

EXHIBIT J

ALVARADO, et al., v. AUSTIN, et al.

Declaration of

AF Chaplain (MAJOR) Lance Schrader

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CHAPLAIN, MAJOR DARREL LANCE SCHRADER

Pursuant to 28 U.S.C. §1746, I, Darrel “Lance” Schrader declare as follows:

1. My name is Darrel “Lance” Schrader. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of the Air Force mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside in Montgomery, Alabama. My home of record and where I am domiciled is Phoenix, Maricopa County, Arizona.
4. I am an active duty chaplain in the United States Air Force (USAF) serving at the rank of Major. I am currently assigned to the Air Force Chaplain Corps College (AFCCC), in the Ira C. Eaker Center for Leadership Development of Air University, located at Maxwell Air Force Base in Montgomery, Alabama.
5. After ten years of professional work in education, business, and ministry, on February 9, 2008, I commissioned as a Chaplain in the rank of First Lieutenant and joined the Arizona Air National Guard (AZ ANG) in Phoenix, Arizona. I was honorably discharged from the AZ ANG on September 27, 2012, and appointed into the USAF as an active duty Chaplain in the rank of Captain. I joined the USAF Chaplain Corps because I love God and love America and wanted to serve both by supporting and defending the Constitution. Being a USAF chaplain has been a great highlight of my life, and I have been honored to be invited into some of life’s most sacred moments for great Americans from all branches of our Armed Forces.

6. My promotions were as follows: Commissioned as a First Lieutenant on February 9, 2008; promoted to Captain on October 1, 2009; promoted to Major on March 1, 2020. I have 14 years of service as of February 2022.

7. During my military career, I have been mobilized for one state side deployment and three deployments to foreign locations recognized as combat zones and have been stationed outside the continental United States for three years. During my service in the AZ ANG I was mobilized in support of the Southwest Border Mission, Operation Copper Cactus for nine months (September 2010 through May 2011), serving as the chaplain for the Arizona National Guard and Air National Guard members serving along the Arizona/Mexico border. As an active duty chaplain I deployed to: Bagram Air Field, Afghanistan for five months (May 8, 2014 – October 17, 2014) as a Chaplain for an Air Expeditionary Wing in support of Operation Enduring Freedom; Turkey for six months (March 27, 2017 – September 26, 2017) at a Group Chaplain for a Combat Search and Rescue Group in support of Operation Inherent Resolve; and an undisclosed location in Southwest Asia for seven months (July 18, 2020 – February 11, 2021) as a Wing Chaplain for an Air Expeditionary Wing in support of Operation Inherent Resolve; in addition I spent three years stationed in Germany during which time I supported Theater Security Packages across Europe in support of Operation Atlantic Resolve.

8. I have received the following awards, decoration and recognitions: Four Meritorious Service Medals¹; An Air Force Commendation Medal; An Air Force Achievement Medal; 2011 161st Air Refueling Wing, Junior Officer of the Year, in the AZ ANG; 2014 366th Fighter Wing, Wing Staff Agencies Company Grade Officer of the year at Mountain Home Air Force Base;

¹ Two of these MSMs were awarded when I was a company grade officer, which is unusual and typically indicates that the company grade officer being awarded the MSM is performing beyond what is expected of a company grade officer.

2019 Air Education and Training Command, Company Grade Officer, Chaplain of the Year; 2019 81st Training Wing, Wing Staff Agencies Company Grade Officer of the Year at Keesler Air Force Base; 2020 81st Training Wing, Wing Staff Agencies, Field Grade Officer of the Year at Keesler AFB; I received a “Definitely Promote” to Major; was vectored by Chaplain Corps leadership for a staff position and assigned as a Staff Chaplain at the Air Force Chaplain Corps College; At the 2021 Intermediate and Senior Development Education (IDE/SDE) Designation Board I was selection as an alternate for Intermediate Development Education (IDE) to attend Air Command and Staff College in-residence. These awards and recognitions competitively earned me a spot at the top of my career field prior to the COVID-19 vaccine mandate and the subsequent religious discrimination I have experienced.

9. Religious tension is an everyday reality for military chaplains. I have worked harmoniously, effectively, and with mutual respect alongside many Airmen and commanders who do not share my religious beliefs. But I have never experienced the kind of singling out that has accompanied this Religious Accommodation Request (RAR) process and the hostility directed at me by my chain of command because of my submission of an RAR. In good faith, I submitted my RAR, but the USAF has not followed its own procedures in denying my request. I am taken aback by the USAF’s blanket refusals to Airmen of like faith.

10. I have witnessed and been subject to open hostility and sidelining from my job for my religious views on the “vaccine” that have led me to stay unvaccinated. During my deployment (winter of 2020/21), when it became clear to our base leadership that the numbers of Airmen who planned to receive an optional COVID-19 vaccine was lower than was hoped for, the Wing Commander communicated that a targeted information campaign was needed to get Airmen to change their minds about the vaccine and to combat what he called misinformation.

11. In April 2021, all unvaccinated Airmen at Keesler Air Force Base were required to attend vaccine briefings and sign a form indicating that we had declined to receive the vaccine. At this meeting the presenting Major from the 81st Medical Group indicated the mRNA technology does not enter one's DNA and reiterated over and over that the vaccines were safe and effective and that it was more or less a protein wrapped in water and sugar. There was little if any communication of the potential side effects of the vaccine being administered. The presenting doctors talked down to airmen who had questions, saying, in effect, "We're the ones with the white coats on, not you." When asked by an airman about the possibility of vaccine injury because of his family's medical history and whether the USAF would be liable for damages and provide for the family if he were to be harmed, the presenter gave legal advice, saying in effect, "It's us, the Air Force, telling you to get the shot. So, there's nothing to worry about." Overall, the briefing was condescending and dismissive of anyone with concerns.

12. Third, on May 26, 2021, my first day at work at the Air Force Chaplain Corps College (AFCCC), during a staff gathering to welcome me, my supervisor and primary rater, a Chaplain in the rank of Colonel and the Commandant of the AFCCC asked me in front of the entire staff if I was vaccinated. This was a direct violation of privacy and put me on notice that it was unacceptable to be unvaccinated on his staff. Later that day, a colleague asked if the Deputy Commandant had come to pressure me into being vaccinated yet, indicating that they had been pressured, and that I would likely surrender to the pressure as well.

13. Fourth, during these months, the rules changed, and we moved to a two-tiered system, where only unvaccinated individuals were required to wear masks. I met with the Commandant and Deputy Commandant (at the Commandant's invitation) to present reasons why I believed this two-tiered system was discriminatory, unjust, and frankly unnecessary if were "following CDC guidance," since the CDC guidance advocated less stringent guidelines. At this meeting, I

presented my concern that the USAF, including AFCCC, was presenting an incomplete narrative and furthering the baseless ideas that masks prevent infection, and that the vaccine prevents disease. I also pointed out that the USAF seems to arbitrarily pick and choose which CDC guidelines they will follow as a coercive tactic. In this case, the CDC guidelines recommended masks only if one could not maintain six feet of social distancing. They made (at that time) no distinction between vaccinated and unvaccinated. The Air Force used the mask/no mask rule as a way of singling out airmen to publicly shame and belittle them in order to increase vaccination percentages prior to the mandate. I prepared for this meeting in good faith, believing that supervisor and rater was open to hearing my concerns. Instead, I was met with open hostility and condescension. He refused to look at anything I had prepared. He talked down to me, suggesting that I was the one who didn't understand that commanders have leeway in issuing orders, when in fact I was arguing that very point; our commander had issued an order that was beyond CDC recommendations when that was not required of her.

14. Fifth, in June/July 2021, during Basic Chaplain Course (BCC) 21C, I was asked by the course director and curriculum manager to participate in writing case studies to be used in a particular lesson that would be taught for the first time. I generated the requested case studies, but I was not allowed to team teach the lesson with another member of our staff.

15. Likewise, for BCC 21D in August 2021 I was asked by the course director to meet with the active-duty chaplains as a functional mentor. I was willing and eager to do so, but leadership denied me on the pretext that I had not been through the Academic Instructor Course (AIC), and it would not be appropriate to put me in front of students. I had suspected that this was the same pretext I was kept from having any involvement in BCC 21C. AIC is a technical training course geared toward classroom management and lesson development and presentation and would have no impact on my ability or proficiency in mentoring active-duty chaplains in the BCC 21D, or to

team teach a small portion of one lesson for which I had written the curriculum in 21C.

Furthermore, staff members who arrived at the AFCCC after I did have been allowed to participate as class mentors and presenters prior to attending AIC.

16. On August 31, 2021, the Air Force Chaplain Corps issued their “Vaccination FAQs” document, a flowchart and table for pre- and post-accessions, and a sample chaplain memo. (Exhibit 1) This guidance presented chaplains with the new requirement to distinguish between “religious” and “moral/conscience” objections. The guidance says: “Whether [the objections] are religious or moral/conscience, they will be referred to as ‘religious accommodation’ for lack of a better term, and they will be analyzed to see into which category they fall.” In answering the question, “What is the difference between a religious objection and a conscience or moral objection?” the guidance discusses the two different paths protected by DoDI 1300.17 “(a) religious beliefs and (b) conscience or moral principles,” noting that this DoDI addresses “religious beliefs and delegates accommodation of conscience or moral principles to service regulations, namely DAFI 52-201 for the USAF.” The answer goes on to explain, “religious beliefs must be evaluated by the standards required by the Religious Freedom Restoration Act (RFRA)...while needs prompted by conscience or moral principles are only balanced against the needs of mission accomplishment (DAFI 52-201, para. 2.5). Thus, the chaplain helps to identify whether a request is religious vs. being based in conscience or moral principles – make your assessment on this point clear.” (Emphasis added.) So, chaplains have been asked to distinguish between types of belief but are instructed to refer to them all as religious requests.

17. Further unofficial guidance was also circulated, within the Chaplain Corps, that coached chaplains in arguing against the stated religious objections put forth in RARs. (Exhibit 2) For example, a chaplain told me he recommended a denial for an airman who was a deacon in his church because that airman had taken Tylenol in the past. So even though he knew this was a

religious person who was sincere and was making a request based on his sincere objection, he was able to convince the airman to “admit” that his objection may not be “religious” but based on his moral conscience. I also heard of another instance where a chaplain recommended disapproval, but the commander, who knew the airman, recommended approval based on a sincerely held religious belief. I heard a JAG officer coach Basic Chaplain Course students, saying a belief could not be “religious” if a religious leader in that faith group had publicly stated otherwise. So, since the Pope had advocated for the COVID-19 vaccine, chaplains should not consider a Catholic airman’s religious objection to be sincere. This is in direct contradiction to what the Archbishop for the Military Services, USA has said. This confusion² and obfuscation of the legal and moral issues regarding RARs helped to weaponize the Chaplain Corps against its own core function – that of supporting the free exercise of religion for airmen by advising commanders. Chaplains have become the enemy of airmen rather than the trusted wingmen they used to be. Chaplains exist to help airmen practice their faith and prevent moral injury because of violations to their conscience. But during this vaccine mandate, many chaplains have advocated against airmen by acquiescing to the idea that there was some arbitrary, undefined standard of “religious” but not “moral/conscience” sincerity that the chaplain was to determine. In this moment of total crisis regarding the Chaplain Corps’ identity, purpose, and integrity, with over 12,000 American Airmen are having their religious freedom trampled, the Chaplain Corps leadership at all levels is giving themselves accolades for a job well done, lamenting how difficult and time consuming the RAR process has been for chaplains.

² There seems to be effort to replace individual religious beliefs, which are protected by the Constitution, with official religions as if the religious beliefs of the individual are in submission to some other arbiter than one’s own conscience.

18. On September 9, 2021, I was issued an “Order to Receive Mandatory COVID-19 Vaccine” (Exhibit 3).

19. I submitted a Religious Accommodation Request (RAR) on September 17, 2021 (Exhibit 4), outlining my religious convictions concerning the mandatory COVID-19 vaccination.

20. My RAR presented three primary religious objections to receiving the vaccine, all of which (and more) would result in my committing of a sin of presumption (doing the wrong thing while knowing it is the wrong thing). This would place a substantial burden upon my religious convictions to live with a clear conscience before God and obey God in all things, which is the very essence of my worship of him. 1) The vaccine “is tied to the abortion industry and the leveraging of abortion for medical gain...to receive this vaccine is to participate in these sins of murder and theft.” 2) “The vaccine would defile my body, which is the temple of God’s Holy Spirit, is a member of Jesus Christ, and belongs to the Lord...My body is the vehicle by which I live out my faith in Jesus Christ and by which I worship God, offering it as a living sacrifice to God in order that I may glorify God.” 3) “This vaccine has become, in our society, an act of worship to a false god, i.e., the State.”

21. On October 27, 2021, I was informed by my supervisor and rater that my RAR was one of five provided by the Air Education and Training Command (AETC) Chaplain to the AETC Commander – and decision authority for all AETC RARs – as part of his preparation for the RAR discussion with other Major Command Commanders and senior leaders at the October 2021 bi-annual Corona conference. In addition, in November 2021, I heard the Air Force Chief of Chaplains tell a group of approximately 30 Air Force Chaplains that he was at the Corona conference, he provided comments on the religious accommodations, and was asked to leave the room prior to the discussion for which the AETC Commander had prepared using my RAR.

22. My RAR was denied on November 1, 2021, and I received notice of the denial on November 8, 2021 (Exhibit 5).

23. Prior to the November 8, 2021, meeting with my Commander in which she presented me with the RAR denial decision, my supervisor and primary rater pleaded with me to resign my commission, thereby incriminating myself. In lieu, he urged me to take the vaccine, either implying that my religious convictions on the matter are not sincere or encouraging me to deny myself due process and my own rights and sear my own conscience (i.e., willingly subject myself to moral injury without cause). He justified his reasoning by saying that if it is not this situation, there will be another situation that causes trouble for me in my military career. I infer this to mean he believes my convictions are not compatible with service as a chaplain in the Air Force. My supervisor asked me to set aside my convictions, abdicate a reasonable request to exercise my God-given rights, and resign in fear of a dishonorable discharge. This reveals what I believe is a broad mischaracterization of the religious convictions of myself and others like me, and a lack of commitment to religious respect and diversity in an organization that claims mutual respect and human dignity are essential to the culture (DAFI 52-201 para 1.2.1). In another meeting, he said, in effect, that eventually the COVID-19 vaccine requirement will all fade away and we'll move on. His point was that I could continue to serve if I would just get the shot. Then I could keep my job, and in a few years, it would all be forgotten by me and others. He said, in effect, "Don't throw away your career over this short-term thing." This seems to be an open admission that the COVID-19 pandemic and the measures enacted in response to it were nothing but theater. It is religious discrimination to urge me to defile my conscience.

24. In the denial letter the AETC Commander said: "I deny your request for exemption from Air Force COVID-19 immunization standards based on the recommendation from your chain of command and the Religious Resolution Team." In response to this statement, I requested from

my commander on November 8, 2021, to be provided a copy of her recommendation memo and the recommendations from the Religious Resolution Team members to prepare my appeal. I articulated that if the decision authority made his decision upon these documents, I should have access to the same information in making my appeal. Without these documents I was unable to know what factual discrepancies were included or to identify any misrepresentations of my religious beliefs or specifics to my personal circumstances. On November 9, 2021, my commander notified me that she would not be providing me these documents, stating that they were internal commander decision documents. I was denied due process and disadvantaged in writing my appeal without these documents. On November 15, 2021, I submitted a Freedom of Information Act (FOIA) Request for these documents (Exhibit 6) which I did receive on December 16, 2021, fifteen days after my appeal was denied and two days after my commander issued to me the first punitive administrative action in the form of a Letter of Correction (LOC).

25. Until receiving the FOIA released documents, the only recommendation/indorsement statement I saw from anyone in the decision process was the RAR chaplain interview memo, required by DAFI 52-201 to be presented to me for my signature.³ Though withheld from me by my commander, these documents were determined releasable under FOIA.

26. The FOIA documents reveal how my religious beliefs were understood and what recommendations were made by the RRT. This quote from Air University's Commander and President reveals his views about my religious convictions and the undue influence his views placed on anyone including my Commander recommending approval: "While I accept the sincerity of Maj Schrader's religious beliefs, his position that getting the vaccine constitutes an act of worship to a false God (i.e., the State) arguably appears to be in conflict with his service as

³ In the Air Force RAR process, the chaplain interviewing the member is the only person required to present his/her recommendation to the member. No one else in the process is accountable to the member for their recommendation.

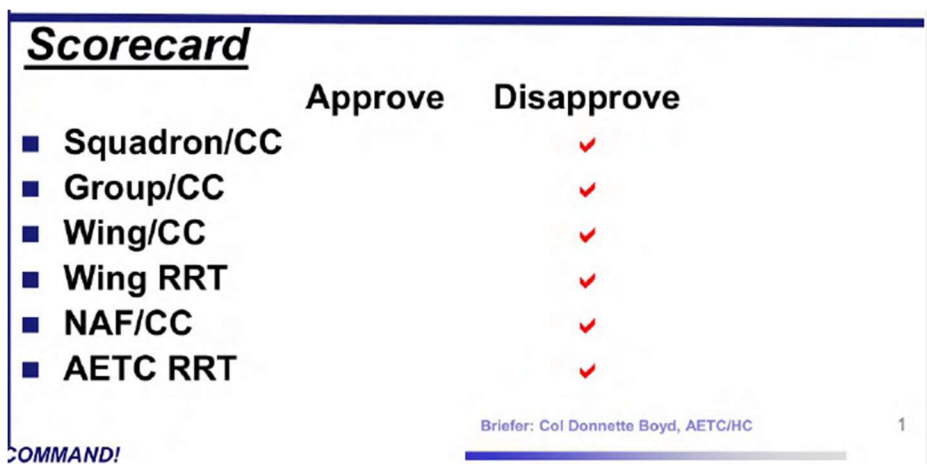
a [sic] an officer—service he entered voluntary [sic] and in doing so bore allegiance to the State, which at times requires him to do it’s [sic] bidding. His assertion on this point, through sincere, seems inconsistent and falls flat”.

27. The FOIA documents also reveal religious discrimination by my chain of command and members of the 42 Air Base Wing Religious Resolution Team (RRT). I outlined the discrimination in a Military Equal Opportunity complaint submitted on March 22, 2022 (Exhibit 8). This complaint has not yet to be fully investigated. On June 24, 2022, I received a response from Department of the Air Force Senior Official Inquiries Directorate (DAF/IGS) dismissing the portion of my complaint concerning the Air University Commander and President at the time, Lt Gen James Hecker (who recently was approved by the Senate for promotion to General and assumed command of U.S. Air Forces in Europe-Air Forces Africa). The letter stated, “We further found his observation that there appeared to be a conflict between your beliefs and your duties as an officer was a direct response to your own RAR statements and not evidence of religious discrimination.” To be clear, the former AU Commander and current 4-star General and Commander of U.S. Air Force in Europe-Air Forces Africa’s opinion of my religious beliefs are that they conflict with my duties as an officer. My religious beliefs are that the participation in this vaccine is a sin and a direct affront to the God whom our founding fathers identified as the bestower of the inalienable rights articulated in our founding documents, specifically the United States Constitution, which both Gen Hecker and I have sworn to protect from all enemies both foreign and domestic. Gen Hecker stated that I “bore allegiance to the State” rather than to the Constitution. But the State does not protect me from the very harm to which the DoD and Gen Hecker have subjected me; rather, the Constitution does.

28. In addition, the FOIA documents include the single PowerPoint slide presumably briefed to the AETC Commander for his decision (Exhibit 6). This PowerPoint side shows that the

interviewing Chaplain for my RAR recommended to approve the request and all other advisors and commanders recommended denial. It is worth noting that the only member providing their recommendation that actually ever had a conversation with me is the one person, the interviewing chaplain, that recommended approval.

a. This PowerPoint slide includes a fraudulent summary/“Scorecard” of the recommendations made by a chain of command to “disapprove” and appears to be a template with default disapprove checkmarks:



b. This “Scorecard” does not reflect a “to the person” evaluation of my RAR, because this list of positions does not accurately reflect my chain of command. I belong to unit that reports directly to Air University, which belongs directly to AETC. Therefore, I do not belong to a Squadron, Group, Wing or Numbered Air Force (NAF).

c. The list includes **four** commanders in my chain of command, all recommending to “Disapprove”. But there are only **two** commanders in my chain of command below the AETC Commander. So this list includes two nonexistent commanders recommending “Disapprove”.

d. In the RAR, I show my religious beliefs are sincere and would be substantially burdened by the policy. I included 12 pages of Bible verses from which I drew my convictions. The burden of proof then shifted to the USAF, since limits on the expression of religious beliefs

may only be imposed when there is a real (not theoretical) adverse impact on the government's compelling interest, and when the policy in question is the least restrictive means to accomplish that interest. This the USAF did not do, citing no evidence whatsoever to back up its claims. Instead, I received a form letter exactly like every other RAR denial that I've seen from airmen in AETC. The only difference is a few lines that show "specificity" to our jobs. However, the RAR denial letter contained false statements about my current position as an instructor, citing other responsibilities typical of a chaplain, such as crisis counseling, death notifications, and hospital visitations, that I do not currently perform.

29. In further unfair, arbitrary and capricious treatment, I was given five duty days to complete my appeal (in contrast to the multiple 30-day windows provided to wing/base Religious Resolution Team (RRT), MAJCOM RRT, and Department of the Air Force (DAF) RRT. I submitted my appeal (Exhibit 9), on November 16, 2021. In it I thoroughly outlined the many inconsistencies and false statements in the denial letter. They are outlined below. None of these issues were addressed in the appeal denial.

30. Concerning the sincerity of my beliefs: Despite my professional credentials and the material presented in my RAR and appeal, neither decision letter includes language to communicate that my RAR was evaluated against the standards of the Religious Freedom and Restoration Act of 1993 (RFRA), rather than the lesser standard of mission accomplishment.⁴

31. Concerning the substantial burden: Despite that my very existence as a commissioned officer in the USAF is contingent on my status within my religious community and the practice of my faith, and the clear burdens I referenced in my RAR, the approving authority chose not to acknowledge any level of burden the policy may put on my religious beliefs and instead said that

⁴ DoDI 1300.17, DAFI 52-201 and Vaccination FAQs from HAF/HC cao 31 Aug 2021.

he considered the “impact” on me “personally,” a significantly less weighty consideration. He considered this personal impact not weighty enough to warrant an exception and introduced a new undefined phrase, “the threshold necessary for an exemption.” What is this threshold and where is it described, and why was I not given an opportunity to address this threshold?

32. I clearly articulated in the RAR that this policy would place me in a position of sin against God. This presumptuous sin would cause a moral injury to my soul and cause me, in my ministerial capacity, to lead other to also sin. Jesus says it would be better to die than to cause another to sin, so it would place a substantial burden upon my ability to live with a clear conscience before God and to obey God in all things – which is the very essence of my worship of God and the foundation of my job as a chaplain. I simply cannot and should not be an endorsed chaplain representing my faith tradition in the USAF if I am purposefully living in disobedience to the clear teachings of the God I aim to represent. My religious beliefs are clear on this topic, and it is deeply concerning that my leadership does not see this as a substantial burden. If the DoD is not able to see how this policy places a substantial burden on my religious beliefs as a Christian chaplain, then I can agree with the common sentiment I hear from many who said to me as a chaplain, “If you as a Chaplain cannot get a religious accommodation, then none of us can.” I think they are right. The USAF has never intended to accommodate a single COVID-19 RAR, and with this new precedent they are setting, I believe they will never be able to accommodate religious Americans honestly ever again. I believe the process has been a sham.

33. Concerning the government’s compelling interest and a real (not theoretical) adverse impact, the actual compelling interest is never clearly stated in the denial letters. In the appeal I offered refutation of compelling government interest in the following categories, none of which were addressed in the denial:

a. Force Readiness: The denial letter credits the “extreme measures” taken by AETC for the low COVID-19 hospitalizations and deaths in the USAF. I provided studies showing no real effect of these measures and data concerning the age and health status of COVID-19 victims. The denial letter credited the vaccine with decreasing the “pandemic numbers” in the USAF. This is demonstrably false by the very data shown on the USAF website. Deaths increased six-fold in the three-and-a-half months after the mandate. I also referenced the USAF’s Joint Chief of Staff Vice Director Major General Jeff Taliaferro’s statement to the House Armed Services Committee on February 17, 2021: **“We have already demonstrated that we are fully capable of operating in a covid environment. We are deployable even if we have not been vaccinated.”**⁵

b. Personal Readiness: USAF readiness includes more than just vaccination. It requires additional physical requirements, social, mental, and spiritual readiness, all of which have been drastically inhibited by this divisive, dangerous, and unnecessary mandate. I deployed as Wing Chaplain for an Expeditionary Wing from July 2020 to February 2021 during the COVID-19 pandemic. We did not have the vaccine, the mission did not fail, and I was awarded a Meritorious Service Medal for my service.

c. Unit Cohesion: If the presence of an unvaccinated person is a detriment to unit cohesion, then the force must be 100% vaccinated to deter this possibility. But that would make disingenuous the Secretary of Defense’s declaration that “mandatory vaccination of Service members will be subject to...any administrative or other exemptions established in Military Department policy,”⁶ The USAF indicated the sincerely held religious objections would be

⁵ See Major General Jeff Taliaferro, Joint Chief of Staff Vice Director for Operations 17 Feb 2021 House Armed Services Committee testimony at 34’:30” to 36’:15” <https://www.c-span.org/video/?509040-1/house-armed-services-hearing-covid-19-response> (accessed 15 Nov 2021).

⁶ Lloyd J. Austin III, U.S. Secretary of Defense, “Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members,” U.S. Department of Defense, Washington, D.C., 24 August 2021.

honored. Instead, I have seen blanket denials, obfuscation, enacting policies through memorandum, and “passing the buck.”

d. Good order and discipline: The RAR decision authority made this disheartening and polarizing statement in my denial letter, “Additionally, you are in a position of leadership. A lack of readiness on your part due to a COVID-19 vaccination exemption is likely to have a negative impact on good order and discipline.” First, even though USAF policy allows for religious accommodations, he equates the acquisition of one with a “lack of readiness.” Second, his claim that a [religious] exemption would “likely have a negative impact on good order and discipline” could reflect a threat of punitive action based on UCMJ Article 134. When did it become the USAF position that granting religious accommodations in accordance with the First Amendment to the U.S. Constitution we have sworn to defend produces a “negative impact on good order and discipline”? On the contrary, I would argue that religious accommodations (not just for chaplains but for any Airman) have a positive impact since the hearts and minds of American Airmen are strengthened when they see leadership upholding the law and policy.

e. Health and safety for member and the unit: Neither denial letter addresses standards it is seeking to achieve for the “health and safety” of its members. The fact that viruses such as SARS-CoV2 cannot be eradicated due to animal reservoirs, the rapidly decreasing efficacy rate of the vaccine (untraceable after 211 days),⁷ breakthrough cases, and the herd immunity standards makes zero COVID-19 cases impossible. As of January 11, 2022, 97.5% of active-duty Air Force members were vaccinated.⁸ At my current duty station, the rate was 97.1% fully vaccinated as of January 10, 2022.⁹ According to Dr. Anthony Fauci, herd immunity is achieved somewhere

⁷ See https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3949410 (accessed 11 Nov 21).

⁸ See <https://www.af.mil/News/Article-Display/Article/2831845/daf-covid-19-statistics-jan-11-2022/> (accessed 15 Jan 22).

⁹ 42d ABW Public Health Emergency Working Group PHEO Update, 10 Jan 2022, version 2.

between 70% and 85%, to include both vaccine-acquired and naturally acquired immunity.¹⁰ Thus, it is irrational for the Air Force to require 100% vaccination, and goes against what its chief expert, Dr. Fauci, has said in the past. I also pointed out the testimonies of military medical doctors LTCs Theresa Long and Peter Chambers, who began sounding the alarm on vaccine injury to military members. I pointed out that there is no meaningful threat of COVID-19 death or long-term injury for people in the health and age categories of the active duty Air Force.

34. Neither denial letter outlined less restrictive means considered by the decision authorities. In my appeal I mentioned: natural immunity, prophylactic treatments, and early treatment options.

35. The USAF categorizes the approval of an RAR for immunizations as “non-compliance” in accordance with DAFI 52-201. It is troubling that utilizing a prescribed accommodation process is considered “non-compliance” (a disciplinary term) in the eyes of leaders.

36. My RAR appeal was denied on December 1, 2021 (Exhibit 10), and on December 3, I received notice of the appeal denial and an order to receive mandatory COVID-19 vaccine by December 13, 2021 (Exhibit 11). The appeal denial letter was the same form letter from AF/SG that I have verified other Air Force members received. The only differences are a few sentences regarding my position, made to look like it was written specifically in response to my circumstances. In fact, none of the items I mentioned above were addressed in the appeal denial.

37. On December 7, 2021, I submitted a request for a temporary administrative exemption (Exhibit 12) in accordance with AFI 48-110 October 7, 2013, Appendix C for pending legal action in multiple civil class action lawsuits concerning this mandate and the blanket denial of religious accommodation. On December 9, 2021, my commander replied, “I have considered your request for a Temporary Administrative exemption from the COVID-19 vaccine, and have decided to deny

¹⁰ See <https://townhall.com/tipsheet/mattvespa/2021/03/29/wsj-oped-herd-immunity-is-hereeven-if-fauci-doesnt-want-to-admit-it-n2587026> (accessed 12 Nov 2021).

it". On December 10, 2021, I submitted an Inspector General (IG) complaint form to the Air University IG (Exhibit 13) asking in accordance with AFI 48-110 Para 1-4b & b (1) if the commander has the authority to approve or deny the Temporary Administrative Exemption, or if her authority is to ensure that my immunization records, including exemptions, are documented. The Air University IG office confirmed that the Air Force Surgeon General has delegated approval/denial of administrative exemptions codes to the commander, establishing that my commander has this authority (Exhibit 14). This is problematic because guidance from the unidentified "DAF Deputy Director of Staff for COVID-19" from September 3, 2021 (Exhibit 15), states in 5.1.2.1, "the only administrative exemption is for members on approved terminal leave." The IG's response to me indicates the decision has been delegated to my commander, but the Department of the Air Force has assumed her responsibility and made a blanket decision for all Airmen. This fact also relates to the MS (medical supply) exemption code, which was requested on multiple occasions by my private attorney, due to the unavailability of an FDA-approved vaccine. The guidance states that the only option for medical code is "MT", but it also states in 4.5.2.1, "Use of medical exemption codes in ASIMS must be IAW AFI 48-110 Table C-1." Table C-1 gives lists different medical code options.

38. From the time my Appeal was denied, I was required to test weekly for COVID-19 while my vaccinated coworkers were not required to test. I tested positive on January 16, 2022, with an EUA home test. I had minimal symptoms and worked from home that week. On January 29, 2022, I tested negative for antibodies from LabCorp. During the months of November-January, multiple of my vaccinated colleagues contracted COVID-19 and were required to miss work. They were and are considered "ready" while I am not.

39. On December 29, 2021, I submitted another FOIA request, this time for the Appeal paperwork from the Surgeon General's office and the DAF RRT. I received a response on March

3, 2022, with the same documents I received in the previous FOIA request only this time fully redacted (Exhibits 6 and 7). On March 16, 2022, I asked for the FOIA request to be revisited, again asking for documents at the DAF level. I received a response on March 22, 2022, that my request would be run through the Air Force FOIA level for review. On May 2, 2022, I followed up again to get a status update. On May 4, 2022, SAF/AAIL acknowledged my request, indicating it would be up to 90 more days before I received a response. As of this writing, I still do not know what recommendations were made by the Headquarters Air Force RRT concerning my Appeal.

40. The Air Force has begun the process of punishing me and perhaps discharging me for remaining true to my beliefs. On December 15, 2021, I received a Letter of Counseling (LOC)¹¹ for Failure to Obey Order to Receive COVID-19 Vaccine (Exhibit 16). On December 17, 2021, I submitted a timely response to the LOC (Exhibit 17), requesting reconsideration and withdrawal of the LOC. On January 4, 2022, my commander sustained the LOC.

41. In conjunction with sustaining the LOC, on January 4, 2022, my commander issued me an “Order Following Disapproval of Religious Accommodation Request for COVID-19 Vaccination Exemption” (Exhibit 18), to receive the vaccine by January 10, 2022. During the January 4, 2021, meeting issuing me this new order, my commander made a point to explain why the wording in this current order was different than previous orders. She said that the “Air Force’s language has changed,” though she did not specify which authority changed it, so her language in the order had also changed. The only change in the language is the removal of the original language from the Secretary of Defense, Secretary of the Air Force, and her on September 9, 2021 (Exhibit 3), specifying that only FDA approved vaccines could be mandated. In the January 4, 2022, order she

¹¹ Letter of Counseling (LOC). Administrative censure for violation of standards. The intended outcome of an LOC is to help Airman use good judgment, assume responsibility, understand and maintain standards, and face and solve problems. Generally, this is a form of corrective action appropriate for correcting habits or shortcomings not necessarily criminal or illegal, but which can ultimately affect job performance, work center morale, and discipline. (AFI 36-2907, 22 May 20 para 2.3.3)

did not include the wording of her initial order, i.e., “full licensure from the FDA” language, and misquoted her own December 3, 2021, order by not including the “full licensure from the FDA” language. This verbal and written redaction of previous orders may indicate her understanding that no FDA approved vaccines are currently available and therefore the original order is unenforceable. Here is a summary (emphasis added):

24 Aug 21, Secretary of Defense (SECDEF) Austin issued a memorandum that stated, “Mandatory vaccination against COVID-19 **will only** use COVID-19 vaccines that receive **full licensure** from the Food and Drug Administration (FDA), **in accordance with FDA-approved labeling and guidance.**”¹²

3 Sep 21, Secretary of the Air Force (SECAF) Kendall issued a memorandum that stated, “**Only** COVID-19 vaccines that received **full licensure from the FDA** will be utilized for mandatory vaccinations **unless a military member volunteers** to receive a vaccine that has obtained U.S. FDA Emergency Use Authorization (EUA) or is included in the World Health Organization’s Emergency Use Listing.”¹³

9 Sep 21, Eaker Center Commander issued Order to Receive Mandatory COVID-19 Vaccine (Exhibit 3): Mandatory vaccination will **only** use COVID-19 vaccines **that receive full licensure from the Food and Drug Administration (FDA). Currently, that only includes the Pfizer COVID-19 vaccine, marketed as “Comirnaty,”** but could include Moderna’s and Johnson and Johnson’s (J&J) COVID-19 vaccines, if they receive full licensure from the FDA...I am ordering you to receive an initial dose of a COVID-19 vaccine **with full licensure approval from the FDA. Currently, that only includes the Pfizer COVID-19 vaccine, marketed as ‘Comirnaty.’**”¹⁴

3 Dec 21 Eaker Center Commander Order (Exhibit 11): I am once again ordering you to receive an initial dose of a COVID-19 vaccine with **full licensure approval** from the FDA.

4 Jan 22 Eaker Center Commander Order (Exhibit 18): Misquoted her December 3, 2021, order saying “On 3 December 2021, I ordered you to receive an initial dose of a COVID-19 vaccine...” **not including** the “with full licensure approval from the FDA” that was in the original December 3, 2021, order.

4 Jan 22 Eaker Center Commander Order continued: “I am ordering you to receive an initial dose of a COVID-19 vaccine” again **without** the “full licensure approval

¹² Secretary of Defense, *Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members* (24 August 2021).

¹³ Secretary of the Air Force, *Mandatory Coronavirus Disease 2019 Vaccination of Department of the Air Force Military Members* (3 Sep 2021).

¹⁴ Eaker Center Commander, *Order to Receive Mandatory COVID-19 Vaccine* (9 September 2021).

from the FDA” language in previous orders including the guidance from the Secretary of Defense and Secretary of the Air Force.

42. On January 10, 2021, I requested an extension to the January 10, 2022, deadline to receive the vaccine and included justification from my personal legal counsel (Exhibit 19). This request was denied on January 11, 2022 (Exhibit 20).

43. On January 12, 2022, I received a Letter of Reprimand (LOR)¹⁵ for Failure to Obey Order to Receive COVID-19 Vaccine (Exhibit 21). On January 18, 2022, I timely responded to the LOR (Exhibit 22); the commander sustained the LOR on January 27, 2022, informing me at that time of her intention to establishing an Unfavorable Information File (UIF) (Exhibit 23). I timely responded to the UIF on January 31, 2022 (Exhibit 24) and the UIF became official on February 2, 2022. This LOR with the required UIF and referral annual Officer Performance Report (OPR) has erased my 14 years of honorable and outstanding service and effectively ended my career by eliminating any possibility of promotion. My record of service has been moved from the top of my career field to the bottom.

44. On February 4, 2022, Lt Gen Hecker, my senior rater declined to recommend me for my next required Intermediate Development Education (IDE), Air Command and Staff College (ACSC) in-residence during my third and final consideration (Exhibit 25). In my first and second consideration I received recommendation for IDE in-residence from my commander; in my second consideration I was selected as an alternate as recognized by my senior rater, who was now not recommending me for consideration (Exhibit 26). In the year between my second consideration (when I was selected as an alternate) and my third consideration (not recommended), I finished a deployment as a Wing Chaplain in an 0-5 billet (one rank above my current rank), was recognized

¹⁵ Letter of Reprimand (LOR). Administrative censure for violation of standards which is more severe than a RIC, LOC, and LOA and indicates a stronger degree of official censure. It may also be issued when other, less severe methods have failed to correct behavior. (AFI 36-2907, 22 May 20 para 2.3.5)

by the Air Force Central Command (AFCENT) Chaplain for leading the best team for our rotation, was awarded two MSMs, named FGO of the year for the Wing Staff Agencies at my permanent duty station, and was selected for a vectored position as a Staff Chaplain at the Air Force Chaplain Corps College. It is unquestioned that my performance record during this period should have only strengthened my competitiveness prior to my third consideration. However, my senior rater chose not to recommend me. His dismissive and contemptuous letter to the RAR decision authority provides evidence that this non-recommendation is because of my religious beliefs outlined in my RAR and not due to my professional performance¹⁶. The impact on my career can hardly be overstated. To be selected for in-residence IDE is verification that my performance record, compared with my peers, places me near the top of the list. Some say it is harder to make the IDE list than it is to be promoted. This past year, 25 Chaplain Corps Captains were selected for promotion to Major from just one year group. The competition for IDE in-residence is for four select and three alternate slots from three different year groups. The only significant negative change in my situation is that I have requested and been denied a religious accommodation.

45. During the first few days of February 2022, I became aware the Chaplain Corps assignments office had already named and notified a replacement for me even though I am not through even the first year of what would typically be a three-year assignment. Again, it is religious discrimination to treat my non-vaccinated status as refusal or as a failure to obey an order when it is clear and has been fully communicated to my chain of command that my reticence to do so is in accordance with my constitutional and RFRA right to religious freedom and is being litigated.

¹⁶ The RAR process has taught me, based on the treatment I and others have received, that the USAF and other military branches are all too eager to inflict punishment or adverse action on requesting members in a variety of ways. U.S. District Court Judge Steven Merryday has noticed this too. In his denial of a stay of preliminary injunction requested by the DoD, he highlighted his observation of the Navy's "retaliatory animus toward... legally protected pursuit of the relief that Congress through RFRA secures." United States District Court Northern District of Florida Tampa Division, Navy Seals 1, et al., v. Lloyd Austin, et al., Case 8:21-cv-2429-SDM-TGW, *Order*, Document 122 Filed March 3, 2022.

46. My supervisor and rater presented me with a referral annual OPR on March 31, 2022 (Exhibit 27), indicating I do not meet the standards of “Professional Qualities” because I “failed to obey a lawful order to receive the COVID-19 vaccine for which you received a Letter of Reprimand.” I timely responded on April 5, 2022 (Exhibit 28). Additional Rater and Commander replied on the OPR “carefully considered” my referral comments and chose to concur, as did my OPR Reviewer the Commander and President of Air University. This referral OPR is a career killer for me, and clearly reflects Air Force’s unofficial policy: To eliminate RFRA claimants like me from the ranks not because of performance and fitness for duty, but because of our religious beliefs.

47. This process has lacked transparency about available courses of action for me. On November 9, 2021, I asked my Commander what would happen to me should my appeal be denied, specifically asking about a flow chart from the 42d ABW Public Health Emergency Working Group update November 8, 2021. Rather than reference the chart or any other existing Air Force guidance, she told me decisions would be made at a higher level and she would do whatever everyone else at her level was doing, and I would not receive individual treatment. I pointed out to her DAFI 52-201 outlines three options in para 2.7: reassignment, reclassification, or voluntary separation. None of these three options are on the flow chart. The options listed on the flow chart are Letter of Correction/Admonishment/Reprimand to Art 15. It was not until the December 7, 2021 “Supplemental Coronavirus Disease 2019 Vaccination Policy” from the Secretary of the Air Force that the option for voluntary separation was acknowledged even though it is clearly listed in DAFI 52-201.

48. To date, approximately ten months after my RAR, no member of my chain of command has had a conversation with me about my religious concerns or has ever explored less restrictive means. This, along with the veiled references to court-martial and dishonorable discharge, was purposeful coercion and was discrimination against me as a RFRA claimant.

49. I submitted a complaint to Military Equal Opportunity on February 14, 2022 (Exhibit 29) outlining the religious discrimination by the AETC Commander (AETC/CC) and Air Force Surgeon General (AF/SG). I received an email response on May 5, 2022 (Exhibit 30), that outlined the same “compelling government interest” talking points as justification for dismissal of my complaint. The response also stated that the performance of my chaplain duties could not be achieved without vaccination. This shows that they also have not done a “to the person” assessment of my complaint, as I am not currently in a position where I perform any “chaplain duties.” I am a Staff Chaplain as an instructor at the Chaplain Corps College. I received this email response on a day I was backfilling for a vaccinated coworker who was home sick with COVID-19. I was in fact doing my job unvaccinated. Multiple times over the past year my vaccinated coworkers who are deemed “ready” have been out sick with COVID while I, the “unready,” and the one that “Does Not Meet Standards of Professional Qualities” am at work, unimpeded and unimpaired. This is to say nothing of the fact that I was deployed during the pandemic without the vaccine. My leadership has sidelined me from any capacity as a course director. They have also minimized my instructor status/job duties. I was allowed to teach in a few classes while my RAR was pending. I taught six blocks of instruction in three different courses, all receiving exemplary student evaluations, while being “unvaccinated.” The insistence that I cannot do my job unvaccinated is plainly false as evidenced by the AFCCC’s own evaluation standards.

50. The response from Military EO referenced in paragraph 49 stated, “There is no separate standard for chaplains.” But Section 533 of the 2013 NDAA as revised in the 2014 NDAA, DoDI 1300.17, and DAFI 52-102 para 9 all clearly articulate that there is a special standard for chaplains when it comes to protections against requirements to participate in a rite, ritual or ceremony contrary to the conscience, moral principles, or religious beliefs of the chaplain. As I outlined in my RAR and Appeal, I identify this COVID-19 vaccine as nothing less than a sacrament to a State

religion and I cannot and will not participate because it violates my religious belief and my conscience, which as a chaplain is legally protected. The Air Force has chosen to punish me and retaliate against me, as I have outlined in this declaration, because of my conscience, moral principles, and religious beliefs. I am being punished for doing the very job I was hired to do.

51. On June 3, 2022, I submitted six questions to SAF/IG (Exhibit 31) in response to the May 5, 2022, dismissal of my MEO complaint. On July 21 SAF/IG replied (Exhibit 32) answering only the question about their consideration of 2013 NDAA, section 533. They wrote: “The second paragraph in the NDAA language you cite prevents requiring chaplains to *perform* [emphasis theirs] rites, rituals, or ceremonies contrary to their beliefs. As it further provides for a chaplain unable to *perform* [emphasis theirs] any such duties to identify a willing provider, it clearly does not apply to vaccination policies or establish a separate standard for the beliefs of chaplains beyond that provided all members in the preceding NDAA paragraph.” The NDAA language does not include the stipulation that chaplains must identify “a willing provider.” The USAF has coopted language from the NDAA and altered its intended meaning.

52. On May 13, 2022, I initiated an Exception to Policy (ETP) to be allowed to travel to Albuquerque, NW to attend a required annual conference for my Chaplain Endorsing Agency June 27 through July 1, 2022 (Exhibit 33). On June 22, 2022, I was notified my request was denied by Maj Gen Tullos, Deputy Commander, AETC (Exhibit 34). This is a denial of authorized and required annual training on the basis of my vaccination status due to my religious beliefs.

53. On June 13, 2022, I was presented a Memorandum for “Show Cause Action” from AETC/CC Lt Gen Brian S. Robinson (Exhibit 35). In it he wrote, “I am initiating action against you under AFI 36-3206, *Administrative Discharge Procedures of Commissioned Officers*, Chapter 3, paragraph 3.6.5, that requires you to show cause for retention on active duty.” I timely responded to the “Show Cause Action” on June 22, 2022, requesting a Board of Inquiry (Exhibit 36).

54. **Summary:** Receiving the vaccine would be a sin against God, would sear my conscience, would invite increasing spiritual rebellion into my life and work, would cause me to lead others who share my religious convictions to also sin, would be a form of false worship, would violate the command of God to love God and love people, and would defile my body. The mandate goes against the rule of law and is an overstepping of the government's biblical role and jurisdiction in society. These are incongruent with my ordination as a minister of the Gospel and their presence in my life would disqualify me from leading those in my faith tradition. **In short, if I take this vaccine, I can no longer be a chaplain.** The sense of betrayal and the dismissal by the Air Force of my contribution, my service, and my family's sacrifice to serve our nation has been heartbreaking to my wife and me and has devastated our trust in the hands in which the safety of our nation resides. These long months of prayer and petition to the Lord, of research, of talking to anyone and everyone we can to help educate, persuade, and console those whose consciences have been violated because they took the shot against their will have taken a toll on us, as they have every service member who is trying to expose the evil deeds being done by the DoD. We're crushed by the sadness of this time. Still, our resolve is firm, and we are at peace because we know that we are speaking the truth.

55. Since January 2021, when it became clear that the vaccine mandated for DoD was a forgone conclusion, and from August 2021 till now, my experience has shown that the DoD and the Air Force never had any intention of approving religious accommodation requests for the COVID-19 vaccine mandate.

56. It has been my intention to serve as a chaplain until at least my 20-year mark, and maybe to my age limit if the opportunity was available to me. I have often said that the Lord made me to be an Air Force chaplain. If I am discharged in relation to the mandate, I will be forced to leave

the Air Force 10-17 years prior to my intentions and forfeit all retirement benefits earned in those years of service.

57. I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

July 30, 2022

/S/ D. Lance Schrader
Darrel Lance Schrader



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

1 Nov 21

MEMORANDUM FOR MAJOR DARREL L. SCHRADER

FROM: HQ AETC/CC
1 F Street, Suite 1
JBSA Randolph TX 78150-4324

SUBJECT: Decision Regarding Religious Accommodation Request

I have received your accommodation request for exemption from the COVID-19 immunization requirement based on your religious beliefs. After careful consideration of the specific facts and circumstances, I deny your request for exemption from Air Force COVID-19 immunization standards based on the recommendations from your chain of command and the Religious Resolution Team. A copy of this decision memorandum will be placed in your automated personnel records.

I thoroughly reviewed your request, examined the comments and recommendations from the functional and legal experts, and considered the impact on you personally, the Airmen with whom you work and the mission. I find that your request, while sincere, does not meet the threshold necessary for an exemption.

First, the Air Force's compelling government interest outweighs your individual belief and no lesser means satisfy the government's interest. For the past 18 months, the Air Education and Training Command fought through the COVID pandemic by implementing several extreme measures and processes to ensure the health, safety and welfare of our Airmen. These measures included maximum telework, workplace occupancy limitations, and extreme adjustments to Basic Military Training to include multiple training sites and modified training, and remote learning for most Professional Military Education to name just a few actions. Despite these efforts, the Air Force remained in this posture until vaccinations became available and administered, and only then did our pandemic numbers begin to decrease. Continuing to implement these drastic measures detracts from the readiness, efficiency and good order and discipline of the force, and is unsustainable as the long-term solution.

Lesser means to accomplish the government's compelling interest are insufficient. In your position as a Staff Chaplain you are required to conduct a number of in-person meetings, including crisis counseling, death notifications, hospital visitations, and interactions with students and instructors. The in-person meetings put you and others at an increased risk of health and safety which can be mitigated by a COVID-19 vaccine. Teleworking and assignment changes are not a feasible alternative in your case. Additionally, you are in a position of leadership. A lack of readiness on your part due to a COVID-19 vaccination exemption is likely to have a negative impact on good order and discipline.

Upon receipt of this decision, I expect you will take every action necessary to comply with the requirement for COVID-19 immunization as soon as possible. Should you elect to appeal this decision, follow the procedures in AFI 52-201, *Religious Freedom in the Department of the Air Force*, Chapter 6. You have five (5) duty days from receipt of this memorandum to appeal this decision to the Air Force Surgeon General. If you wish to appeal, you must notify your commander, in writing, of your desire to appeal this decision and provide any additional matters you wish for the AF/SG to consider as part of your appeal.

If you have any questions, contact HQ AETC/HC at 210-652-3822 (DSN 487), or email at aetc.hc@us.af.mil.



MARSHALL B. WEBB
Lieutenant General, USAF
Commander, Air Education and Training Command

cc:
Member's Unit
Member's Servicing FSS

1st Ind, MAJ DARREL L. SCHRADER

MEMORANDUM FOR ALL REVIEWING AUTHORITIES

I have received AETC/CC's decision regarding my request for a religious based exemption from the COVID-19 vaccine on 8 Nov 2021 (date). I understand that if I choose to appeal this decision, I have five (5) duty days to notify my commander in writing of my appeal.



DARREL L. SCHRADER, Maj, USAF



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC**

DEC 1 2021

MEMORANDUM FOR MAJOR DARREL L. SCHRADER

FROM: HQ USAF/SG
1780 Air Force Pentagon
Washington, DC 20330-1780

SUBJECT: Decision on Religious Accommodation Appeal

Your final appeal is denied. In accordance with Department of the Air Force Instruction (DAFI) 52-201, *Religious Freedom in the Department of the Air Force*, paragraph 3.2, I have carefully reviewed your request for religious accommodation, specifically for an exemption from the COVID-19 immunization.

The Department of the Air Force has a compelling government interest in requiring you to comply with the COVID-19 immunization requirement because preventing the spread of disease among the force is vital to mission accomplishment. Specifically, in light of your circumstances, your present duty assignment requires intermittent to frequent contact with others and is not fully achievable via telework or with adequate distancing. Your instructor status requires frequent contact and immersion with multiple individuals, which would significantly impact training accomplishment if you or your trainees are exposed or actively infected. We must be able to leverage our forces on short notice as evidenced by recent worldwide events. Your health status as a non-immunized individual in this dynamic environment, and aggregated with other non-immunized individuals in steady state operations, would place health and safety, unit cohesion, and readiness at risk. Foregoing the above immunization requirement would have a real adverse impact on military readiness and public health and safety. There are no less restrictive means available in your circumstance as effective as receiving the above immunization in furthering these compelling government interests.

A copy of this decision memorandum will be placed in your automated personnel records. Please contact your unit leadership for questions or concerns.

A handwritten signature in black ink, reading "Robert I. Miller".

ROBERT I. MILLER
Lieutenant General, USAF, MC, SFS
Surgeon General