

WHITE PAPER

OFFICE OF THE CHIEF OF CHAPLAINS

Best Practices to Assist Soldiers Requesting
Religious Accommodation Exemption for Immunizations

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1. References:

- a. AR 600-20, Army Command Policy, 24 July 2020.
- b. AR 40-562, Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases, 07 October 2013.
- c. Department of Defense Instruction, 1300.17, Accommodation of Religious Practices Within the Military Services, 1 September 2020.
- d. Religious Accommodation Training, United States Army Chaplain Center and School; <https://usachcstraining.army.mil/world-religions>.
- f. Religious Freedom Restoration Act, 1993.

2. Purpose: The purpose of this White Paper is to provide best practice recommendations to United States Army Chaplain Sections (CS) and Unit Ministry Teams (UMT). The enclosed best practices will aid CS and UMT in assisting Soldiers who seek a Religious Accommodation (RA) exemption from the COVID-19 vaccine.

3. Background: The right to free exercise of religion is a hallmark of American exceptionalism. The Chaplain Corps 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 the Soldier's right to make such a request.

4. Best Practices:

a. It is crucial that CS/UMT are **knowledgeable of the Religious Accommodation (RA) 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. A best practice would be to **separate pastoral counseling from the accommodation request interview. Consider a different chaplain conducting the interview from one providing counsel**. See d. below.

b. 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 required.

c. **The purpose of the chaplain interview is to ascertain the sincerity of the belief/request, and 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 not required by the AR, but is a good practice.**

d. While confidentiality extends to Soldiers 'seeking advice' regarding religious accommodation, chaplains must inform Soldiers that **the RA interview is not confidential.** To clarify, **all other topics not related to RA during that conversation remain protected.** 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.

e. CS/UMT should **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 GCMCA the packets go straight to TSG for decision.** While AR 600-20 does not lay out an appeal process, DoDI 1300.17 states, "No further administrative appeal will be available for a decision made by the Secretary of the Military Department." The Secretary of the Army or secretariat level designee will serve as final appeals adjudicator. OCCH will continue to address this question.

f. The regulation authorizes commanders to involuntarily immunize Soldiers (AR 600-20, 5-4g(a)5(c)). Soldiers whose requests are denied may: choose to receive the vaccine; submit separation packets in accordance with applicable regulations, (AR 635-200 for Enlisted or AR 600-8-24 for COMPO 1 Officers); or face possible UCMJ action for failure to obey a lawful order (AR 600-20, 5-4g (2)(a)4). Check your chains of command in your respective Components for vaccination declination consequences.

g. One final recommended best practice: **chaplains should consult their endorsers and their denominational/faith group ethical 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 info on the vaccines themselves.

5. 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 right to religious accommodation requests, and the Soldier's confidentiality when appropriate, is crucial to maintaining the integrity of the process.

6. Point of Contact. The point of contact for this white paper is CH (LTC) Bill Martin at 571-256-8770, or by email at william.a.martin2.mil@mail.mil.