



# Immunization Religious Accommodation Requests

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# AR 600-20 Immunization Religious Accommodation (RA) Request Glide Path

## 1. SM / IMMEDIATE CDR (IC)

- 1) SM Makes formal written RA Request to IC (added to RA Packet)
- 2) IC coordinates Chaplain interview; may be someone other than the unit chaplain who conducts interview
- 3) SM meets with medical provider for medical counseling; Provider drafts memo noting counseling (added to RA packet)



## 2. IC / Chaplain

- 4) Assigned Chaplain conducts interview and completes interview memo (added to RA packet)
- 5) IC forwards RA Packet through Command Channels to General Court Marshal Convening Authority (GCMCA)



## 3. GCMCA

- 6) GCMCA-level SJA conducts legal review (added to RA Packet)
- 7) GCMCA reviews RA Packet and includes recommendation memo (added to RA Packet)
- 8) All requests for Immunizations exemptions are forwarded to the Army Surgeon General (TSG) via GCMCA.



## 4. TSG

- 9) TSG is the final authority for all RA immunization requests
- 10) Requestor is notified in writing of approvals/disapprovals



## 5. Recourse

AR 600-20 notes action for Soldiers whose requests are denied:

- Choose to receive the vaccine
- Submit separation packets in accordance with applicable regulations, (AR 635-200 for Enlisted or AR 600-8-24 for Officers)
- Face possible UCMJ Action for failure to obey a lawful order (AR600-20, 5-4g (2)(a) 4)

\*Appeals – As Secretary of the Army (SA) designee, TSG is the final approving authority per AR600-20. However, DoDI 1300.17 states, “No further administrative appeal will be available for a decision made by the Secretary of the Military Department.” **DA may adjust the appeal decision-maker based upon the DoDI 1300.17.**



## Checklist for Required Immunization RA Request Packet Items

### Checklist for Required Packet Items

	Memorandum of request from the Soldier (PREFER with reference letters and E/O/SRB)
	Medical treatment facility medical counseling memorandum
	Immediate (normally company) commander recommendation memorandum
	Formal interview memorandum from chaplain
	Battalion commander recommendation memorandum
	Brigade legal review (recommended)
	Brigade commander recommendation memorandum
	GCMCA legal review
	GCMCA commander recommendation memorandum
	All above elevated to OTSG



# Additional Information for Immunization Religious Accommodation Requests<sup>1</sup>

STEPS	NOTES
<b>1</b> <b>Soldier</b> requests religious accommodation (RA) exemption of immunization requirements	<ul style="list-style-type: none"> <li>Soldier's memorandum include, at a minimum, the requestor's name, grade, DoD Identification number, faith group, unit, and MOS ; the nature of the RA requested; the religious basis for the request; a comment on the sincerity of the request; and the substantial burden the immunization causes on the member's expression of religion</li> </ul>
<b>2</b> <b>Immediate commander (IC)</b> (usually company) counsels the requestor after receiving the request	<ul style="list-style-type: none"> <li>IC counsels Soldier that noncompliance with immunization may adversely affect readiness for deployment, assignment, international travel, or result in other administrative consequences.</li> <li>IC must document in a memorandum and include with the RA request package</li> <li>IC coordinates chaplain interview with senior chaplain; OCCH recommends the senior chaplain designate a chaplain other than the unit chaplain to conduct interview</li> </ul>
<b>3</b> <b>Medical provider</b> counsels the requestor	<ul style="list-style-type: none"> <li>Provider documents counseling in a memorandum and includes with the request package</li> <li>Provider should address, at minimum, specific info about the disease concerned, specific vaccine information (including product constituents, benefits, risks)</li> </ul>
<b>4</b> <b>Chaplain</b> interviews the requestor	<ul style="list-style-type: none"> <li>Interviewing chaplain uses immunization RA interview questionnaire (See Annex A)</li> <li>Interviewing chaplain drafts memorandum addressing religious basis, burden, and sincerity</li> <li>Ensure senior chaplain (LTC or above) review of interview memorandum</li> </ul>
<b>5</b> <b>Next higher commanders subordinate to GCMCA<sup>2</sup></b> (usually battalion and brigade) recommends for approval or disapproval	<ul style="list-style-type: none"> <li>Memorandum addresses If there is a compelling government interest and any effect the accommodation will have on readiness, unit cohesion, good order and discipline, health, or safety, and impact on the duties of the member</li> <li>Brigade SJA legal review not required, but recommended</li> </ul>
<b>6</b> <b>GCMCA-level SJA</b> drafts a written legal review.	<ul style="list-style-type: none"> <li>The review addresses legal objection</li> <li>The review will also state whether the enclosures are complete per AR 600-20</li> </ul>
<b>7</b> <b>GCMCA</b> shall endorse the request with recommendation for approval or disapproval	<ul style="list-style-type: none"> <li>Memorandum addresses If there is a compelling government interest and any effect the accommodation will have on readiness, unit cohesion, good order and discipline, health, or safety, and impact on the duties of the member</li> </ul>
<b>8</b> <b>GCMCA staff</b> sends packet to the Office of the Surgeon General (OTSG)	<ul style="list-style-type: none"> <li>Recommend GCMCA staff first sends packet to DAG1/OTJAG/OCCH for SA and advice</li> <li>The Surgeon General (TSG) is the approval authority for all medical RA requests</li> <li>GCMCA receives OTSG notification and notifies Soldier's command.</li> <li>GCMCA forwards OTSG memorandum to DCS, DAG1 for Soldier's AMHRR filing</li> </ul>

<sup>1</sup>See the Army's religious accommodation training including general Soldier, command, and chaplain memoranda examples at <https://usachcstraining.army.mil/world-religions>

<sup>2</sup>General courts martial convening authority (GCMCA) – usually the first one-star general officer in a chain of command



## RFRA DEFINITIONS

### **Q. What does RFRA require?**

A. The GOV shall not substantially burden a person's religious exercise unless it is the least restrictive means of furthering a compelling governmental interest.

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### **Q. What does substantially burden mean?**

A. The GOV substantially burdens a SM's religious exercise if it (1) prevents participation in conduct motivated by a sincerely held religious belief; or (2) places substantial pressure on a SM to engage in conduct contrary to a sincerely held religious belief. \*\*\*

### **Q. What is a religious practice for purposes of RFRA and the Free Exercise Clause?**

A. Religious practice includes individual expressions of religious beliefs, whether or not compelled by, or central to, the religion concerned.

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### **Q. What is a compelling government interest?**

A. DoD Components have a compelling interest in mission accomplishment, including military readiness, unit cohesion, good order and discipline, and health and safety.

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### **Q. What is the least restrictive means standard?**

A. It requires the Army to show it lacks other means of achieving its desired goal without imposing a substantial burden the SM's religious exercise. The existence of a GOV-sanctioned ETP to a regulation suggests other less-restrictive alternatives could exist.

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### **Q. How does RFRA define religion for purposes of protection?**

A. The courts consider ultimate ideas, metaphysical beliefs, existence of a moral / ethical system, comprehensiveness of beliefs, and presence of the accoutrements of religion (e.g., teachings, writings, ceremonies, rituals, existence of a founder / prophet, etc.).