

Subj: Appeal of Disapproval of XXXXX's Request for Religious Accommodation – dtd 15 Dec. 2021

1. Sir, I am appealing the disapproval of my request for a religious accommodation.
2. I understand the need for “military readiness, unit cohesion, good order and discipline, health and safety, on both individual and unit levels.” I also acknowledge your reasoning for the disapproval,

“A waiver of immunizations would have a predictable and detrimental effect on your readiness and the readiness of the Sailors who serve alongside you in both operational and non-operational (including training) environments. Primary prevention of disease through immunizations has been a key enabler for maintaining force health and avoiding disease-related non-battle injury. Granting your request will have a direct and foreseeable negative impact on the compelling Government interests of military readiness and health of the force.”

“While serving in the U.S. Navy, you will inevitably be expected to live and work in close proximity with your shipmates. I find that disapproval of your request for a waiver of immunization requirements is the least restrictive means available to preserve the Department of Defense’s compelling interest in military readiness, mission accomplishment and the health and safety of military Service Members.”

3. I respectfully disagree for the following reasons:
 - a. Readiness, et al, have not been impacted thus far by service members being unvaccinated for over two years;
 - b. It is clear and now recognized by the NIH, CDC and others, that COVID vaccines are not preventing infection and spreading of the virus;
 - c. It would seem that there would be less of an impact to readiness by providing accommodations versus attempting to separate all who refuse to receive the vaccine;
 - d. Based upon the other disapprovals I have seen and heard about, this appears to be a blanket disapproval and in violation of the First Amendment and Title VII. Religion is specifically protected under the Constitution and claiming, "for the good of the service, to ensure readiness, or to protect others, does not meet the strict scrutiny test, in that it is a one size fits all approach. We have been under this pandemic for two years now with little to no impact on readiness, threat to others, or an impact on the good of the service, other than a mandate that is literally separating those via ideology. I am requesting a detailed explanation of how my being forever unvaccinated and following my religious tenets will have an impact, in any way, since it has not for two plus years."

4. With regard to readiness, according to Maj Gen Taliaferro, Joint Chiefs of Staff Vice Director for Operations, testifying before Congress on 17 Feb 2021, the military is and has been ready:

Representative Mike Rogers, Homeland Security Committee Ranking Member asked Maj Gen Taliaferro: “What about...Are they deployable? If somebody is not vaccinated, is that individual deployable?”

Maj Gen Taliaferro: “So, Ranking Member, the services and the combatant commands have worked very hard over the last year to make sure that we can operate in a COVID environment before vaccinations were available. The addition of the vaccination should make us more capable in that environment, but we’ve already demonstrated over the last year that we’re fully capable of operating in a COVID environment.”

Rep Rogers: “So, I take that to mean, yes, they’re deployable even if they have not been vaccinated?”

Maj Gen Taliaferro: “Yes, Sir.”

When asked for the current state of readiness across the Services with only 2/3 vaccine compliance, Maj Gen Taliaferro replied “The Services have been adaptive and resilient, that when larger formation exercises weren’t possible, they’ve substituted those with some smaller formations. Smaller formations that have allowed them to maintain their basic proficiency and currency and combat readiness.” He added “The overall C ratings, or readiness ratings for all the Services’ Combat Commands have stayed within historic norms.”

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