

Fair and Equal Treatment

- 8100+ servicemembers discharged for refusing the vax mainly based on religious grounds
- 19,000+ DOD religious exemptions adjudicated, approval rates very low:
 - Army 6.04%; Navy 1.02%; A.F. & Space Force 2.31%; USMC 0.52%
 - assume 3% approval rate of 19,000 request = 570 approved
- ~5 law suits for 1st Amendment violations resulting in federal injunctions stopping the mandatory vax in specified areas

Why so low?



23 Dec 2022 NDAA directed DOD to rescind the mandatory vax policy

10 Jan 2023 SECDEF memo rescinds mandatory vax policy for “members currently serving in the Armed Services” but fails to address the 8100+ already discharged.

Memo Specifies	Active	8100 (+)
no serving Armed Service members will be separated for vax refusal solely based on religious, medical or admin reasons	X	note 1
will update records to remove any adverse action taken to include letters of reprimand	X	note 2
will cease ongoing reviews of current servicemembers religious, medical, or admin exemption requests	X	

Fair and equal treatment requires:

- note 1: offer an opportunity to return to duty w/back pay etc.
- note 2: expunge all records of all adverse personnel actions against those discharged if based solely on vax refusal

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Summary OSD letter, 27 Feb 23, to Congressmen Rogers & Banks

Vax requirements

- no vax rqmts for theater entry or deployability status
- no vax rqmts for new accessions
- **no service academy requires a vax for a diploma or commissioning**
- no occupations in DOD requiring a vax

Policy and law:

- by law: unearned bonus', incentive pay, or similar benefits must be repaid by SMs w/few exceptions if reason was failure to complete their obligation including **refusing a lawful order**
- apply to discharge review boards to correct records
- policy: DOD will not provide back pay or credit SMs who did not take the vax
- return to active duty: follow the standard accession policies
- will not provide back pay or credit to SMs or vets
- will review cases those who did not request exemption and **refused "lawful order"** to take the vax

Data:

- 2,000,000 SMs total
 - 69,000 unvax'd = 3.45% of total SMs
- 53,000 sought religious, medical or admin exemptions
 - of 53,000; were 37,000 religious exemptions
 - 19,1000 religious exemptions denied
 - **400 religious exemptions approved = 1.08% of 37,000 requested**
- 8100 SMs separated for refusing the vax
 - 46% honorable discharges
 - 54% general under honorable conditions