

Alvarado v. Austin

22-cv-00876-AJT-JFA

Exhibit 3

Navy Denial Template

Small Cutter

I also considered that you are assigned to an operational billet. In your current assignment to CGC ANGELA MCSHAN, your duties as the senior Culinary Specialist requires frequent interactions with the entire crew in smaller, enclosed spaces that do not afford the opportunity to consistently social distance in accordance with the Center for Disease Control's recommended guidelines. In addition, you and your shipmates are required to continuously cohabitate the cutter for extended periods of time with limited berthing, dining, and work space options available. The diverse and often dynamic nature of your unit's underway operations include the possibilities of interactions with commercial and recreational mariners, various port visits, and limited access to advanced medical care at-sea, which increases the risks for yourself and your shipmates.

I also considered that you are assigned to an operational billet. In your current assignment to CGC NEAH BAY, your duties include watchstanding in enclosed spaces that do not afford the opportunity to consistently and safely social distance in accordance with the Center for Disease Control's recommended guidelines. In addition, you and your shipmates are required to continuously cohabitate the cutter for extended periods of time with limited berthing, dining, and work space options available. The diverse nature of your unit's search and rescue, maritime law enforcement, and Icebreaking operations throughout the Great Lakes system includes the possibilities of interactions with commercial and recreational mariners, various port visits, and limited access to advanced medical care while at-sea, which increases the risks for yourself and your shipmates

Large Cutter

I also considered that you are assigned to an operational billet. In your current assignment to CGC HARRIET LANE, your duties require watchstanding, training, and other frequent interactions with crewmembers in smaller, enclosed spaces that do not afford the opportunity to consistently social distance in accordance with the Center for Disease Control's recommended guidelines. In addition, you and your shipmates are required to continuously cohabitate the cutter for extended periods of time with limited berthing, dining, and work space options available for distancing. The diverse nature of your unit's underway operations include the possibilities of interactions with commercial and recreational mariners, **migrants and detainees**, foreign and domestic port visits, and limited access to advanced medical care while at-sea, which increases the health risks for yourself and your shipmates.

AIRSTA

I also considered that you are assigned to an operational billet. In your current assignment to Sector/Air Station Corpus Christi, your duties require you to conduct flight operations over extended periods while in close proximity to your fellow aircrew and other Coast Guard members or civilians, depending on operations. These conditions do not afford adequate space for social distancing and continuous safe operation of the aircraft while executing your unit's primary search and rescue, law enforcement, and transport missions. Additionally, given the dynamic and highly-desired capabilities your profession brings to Coast Guard operations, you are expected to be readily available to support operations during major marine events, contingencies, and other major incidents, should they occur

Station

I also considered that you are assigned to an operational billet. In your current assignment to Station Miami, your duties typically require standing watch in an enclosed space or small-boat that does not always afford room for social distancing. The nature of your unit's primary law enforcement and search and rescue missions as well as the routine interactions with the boating public [and migrants interdicted at-sea] during the course of operations greatly increases the risk of exposure for yourself and your shipmates.

I also considered that you are assigned to an operational billet. In your current assignment to Station Golden Gate, your duties require you to operate within an enclosed cabin small-boat for extended periods while in close proximity to your shipmates. These conditions do not always afford room for consistent social distancing in accordance with the Center for Disease Control's recommended guidance. The nature of your unit's primary law enforcement and search and rescue missions require you or your shipmates to have routine interactions with the boating public, which greatly increases the risk of exposure.

MSST

I also considered that you are assigned to an operational billet. In your current assignment to MSST Houston, one of the Coast Guard's Deployable Specialized Forces (DSF) units, you are expected to be ready at all times for worldwide deployment and be capable of leading or augmenting Coast Guard forces during major marine events, contingencies, and other Coast Guard law enforcement operations in ports harbors, waterways, and coastal regions, should it occur. Additionally, your unit deploys in support of the major cutter fleet and provide support to Combatant Commanders including deployments on U.S. Navy and foreign allied vessels. With this, the nature of your work requires you to routinely interact, without limitations, and often in close proximity with other Coast Guard members, interagency partners, and members of the general public.

USCGA Cadet

I also considered the billet to which you are assigned. In your current assignment as a **Cadet** at the Coast Guard Academy, your daily routine consists of required academic, military, and athletic obligations that places you in various classroom settings, military formations, and training facilities with your shipmates that severely limit your ability to consistently maintain compliance with the recommended Center for Disease Control social distancing measures. As part of your integration into military customs and traditions, and your personal development towards commissioning as a Coast Guard Officer, you are required to interact with large contingents of the over 1,000 Cadets, Faculty, and Staff onboard the Academy on a daily basis in order to meet the rigorous requirements of your academic program and graduation.

I also considered the billet to which you are assigned. In your current assignment to the Coast Guard Academy in the **Cadet Training Branch**, your duties require you to conduct military training and provide oversight to over 1000 student cadets per year. Your position places you inside classrooms and offices within close proximity to Coast Guard staff and more than 550 civilians serving as administrators, faculty, coaches, and clerical staff to support the various academic, military, and athletic obligations. There are insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines in the performance of your duties.

TRACEN Petaluma

I also considered the billet to which you are assigned. In your current assignment to TRACEN Petaluma, your duties make you an integral member of the training center staff, supporting the delivery of instruction and care to more than 3,000 students of apprentice and advanced trainings. Your current duty position places you inside facilities within close proximity to students, faculty, and staff where there are insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines as the service begins returning to more in-person courses.

I also considered the billet to which you are assigned. In your current assignment as a **student** at TRACEN Petaluma, your daily routine consists of required academic and military obligations that place you in various classroom settings, military formations, and training facilities with your shipmates that severely limit your ability to consistently maintain compliance with the recommended Center for Disease Control social distancing measures. As part of your integration into military customs and traditions, and your personal development towards becoming a rated Petty Officer, you are required to interact with large contingents of Training Center students, faculty, and staff on a daily basis in order to meet the rigorous requirements of your academic program and graduation.

TRACEN Yorktown

I also considered the billet to which you are assigned. In your current assignment to TRACEN Yorktown, your duties make you an integral member of the training center staff, supporting the delivery of instruction and care to more than 7,000 students of apprentice and advanced trainings. Your current duty position places you inside facilities within close proximity to students, faculty, and staff where there are insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines as the service begins returning to more in-person courses.

I also considered the billet to which you are assigned. In your current assignment as a **student** at TRACEN Yorktown, your daily routine consists of required academic and military obligations that place you in various classroom settings, military formations, and training facilities with your shipmates that severely limit your ability to consistently maintain compliance with the recommended Center for Disease Control social distancing measures. As part of your integration into military customs and traditions, and your personal development towards becoming a rated Petty Officer, you are required to interact with large contingents of Training Center students, faculty, and staff on a daily basis in order to meet the rigorous requirements of your academic program and graduation.

TRACEN Cape May

I also considered the billet to which you are assigned. In your current assignment to TRACEN Cape May, your duties in engineering make you an integral member of the training center staff, supporting the delivery of initial training and care to more than 4,000 recruits in the only training center devoted to the service's enlisted accessions. Your current duty position places you in facilities within close proximity to recruits and staff where there are insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines.

I also considered the billet to which you are assigned. In your current assignment as a recruit at TRACEN Cape May, your daily routine consists of required academic and military obligations that place you in various classroom settings, military formations, and training facilities with your shipmates that severely limit your ability to consistently maintain compliance with the recommended Center for Disease Control social distancing measures. As part of your integration into military customs and traditions, and your personal development towards becoming a non-rated member of the Coast Guard, you are required to interact with large contingents of Training Center recruits and staff on a daily basis in order to meet the rigorous requirements of your recruit training program and graduation.

ATTC (Elizabeth City / Mobile)

I also considered the billet to which you are assigned. In your current assignment to ATTC Elizabeth City as an AET Instructor, your duties require you to conduct initial training to over 300 students per year and advanced training programs to more than 3,000 students in advanced "C" schools. The nature of your work requires you to routinely interact and operate in close proximity of other Coast Guard members, interagency partners, and rotational training center students.

Sector

I also considered that you are assigned to an operational billet. In your current assignment to Sector Virginia's Prevention Department, your duties require routine engagement with your shipmates, members of the general public, commercial mariners and passengers, and industry partners. Given the dynamic nature of your unit's operations, you are expected to be readily available to support operations during major marine events, contingencies, and other major events within your area of operations, should they occur. These interactions are vital to the service's success, however, they place you inside offices, marine facilities, and vessels with insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines.

I also considered that you are assigned to an operational billet. In your current assignment to Sector Virginia's Response Department, your duties require routine engagement with a myriad of people including your shipmates, members of the boating public, commercial mariners and passengers, and interagency partners. These partnerships are vital to enabling your unit to execute its search and rescue, law enforcement, and maritime environmental response missions within your area of operations. Additionally, given the dynamic nature of your unit's operations, you are expected to be readily available to support operations during major marine events, contingencies, and other major incidents, should they occur. These interactions however, place you inside offices, vessels, and other communal meeting locations with insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines.

I also considered that you are assigned to an operational billet. In your current assignment to Sector/Air Station Corpus Christi, your duties as a senior member of the Engineering Division are critical to sustaining the readiness of three small-boat stations, five cutters, three Marine Safety Detachments, and three Aids to Navigation teams. As a Senior Enlisted leader and subject matter expert in your field you are expected to routinely engage your shipmates, providing deck-plate leadership and mission-critical guidance to your subordinates. Given the dynamic nature of your unit's operations, you are expected to be readily available to support operations during

major marine events, contingencies, and other major events within your area of operations, should they occur. The Coast Guard cannot afford to have portions of its workforce unable or unprepared to respond to domestic emergencies and other short-fuse requests for assistance. This is especially true with respect to a person of your rank and expertise.

I also considered that you are assigned to an operational billet. In your current assignment to Air Station Atlantic City, your duties as a Flight Examiner and Instructor Pilot are critical to the success of fulfilling our responsibilities to the National Capital Region Air Defense Force mission and to the unit's ability to carry out routine search and rescue within your area of operations. As a senior leader and subject matter expert in your field you are expected to routinely engage your shipmates and subordinates in both mission and leadership related matters. Given the dynamic and highly-visible nature of your unit's missions, you are expected to be readily available to support operations during major marine events, contingencies, and other major events, should they occur. The Coast Guard cannot afford to have portions of its workforce unable or unprepared to respond to domestic emergencies and other short-fused requests for assistance. This is especially true with respect to a person of your rank and expertise.

PSU

I also considered that you are assigned to an operational billet. In your current assignment to Port Security Unit (PSU) 305, one of the Coast Guard's Deployable Specialized Forces units, you are expected to be ready at all times for worldwide deployment to support expeditionary operations and be capable of leading or augmenting Coast Guard forces during major marine events, contingencies, and other Coast Guard law enforcement operations in ports, harbors, waterways, and coastal regions, should they occur. As the only active duty Gunner's Mate at your unit, your position is vital to the PSU to ensure members remain qualified, providing security for assigned weapons, conducting corrective regular maintenance, and ensuring weapons are ready for immediate use. The nature of your work requires you to routinely interact and operate in close proximity to other Coast Guard members, interagency partners, and members of the general public.

CGIS

I also considered that you are assigned to an operational billet. You perform the duties of a Coast Guard special agent, conducting investigations of actual, alleged or suspected criminal activity, carrying firearms, executing and serving warrants, making arrests, and liaising with other law enforcement agents. These activities place you in close proximity with the general population, and inside offices and other communal meeting locations with insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines.

Senior Officer / CO / XO

I also considered the billet to which you are assigned. In your current assignment as Senior Information Security Officer to COMDT (CG-62), you are charged with overseeing, directing and coordinating the Coast Guard cybersecurity program, which includes the establishment and management of the Coast Guard Risk Management Framework (RMF) in alignment with Department of Defense (DoD) policies and standards to ensure compliance. Mandating vaccination for military service members and ensuring good order and discipline for subsequent administrative consequences for refusing the COVID-19 vaccine mandate are the direct responsibility of senior leaders. The willingness of senior leaders to lead by example and support the Commandant's direction for a fully vaccinated workforce, mitigating operational risk, medical readiness, and the need of worldwide deployability of all crew members is a relevant factor for consideration for continued fitness for any officer to serve in command or in a position of authority.

I also considered that you are assigned to an operational billet. In your current assignment as Commanding Officer, CGC RESOLUTE, you are charged with leading your crew of 75 personnel in operations throughout the Caribbean Sea, Atlantic Ocean, and Eastern Pacific Oceans in coordination with DoD, interagency and international partners. As such, you are expected to routinely engage your subordinates and other senior leaders in both mission and leadership related matters. Given the dynamic and highly-visible nature of your unit's missions, you are expected to be readily available to support operations during major marine events, contingencies, and other major events, should they occur. The Coast Guard cannot afford to have portions of its workforce unable or unprepared to respond to domestic emergencies and other short-fused requests for assistance. This is especially true with respect to a person of your rank and expertise.

I also considered the billet to which you are assigned. In your current assignment to OPC PRO Panama City, your duties As a Senior Enlisted leader and subject matter expert in your field you are expected to routinely engage your shipmates, providing deck-plate leadership and guidance to your subordinates. Given the dynamic nature of your unit's operations, you are expected to be readily available to support operations during major marine events, contingencies, and other major events within your area of operations, should they occur. The Coast Guard cannot afford to have portions of its workforce unable or unprepared to respond to domestic emergencies and other short-fuse requests for assistance. This is especially true with respect to a person of your rank and expertise.

COMMCOM

I also considered that you are assigned to an operational billet. In your current assignment to CG Communications Command, your duties require frequent engagement with you shipmates in the sustainment and maintenance of critical communications equipment, which supports CG, joint and interagency partners, and the boating public. These partnerships are vital to enabling your unit's customers to execute a myriad of missions. Additionally, given the dynamic nature of your unit's operations, you are expected to be readily available to deploy to support operations during major marine events, contingencies, and other major incidents, should they occur. These interactions however, place you inside offices, vessels, and other communal meeting locations with insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines.

COVID-19 and Other Requests

Reference (a) is your request to be exempted from all future vaccines developed from mRNA and or viral vector technology. The Coast Guard cannot predict which vaccines in the future will be mandated and of those which will be developed with mRNA or viral vector technology. Therefore, because of the broad nature of your request, **it is denied**. You may submit requests for individual vaccines in the future, should you be mandated to take additional vaccines. You also specifically requested that the Coast Guard accommodate a religious practice so that you will not be required to receive the COVID-19 vaccine, as required by references (b) and (c). I am the adjudication authority for religious accommodation requests pursuant to reference (d). I have carefully reviewed your request in accordance with references (d)-(f). **Your request is denied**.

You requested to be exempted from all future vaccines developed from fetal cells or containing animal or insect cells. The Coast Guard cannot predict which vaccines in the future will be mandated and of those which will be developed from fetal cells or contain animal cells. Therefore, because of the broad nature of your request, it is denied. You may submit requests for individual vaccines in the future, should you be mandated to take additional vaccines.

Further, the same rationale for the COVID-19 vaccine applies to your request for exemption from the influenza vaccine. Exempting you from the influenza vaccine could potentially render you vulnerable to a wide variety of illnesses, multiplying the risk to you, others, and your unit.

These interactions are vital to the service's success, however, they place you inside offices, marine facilities, and vessels with insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines.

OS:

I also considered the billet to which you are assigned. In your current assignment to Sector San Diego Command Center, your duties require standing watch for an extended period of time in an enclosed space to coordinate responses to search and rescue, homeland security, and living marine resource enforcement missions. These interactions are vital to the service's success, however, they place you inside spaces with insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines. In addition to this, your position and availability is essential to your unit as you are required to attend vital trainings and C-schools needed to attain and maintain qualifications to perform your duties. Given the dynamic and highly-visible nature of your unit's missions, you are expected to be readily available to support operations during major marine events, contingencies, and other major events, should they occur.

CDO:

1. I also considered that you are assigned to the Sector San Diego Command Center. As a Command Duty Officer you are the direct representative of the Operational Commander for current operations, you are responsible for the performance of the watch in the execution of its primary functions and ensuring proper coordination of operational plans for a specific operational period. These interactions are vital to the service's success, however, they place you

spaces with insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines. Given the dynamic and highly-visible nature of your unit's missions, you are expected to be readily available to support operations during major marine events, contingencies, and other major events, should they occur.

Station ME:

2. I also considered that you are assigned to an operational billet. In your current assignment to Station Key West, as the Weapons Petty Officer and Law Enforcement Petty Officer, your duties require routine engagement with your shipmates, members of the general public and commercial mariners. Given the dynamic nature of your unit's operations, you are expected to be readily available during major marine events, contingencies, and other major events within your area of operations, should they occur. Your duties require you to operate within an enclosed cabin small-boat for extended periods while in close proximity to your shipmates. These interactions are vital to the service's success, however, they place you inside offices, marine facilities, and vessels with insufficient options to consistently maintain compliance with the recommended Center for Disease Control social distancing guidelines.

Reservist:

As a reservist you are expected to be readily available to support operations during major marine events, contingencies, and other major events within your area of operations, should they occur.