



## 5 KEY POINTS:

# WHAT MILITARY SERVICE MEMBERS NEED TO KNOW ABOUT RELIGIOUS ACCOMMODATIONS

In August 2021, the U.S. Department of Defense (DOD) issued an order directing mandatory COVID-19 vaccinations for military service members.

Under federal law and DOD regulations, service members have the legal right to seek a religious accommodation from any duty or requirement—including vaccines—that substantially burdens their sincerely held religious beliefs.

Below are five essential points service members must know when requesting an accommodation:

### **1. YOU DO NOT FORFEIT YOUR FIRST AMENDMENT RIGHT TO RELIGIOUS LIBERTY WHEN YOU JOIN THE MILITARY.**

There's a misconception that by joining America's military, you're renouncing your constitutional rights. Although there's less individual autonomy for service members compared to civilians, members of the armed forces are not stripped of the same constitutional freedoms they are risking life and limb to defend.

There's ample precedent favoring religious accommodation. Throughout America's history, our military has successfully accommodated people of faith so they can continue serving in keeping with their beliefs. This includes conscientious objectors whose beliefs prevent them from bearing arms in combat to members of religions who've sought exemptions due to dietary practices, medical care, wear and appearance of uniforms, and personal appearance/grooming requirements.

### **2. REQUESTING AN ACCOMMODATION IS NOT A DERELICTION OF DUTY.**

Requesting a religious accommodation request does not challenge the legality of an order, regulation, or policy, or the authority of the person who issued it. Rather, it seeks to have that order, regulation, or policy deemed "not applicable" to the service member under the specific circumstances of the request.

In other words, a service member who submits a religious accommodation does not turn into a cowardly traitor, or put into question his / her patriotism or willingness to serve. Quite the opposite. The accommodation process exists precisely so that a service member can still carry out their duties without forfeiting their deeply-held convictions.

### **3. NO ONE IN THE CHAIN OF COMMAND CAN QUESTION THE LEGITIMACY OF YOUR RELIGIOUS BELIEFS.**

Once a service member raises a legal objection to vaccination due to a sincerely held religious belief, no one in the chain of command—nor even a chaplain—may question the legitimacy or reasonableness of the service member's claimed religious beliefs. This is a crucial layer of protection. One, it helps prevent a superior from simply dismissing a request based on their personal views. And two, it also helps ensure service members who belong to minority faith groups are not treated unequally or more harshly.

### **4. THE DOD MUST MEET A VERY HIGH BAR BEFORE IT CAN DENY A SERVICE MEMBER'S RELIGIOUS ACCOMMODATION REQUEST.**

When reviewing and deciding a religious accommodation request, the DOD must prove that it has a compelling interest in mandatory vaccinations and that ordering their administration is the method least restrictive to the service member's religious exercise. Under law, this is a high burden that the DOD must meet if it is going to override an individual's religious beliefs.

### **5. IF A REQUEST IS DENIED, YOU'RE NOT WITHOUT RECOURSE. THERE ARE SEVERAL OPTIONS TO APPEAL.**

Each branch of the military has different adjudication processes for a religious accommodation request. However, if a request is denied, a service member can appeal that denial or decision all the way up to the secretary of their particular branch of service who must, according to DOD regulations, turn around a final action in just sixty days. Then, after that final action, service members may still take an unfavorable decision to federal court.