

15 November 2021

MEMORANDUM FOR Information

FROM XXXXXX,

Subject: **Informal Complaint** under Article 138, Uniform Code of Military Justice (Ref. AR 27-10)

1. I, (Rank, Name), am currently assigned to (Unit) with the United States Army, stationed at (Duty Station). On (Date), while assigned to (Unit), you committed the following wrong(s) against me:

a. The alleged wrongs include XXXXXX implemented 30 August 2021, that:

(1) XXXXXXXX.”

(2) “XXXXXXX.”

b. This order is legally distinguishable from the order of SECDEF Austin dtd 24 August 2021, and is unlawful for the following reasons:

(1) In the Memo, para. 2, it states, “Mandatory vaccination against COVID-19 will only use COVID-19 vaccines that receive full licensure from the Food and Drug Administration (FDA).”

(2) Currently the only COVID-19 vaccine that has been approved is Pfizer Comirnaty vaccine, which as the CDC say, is “legally distinguishable” from the Pfizer BioNTech vaccine. It is unclear as to whether Comirnaty is available in the U.S.

(3) The Experimental Use Authority (EUA) (10 U.S.C. § 1107) law specifically states that if an approved vaccine is available those under the EUA are not lawful to administer.

(4) Therefore, any vaccine other than the Pfizer Comirnaty, may not lawfully be utilized or ordered to be utilized.

(5) This unlawful order is followed by a threat of disciplinary or administrative action and says nothing about the lawful exemptions available, such as religious, medical, and natural immunity per AR 40-562, (“Immunizations and Chemoprophylaxis

for the Prevention of Infectious Diseases,") which remain in effect and may not be summarily dismissed.

2. I request the following relief under Article 138, Uniform Code of Military Justice:

a. That the current order be rescinded and clarified to include that vaccination at this time is voluntary.

b. That the EUA strictly requires "informed consent," that all Cadets be informed of the ingredients in all vaccines, be informed of all potential side effects, reactions to include death, and how many negative reactions deaths have currently occurred. (Per 10 U.S.C. § 1107)

c. That all soldiers be made aware of their right to refuse any experimental vaccine, unless the President signs an Executive Order outlining the need for emergency vaccination.

d. That all soldiers be made aware of their right to seek religious, medical, and natural immunity exemptions (AR 40-562, para. 2-6(b)), from the vaccine.

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Name, Rank