of active service.
  - g. Contact information for a uniformed representative or other official to answer any questions or concerns.

#### B. Process.

- 1) Where such former Service members elect to return to service, the Secretaries of the Military Departments will ensure individuals meet retention standards via established processes or consider waivers as appropriate.
- 2) The Secretaries of the Military Departments will closely monitor these accessions to ensure expeditious reintegration of these individuals.
- 3) Their return to service will include restoration of same rank and pay. Re-accession under this policy will not include backpay, credit for lost service, or similar relief associated with reinstatement. Nothing in this policy prohibits or prevents those former Service members seeking re-accession from seeking additional relief such as backpay or lost service credit through the normal BCM/NR process.

#### **IV. REPORTING.**

- A. The Secretaries of the Military Departments will provide reports 30 days after the effective date of the memorandum, and every 30 days thereafter, to the Under Secretary of Defense for Personnel and Readiness (USD(P&R)).
- B. These reports will detail actions taken to implement the requirements of this memorandum and any pending actions.
- C. At a minimum these reports must include the number of requests for reinstatement received by the BCM/NRs, the rank/grade of the requestor, the date the application was reviewed by the Board, the relief that was directed, and, if known, the date on which the directed relief took effect. The reporting period for tracking this information will conclude after all applications to the BCM/NRs requesting reinstatement have been finalized. The report will also include information on number of voluntary attestations received and the status of those accessions. Additional guidance on the contents of the report will be provided by the USD(P&R).

#### **V. LIMITATIONS.**

- A. Nothing in this policy applies to Service members or former Service members who were subject to adverse action based on misconduct unrelated to their COVID-19 vaccination status.
- B. This COVID-19 vaccination mandate reinstatement and return to service policy will terminate 1 year after the effective date of this memorandum.



# **Attachment**

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements

The coronavirus disease 2019 (COVID-19) vaccine mandate was an unfair, overbroad, and completely unnecessary burden on our Service members. Service members were not afforded a timely, fair, or measured process to seek and receive an accommodation from this requirement but were unjustly separated solely for refusal of the vaccine, regardless of their years of service given to our Nation.

Thus, per Executive Order 14184, "Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate," January 27, 2025, the Department "shall 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."

Because a large number of former Service members may seek reinstatement to active service by applying to the Boards for Correction of Military or Naval Records (BCM/NRs), to help ensure consistency across the Military Services and provide swift, full, and fair review of these cases, this memorandum provides supplemental policy guidance for BCM/NR actions on such applications.

As noted above, the requirement that Service members receive a non-critical and unnecessary COVID-19 vaccine without an adequate due process mechanism for vaccine accommodations was an injustice. In cases where the Service member was involuntarily separated, the BCM/NRs should exercise their broad discretion to order all appropriate retroactive corrections of the Service member's record and should normally grant requests to correct the record to reflect continued service with no separation (i.e., reinstatement with no break in service), restoration of the Service member's previous grade and rank (normally the grade and rank held immediately prior to separation unless the Service member's pay grade was reduced prior to separation for misconduct relating solely to refusal to comply with the vaccination requirement), and credit for lost service time due to separation or credit for qualifying years of service for a non-regular retirement (i.e., credit for 50 retirement non-pay points), as appropriate and consistent with applicable laws.

To swiftly return the impacted Service members to active service, the BCM/NRs should give priority consideration to these applications in a manner consistent with other categories of cases entitled to priority consideration under existing laws. Additionally, requests for reinstatement from these former Service members previously considered by the BCM/NR but denied without the benefit of this guidance, shall be, upon petition, granted de novo review utilizing this guidance. Lastly, to ensure consistency in application of this guidance, final

decisional authority in cases where the full relief requested is not granted by the BCM/NR shall be reserved to the Secretary of the Military Department concerned. This authority cannot be delegated.

If an impacted Service member desires to apply for a records correction on an additional basis (i.e., not exclusively on an unjust separation due to the COVID-19 mandate) or requests a medical separation or retirement, the Service member will be advised, for purposes of this effort, they must proceed exclusively on a COVID-19 unjust separation basis but may apply for relief on another basis, or seek different relief, using the normal BCM/NR processes.

This guidance does not apply to those former Service members who are unwilling or unable to return to active service for at least 2 years. Furthermore, this guidance shall not be extended to Service members who apply to the BCM/NRs for reinstatement after 1 year from the date of this memorandum. Finally, this guidance does not apply to those Service members who remained in service, voluntarily left the service, or allowed their service to lapse according to appropriate procedures, rather than be vaccinated under the COVID-19 mandate. Those Service members are still encouraged to apply to the BCM/NRs for alternate and appropriate relief, e.g., removal of negative documentation or revision of their discharge terms, such as characterization of service.

Beginning 60 days after the date of this memorandum, and every 30 days thereafter, each Secretary of a Military Department will submit a report to the Office of the Under Secretary of Defense for Personnel and Readiness indicating the number of requests for reinstatement received by the BCM/NRs, the grade of each requestor, the date each application was reviewed by the Board, the relief that was directed, and, if known, the date on which the directed relief took effect. The reporting period for tracking this information will conclude after all applications to the BCM/NRs requesting reinstatement have been finalized or 2 years from the date of this memorandum, whichever is later.

As with all correction board determinations, applications will be reviewed on a case-by-case basis, and this policy does not address situations where a BCM/NR determines the facts of a particular case warrant a different or additional finding of an error or injustice. In those instances, the BCM/NRs should fashion the remedy they find necessary and appropriate within applicable legal limits.



Darin S. Selnick

Performing the Duties of the Under Secretary of  
Defense for Personnel and Readiness