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Annex O (Religious Accommodation for Immunization Exemption Requests) to OPORD 21-075 (USARC, Mandatory Coronavirus Disease 2019 (COVID-19) Vaccination Program (CVP))

(U) References:

1. AR 600-20, Army Command Policy, 24 July 2020.
2. AR 40-562, para. 2-6, Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases, 07 October 2013.
3. Department of Defense Instruction, 1300.17, Accommodation of Religious Practices Within the Military Services, 1 September 2020.
4. Religious Accommodation Training, United States Army Chaplain Center and School; <https://usachctraining.army.mil/world-religions>.
5. Religious Freedom Restoration Act, 1993.
6. FRAGORD 05 (UG) to HQDA EXORD 225-21 COVID-19 Steady State Operations
7. FRAGORD 06 (UG) to FORSCOM COVID-19 Vaccination Program

Time Zone Used Throughout the Order: (Zulu).

1. (U) Situation.

a. (U) The right to free exercise of religion is a hallmark of American freedoms. The US Army Reserve, through the service of its Chaplain Corps members, supports free exercise for all Soldiers. As a result, Chaplains support the right for each Soldier to exercise sincerely held religious beliefs. Chaplains support every Soldier's right to request an accommodation, based upon their religious beliefs, to any practice by the Army that they believe unduly burdens their practice of those beliefs. See the Religious Freedom Restoration Act at <https://www.congress.gov/bill/103rd-congress/house-bill/1308>. The Chaplain's duty is to ascertain the sincerity and religious nature of the Soldier's request for accommodation, provide counseling regarding Religious Accommodations, and support Soldiers' rights to make such a request. AR 600-20 (Army Command Policy) allows Soldiers to request an exemption to immunization requirements (para. P-2b.), based upon their sincere religious beliefs and practices. Religious Accommodation requests are a type of Administrative Exemption from immunization.

b. (U) Soldiers with religious practices in conflict with mandatory immunization requirements may request an exemption through Command channels. The Surgeon General (TSG) is the only approval or disapproval authority for immunization accommodation requests. The Assistant Secretary of the Army for Manpower and

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Reserve Affairs (ASA(M&RA)) is the final appeal authority. Any Religious Accommodation (RA) request for an immunization exemption must comply with the requirements described in AR 600-20 (Army Command Policy), Appendix P-2b, and DODI 1300.17, "Religious Liberty in the Military Services," September 1, 2020.

c. (U) USARC CH DIR provides guidance to support Soldiers and Commanders in the Religious Accommodation immunization request process for mandatory Department of Defense COVID-19 immunization requirements.

2. (U) Mission. Upon request, Commanders will process Religious Accommodation immunization requirement requests with Chaplain Corps personnel providing technical expertise and support to Soldiers and Command Teams on Religious Accommodation (RA) immunization policies and procedures.

3. (U) Execution.

a. (U) Commander's Intent.

(1) (U) Purpose: To support Soldiers with counsel, Religious Support and technical expertise throughout the Religious Accommodation request process.

(2) (U) Key Task: Commanders process RA immunization exemption requests IAW applicable regulations, policies and orders. Chaplains and Religious Affairs Specialists support Soldiers, conduct Religious Accommodation interviews and advise Commanders on policies and procedures related to immunization exemption requests.

(3) (U) End State: Soldiers who feel supported in their First Amendment religious liberties and Commands that have executed the Religious Accommodation process with integrity, fairness and fidelity to regulatory intent.

b. (U) Concept of Operations. MSC Command Teams, SJA, Chaplain Sections and key personnel in subordinate Units review the RA immunization exemption request process as necessary; collaborate on execution of Religious Accommodation exemption requests and support Soldiers in the RA process as required by regulation and policies.

c. (U) Tasks to Staff and Subordinate Units

(1) (U) USARC Chaplain.

(a) (U) The USARC Chaplain Directorate Chief, Planning, Training and Mobilization is the primary action officer for USARC Religious Accommodation requests.

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(b) (U) The USARC Chaplain Directorate will provide guidance to assist CHC members in providing technical expertise and support to Soldiers and Commanders.

(2) (U) Major Subordinate Commands (MSC).

(a) (U) Expedite required Religious Accommodation Phase 2 Training, OPORD 21-025 (USARC, Religious Liberty and Religious Accommodation Training), with Company/Battalion/ Brigade Command Teams to assist CDRs with the RA process. Review Religious Accommodation policies and procedures to maximize CS/UMT proficiency.

(b) (U) Upon request, process Soldier RA immunization exemption requests IAW applicable regulations, policies and orders.

(c) (U) MSC CH Sections advise Commanders on the specific process and procedures for immunization exemption requests. Provide training, assistance and support to subordinate CH Sections/UMTs as they process Religious Accommodation immunization exemption requests.

(3) (U) Chaplain Corps Members in the USAR.

(a) (U) Review policies, procedures, guidelines and best practices related to Religious Accommodation for immunization requests.

(b) (U) Provide confidential counseling to Soldiers on issues related to the COVID-19 vaccine and vaccination requirements.

(c) (U) Conduct non-confidential Soldier interviews to support the Religious Accommodation process as required by Commanders and the technical chain.

(d) (U) Provide technical expertise and advisement to Commanders on Religious Accommodation policies and procedures for immunization exemption requests.

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(4) (U) USAR Soldiers Requesting Religious Accommodation for Immunization.

(a) (U) Comply with the requirements described in AR 600-20, Appendix P-2b, DODI 1300.17, "Religious Liberty in the Military Services," September 1, 2020 and all applicable policies and guidance in the submission of RA immunization requests.

(b) (U) Comply with existing DOD and Army guidance for force-health-protection measures applicable to unvaccinated personnel.

d. (U) Coordinating Instructions.

(1) (U) Soldiers requesting an exemption are not required to receive the Vaccine pending the final decision on their exemption request. Commanders will not take adverse action against soldiers with pending exemption requests.

(2) (U) Religious Accommodation Process – Review of Key Actions

(a) (U) Pursuant to AR 600-20, Appendix P-2b, soldiers with religious practices in conflict with immunization requirements may request an exemption through command channels. The request must comply with the requirements described in AR 600-20, Appendix P-2b, (Name, rank, MOS/branch, and a description of the religious tenet or belief contrary to immunization; other documentation, such as letters from a religious leader, is optional.) and DODI 1300.17, "Religious Liberty in the Military Services," September 1, 2020.

(b) (U) The Commander must counsel the Soldier that lack of immunization may adversely impact deployability, assignment, or international travel, and that the exemption may be revoked under imminent risk conditions.

1 (U) IAW AR 600-20, Appendix P-2b, Commanders will arrange for an in-person or telephonic interview between a Soldier requesting a Religious Accommodation and the unit or other assigned Chaplain. The Chaplain assesses the basis and sincerity of the belief and must provide a written memorandum to the Chain-of-Command pursuant to the requirements of AR 600-20, Appendix P-2b(2).

2 (U) A licensed health care provider will counsel the applicant to ensure the applicant is making an informed decision IAW AR 600-20, appendix P-2b(3).

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(c) (U) The immediate Commander through the General Court-Martial Convening Authority (GCMCA) must review the request and recommend approval or denial to TSG (ie. Company or Unit CDR, Battalion CDR, Brigade CDR). Chain-of-command recommendations will address the factors of military necessity described in AR 600-20, paragraph 5-6a. A legal review must be conducted at the GCMCA level prior to forwarding the request. Upon completion, the GCMCA will upload the request into task management tool (TMT) for staffing to TSG.

(d) (U) Soldiers with pending active requests for an immunization exemption submitted IAW AR 40-562 are temporarily deferred from immunization, pending the outcome of their request or any appeal of a denied request.

(e) (U) Commanders with Soldiers who have submitted and are pending a decision on a religious exemption will ensure they comply with existing DOD and Army guidance for force-health-protection measures applicable to unvaccinated personnel.

(3) (U) Chaplain Corps (CHC) Member Responsibilities in the RA Process

(a) (U) CS/UMTs must be knowledgeable of the Religious Accommodation process for immunizations listed in AR 600-20, 5-6 and Appendix P. Note that the only differences with any medical RA request, including immunizations, from other RA requests, are medical provider consultation, submission pathway, and approval authority. Remind Soldiers the medical provider must also conduct the medical RA interview as part of the process. Chaplains need to educate themselves regarding the ethical underpinnings of receiving or declining the COVID-19 vaccine and be prepared to offer pastoral counsel.

(b) (U) The Chaplain interview is a key element in the RA request process. Chaplains may access an immunization RA interview questionnaire template at <https://usachcstraining.army.mil/covid-resources>. This template is a model for conducting the interview. Supervisory Chaplains are encouraged to modify the questions as necessary.

(c) (U) While confidentiality extends to Soldiers 'seeking advice' regarding Religious Accommodation, Chaplains must inform Soldiers the RA interview is not confidential. To clarify, all other topics not related to RA during that conversation remain protected.

(d) (U) CS/UMTs must understand and advise Soldiers of the RA process (AR 600-20, 5-6). The Surgeon General (TSG) is the final approving authority for all immunization RA requests per AR 600-20. RA request packets follow the same routing path for uniform and grooming accommodation requests until they reach the General Court Martial Convening Authority (GCMCA) in the chain of command. From the

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GCMCA the packets go straight to TSG for decision. The Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA(M&RA)) is the final appeal authority.

(e) (U) CS/UMTs must understand the consequences for vaccination declination to accurately advise Soldiers. Commanders will not take adverse action against soldiers with pending exemption requests. There will be no involuntary (forcible) immunizations IAW FRAGORD 05 to HQDA EXORD 225-21 (COVID-19 Steady State Operations). Soldiers whose requests are denied may: choose to receive the vaccine; submit separation packets in accordance with applicable regulations; or face possible UCMJ action for failure to obey a lawful order (AR 600-20, 5-4g (2)(a)4).

(4) (U) RA Immunization Exemption Process - Chaplain Corps Best Practices

(a) (U) The purpose of the Chaplain interview is to ascertain the sincerity of the belief/request, NOT offer approval or disapproval. Determining whether the request has a religious basis is critical to establishing a requester's sincerity and is a key aspect of the interview. Ensure a senior Chaplain (LTC or above) reviews the interview memorandum and submits comments as necessary. This is a recommended best practice, not required by AR 600-20.

(b) (U) Because confidentiality rules differ between counseling on RA and the formal RA interview, consider separating pastoral counseling from the accommodation request interview. A best practice is for the interviewing Chaplain to be someone other than the unit Chaplain. This may help to preserve confidentiality and protect the pastoral role of the unit Chaplain.

(c) (U) One final recommended best practice: Chaplains should consult their endorsers, their denominational/faith group leaders and position statements for their own approach to vaccinations. Chaplains should also educate themselves regarding the various ethical approaches of religious groups regarding the COVID vaccines. There are reputable sources that provide information on religious group stances, ethical approaches to vaccines, and information on the vaccines themselves.

(5) (U) Summary: CS/UMT members play a key role in assisting Soldiers with each type of RA request, including counseling Soldiers on the RA process and possible outcomes. CS/UMT members must educate themselves regarding the ethical and religious questions and stances regarding vaccination, as well as the process for immunization RA requests. Safeguarding the Soldier's access to Religious Accommodation requests and Soldier's confidentiality (except the formal RA interview), is crucial to maintaining the integrity of the process.

4. (U) Sustainment. See Base Order.

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5. (U) Command and Signal.

a. (U) Command. See Base Order.

b. (U) Signal. USARC POCs for this order are:

(1) (U) CH (LTC) Brian R Seidel, CH DIR Chief, Plans, Training and Mobilization, phone 910-570-8070, email brian.r.seidel.mil@mail.mil.

(2) (U) SFC Eric Schenck, CH DIR Strategic Plans and Policy NCO, phone 910-570-8065, email eric.s.schenck.mil@mail.mil.

APPENDICES:

Appendix 1 – Soldier RA Immunization Exemption Request Template

Appendix 2 – RA Immunization Exemption Request Process Flowchart

Appendix 3 – Sample CDR DA Form 4856 Counseling for RA Immunization Requests

Appendix 4 – General CH RA Interview Questionnaire / CH RA Immunization Interview Questionnaire Sample

Appendix 5 – White Paper, Office of the Chief of Chaplains, Best Practices to Assist Soldiers Requesting Religious Accommodation Exemption for Immunizations

Appendix 6 – Chaplain RA Immunization Request Memo Template

Appendix 7 – Physician/Medical RA Immunization Request Memo Template

Appendix 8 – CDR (CO/BN/BDE) RA Immunization Request Memo Template

Appendix 9 – GCMCA RA Immunization Request Memo Template