
INTERIM GUIDANCE REGARDING MARINES REQUESTING RELIGIOUS ACCOMMODATION FROM COVID- 19 VACCINATION REQUIREMENTS

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MARADMIN 464/22

MSGID/GENADMIN/CMC WASHINGTON DC PPO//

SUBJ/INTERIM GUIDANCE REGARDING MARINES REQUESTING RELIGIOUS ACCOMMODATION FROM
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REF/A/MARADMIN/CMC/1SEP21//

REF/B/MARADMIN/CMC/6OCT21//

REF/C/MARADMIN/CMC/22OCT21//

REF/D/MARADMIN/CMC/2DEC21//

REF/E/DOC/SECDEF/24AUG21//

REF/F/DOC/USN/30AUG21//

REF/G/DOC/DHA WASHINGTON DC/6MAY21//

REF/H/DOC/DHA WASHINGTON DC/10MAY21//

REF/I/DOC/DODI/23JUL19//

REF/J/DOC/USN/07OCT13//

REF/K/GENADMIN/USN/31AUG21//

REF/L/DOC/USC/12JAN21//

REF/M/DOC/USN/14SEP90//

REF/N/DOC/CMC/15FEB19//

REF/O/DOC/USN/22NOV16//

REF/P/DOC/ASD (HA) WASHINGTON DC/03JUN21//

REF/Q/DOC/US DIST CT M DIST FL/18AUG22//

REF/R/DOC/DOC/MANCOURTMARTIAL/2019ED//

REF/S/DOC/USMC/14JUN12//

REF/T/PAA/M&RA/172057ZDEC21//

REF/U/DOC/USMC/26AUG21//

REF/V/DOC/DON/24JUL19//

REF/W/DOC/DON/14APR19//

NARR/ REF A IS MARADMIN 462/21, MANDATORY COVID-19 VACCINATION OF MARINE CORPS ACTIVE AND RESERVE COMPONENTS. REF B IS MARDADMIN 533/21, SUPPLEMENTAL GUIDANCE TO MANDATORY COVID-19 VACCINATION OF MARINE CORPS ACTIVE AND RESERVE COMPONENTS. REF C IS MARADMIN 612/21 SUPPLEMENTAL GUIDANCE (2) TO MANDATORY COVID-19 VACCINATION OF MARINE CORPS ACTIVE AND RESERVE COMPONENTS. REF D IS MARADMIN 733/21 CHANGE 1 TO SUPPLEMENTAL GUIDANCE (2) TO MANDATORY COVID-19 VACCINATION OF MARINE CORPS ACTIVE DUTY AND RESERVE COMPONENTS. REF E IS OSD MEMO, MANDATORY CORONAVIRUS DISEASE 2019 VACCINATION OF DEPARTMENT OF DEFENSE SERVICE MEMBERS. REF F IS ALNAV 062/21 2021-2022 DEPARTMENT OF NAVY MANDATORY COVID-19 VACCINATION POLICY. REF G IS DEFENSE HEALTH AGENCY INTERIM PROCEDURES MEMORANDUM 20-004, DEPARTMENT OF DEFENSE (DOD) CORONAVIRUS DISEASE 2019 (COVID-19) VACCINATION PROGRAM IMPLEMENTATION. REF H IS DEFENSE HEALTH AGENCY PROCEDURAL INSTRUCTION 6205.01, MEDICAL LOGISTICS GUIDANCE FOR THE DOD CORONAVIRUS DISEASE 2019 (COVID-19) VACCINATION PROGRAM. REF I IS DODINST 6205.02, DOD IMMUNIZATION PROGRAM. REF J IS BUMEDINST 6230.15B, IMMUNIZATIONS AND CHEMOPROPHYLAXIS FOR THE PREVENTION OF INFECTIOUS DISEASES. REF K IS NAVADMIN 190/21, 2021-2022 NAVY MANDATORY COVID-19 VACCINATION AND REPORTING POLICY. REF L IS 10 U.S.C. CHAPTER 47, UNIFORM CODE OF MILITARY JUSTICE. REF M IS U.S. NAVY REGULATIONS, PARAGRAPH 1144. REF N IS MARINE CORPS ORDER 1900.16 CHAPTER 2 (MARCORSEPMAN). REF O S OPNAVINST 3710.7V, NAVAL AIR TRAINING AND OPERATING PROCEDURES STANDARDIZATION GENERAL FLIGHTAND OPERATING INSTRUCTIONS. REF P IS ASSISTANT SECRETARY OF DEFENSE (HEALTH AFFAIRS) MEMO, CO-ADMINISTRATION OF CORONAVIRUS DISEASE 2019 VACCINES WITH OTHER VACCINES. REF Q IS U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA ORDER ON CERTIFYING CLASS AND ISSUING CLASSWIDE PRELIMINARY INJUNCTION. REF R IS MANUAL FOR COURTS MARTIAL UNITED STATES (2019 EDITION). REF S IS MCO P1400.32d, CH 2, MARINE CORPS PROMOTION MANUAL, VOLUME 2, ENLISTED PROMOTIONS. REF T IS PERSONNEL ADMIN ADVISORY 08-21 ADMINISTRATIVE PROCEDURE FOR PROCESSING SMCR, IMA, AND IRR MARINES REFUSING COVID-19 VACCINATION WHILE SERVING IN A DUTY STATUS. REF U IS MCO 5800.16, LEGAL SUPPORT AND ADMINISTRATION MANUAL. REF V IS SECNAVINST 1420.3, DEPARTMENT OF THE NAVY COMMISSIONED OFFICER PROMOTION PROGRAM. REF W IS SECNAVINST 1412.6M, PROMOTION OF OFFICERS TO THE GRADE OF LIEUTENANT (JUNIOR GRADE) IN THE NAVY AND TO THE GRADE OF FIRST LIEUTENANT IN THE MARINE CORPS.//

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GENTEXT/REMARKS/1. This message amends actions directed in references (a) through (d) for unvaccinated Marines on active duty or in the ready reserve meeting all of the following criteria: (1) the Marine requested a religious accommodation for the COVID-19 vaccine mandate; (2) the Marine's accommodation request was initially disapproved by DC, M&RA; (3) the Marine appealed the disapproved accommodation request to the Assistant Commandant of the Marine Corps (ACMC) in a timely manner; and (4) ACMC has either denied the appeal or has yet to take action on the appeal. Marines meeting all the criteria above are hereafter referred to as "the class."

2. This MARADMIN does not apply to, and guidance in ref (a) through (d) remains unchanged for, unvaccinated Marines who either (1) did not request a religious accommodation or (2) did not appeal DC, M&RA's disapproval of their religious accommodation request in a timely manner.

3. Background. On 18 August 2022, a U.S. Federal District Court issued a preliminary injunction prohibiting the Marine Corps from taking certain actions against Marines whose cases meet the class criteria described in paragraph 1 above.

4. Execution. Pursuant to ref (q), the Marine Corps will not enforce any order to accept COVID-19 vaccination, administratively separate, or retaliate against Marines in the class for asserting statutory rights under the Religious Freedom Restoration Act (RFRA). While ref (q) prohibits commanders from separating class members or issuing COVID-19 vaccination orders after an appeal is denied, it also recognizes the service's authority to make other decisions based on the Marine's vaccination status. Therefore, the following is directed for cases involving Marines in the class.

4.a. Involuntary administrative separation processing of class members for refusing COVID-19 vaccination is suspended.

4.a.1. Commanders shall pause all administrative actions related to the involuntary separation of a class member, regardless of the current status of the separation process (e.g., no orders will be given to receive the vaccine, no counselings will be issued for refusing the vaccine, no administrative separation boards will be conducted, no DD-214s will be issued).

4.a.2. Exceptions

4.a.2.a. A Marine in the class who, after consultation with the "Class Attorney" identified in ref (q), opts-out of the class.

4.a.2.b. A Marine in the class who voluntarily withdraws a religious accommodation request. A religious accommodation request or appeal may be

withdrawn at any stage in the process, regardless of whether it is pending or resolved. Commanders will ensure Marines considering voluntary withdrawal have an opportunity to consult with defense counsel and will administratively document the Marine's decision with the following page 11 entry:

"Pursuant to (this MARADMIN), I have consulted (or have been provided the opportunity to consult) with defense counsel, and I voluntarily withdraw my religious accommodation request. I understand that, upon withdrawal, I may be subject to actions directed in MARADMIN 612/21, including administrative separation."

4.a.2.c. A Marine in the class currently being processed for administrative separation for multiple bases. A class member may be involuntarily separated only when there is a basis for administrative separation distinct from the Marine's refusal to receive the COVID-19 vaccination. In such cases, on-going involuntary separation actions must be re-initiated with no reference to, or consideration of, the Marine's vaccination status.

4.b. Performance Evaluations. COVID-19 vaccination status of class members shall not be considered or referenced in fitness reports or other performance evaluation documents processed on or after 18 August 2022. MMRP-31 will screen reports received after that date and return them to the reporting senior for corrective action if applicable. Commanders may continue to document vaccine refusals in fitness reports for Marines not part of the class.

4.c. Officers. Class members not previously entered on the Officer Disciplinary Notebook (ODN) for misconduct will not be entered for misconduct pending the outcome of the case giving rise to ref (q).

4.d. Promotions. Ref (c) requires commanders to delay the promotion of any officer and delay/restrict the promotion of any enlisted member refusing the vaccine. The following, grade-specific guidance applies to those class members whose religious accommodation appeal has been denied:

4.d.1. Officers. HQMC (JPL) will identify officers subject to potential promotion delay/withhold actions for officers in the class whose religious accommodation appeal has been denied, regardless of ODN status. Promotion recommendations will continue to be routed to the Commandant of the Marine Corps and Secretary of the Navy for review in accordance with ref (u) through (w), as applicable.

4.d.2. Staff Noncommissioned Officers (SNCO). Commanders will initiate promotion delay for SNCOs in the class whose religious accommodation appeal has been denied and forward to the Commandant of the Marine Corps in accordance with ref (s).

4.d.3. Private First Class to Sergeant. Commanders will remove any "not recommended for promotion" entries in the Junior Enlisted Performance Evaluation System (JEPES) and/or MCTFS tied to COVID-19. Commanders will initiate a 12-month promotion restriction for class members whose religious accommodation

appeal has been denied, accompanied by an administrative page 11 entry: "I understand that my promotion to the rank of _____ is restricted for 12 months as directed by (this MARADMIN). Per MCO 1070.12K, this counseling is administrative in nature. I do/do not desire to submit a statement in response."

Commanders will provide a copy of the page 11 and ACMC's letter denying the Marine's appeal to the local administrative office. The promotion restriction may be lifted prior to the 12-month mark or extended depending on the outcome of ref (q).

4.e. Voluntary Extension. Enlisted members of the class are eligible to extend, and may request to do so for a period of no longer than 12 months. Marines in the class may still be subject to administrative separation for refusing COVID-19 vaccination if they no longer meet the criteria to be a class member or if the preliminary injunction is dissolved. Commanders will ensure Marines considering voluntary extension have an opportunity to consult with defense counsel and will administratively document the Marine's decision with the following page 11 entry:

"Pursuant to (this MARADMIN), I have consulted (or have been provided the opportunity to consult) with defense counsel, and I voluntarily agree to extend a period of XX months. I understand that, upon approval of my extension, I may be subject to actions directed in MARADMIN 612/21, including administrative separation, if I no longer meet the criteria to be a class member or if the preliminary injunction is dissolved."

4.f. End of Active Service (EAS). Enlisted Marines who reach their EAS while litigation is pending will be allowed to voluntarily separate if otherwise eligible (e.g. not pending court-martial for misconduct unrelated to the COVID-19 vaccine mandate). Characterization of service will be determined in accordance with ref (n). Commanders will not consider a Marine's vaccination status when determining characterization of service.

4.g. Ready Reserve. Except as authorized below, members of the class in the reserve component (RC) will remain in their current Ready Reserve category pending the final outcome of ref (q) (i.e. members of the Individual Ready Reserve (IRR) may not transfer into the Selected Marine Corps Reserve (SMCR) or Individual Mobilization Augmentee program).

4.g.1. Members of the class in the initial active duty for training (IADT) pipeline are excepted and will proceed to their SMCR unit upon completion of training.

4.g.2. Non-obligated RC members of the class may transfer to the IRR.

4.g.3. This MARADMIN supersedes applicable portions of ref (t).

5. Commanders may consider vaccination status in making assignment, deployment, and other operational decisions. The guidance in ref (c) paragraph 3.c, continues to apply to members of the class (i.e., Marines not fully vaccinated are not

considered to be worldwide deployable and shall be assigned or reassigned locally).

6. HQMC(M&RA) will run draw case code XA on all members of the class. HQMC (JA) will identify Marines in the class and reconcile with M&RA to ensure the appropriate unit diary entries are complete.

7. Additional Information and Resources.

8. This MARADMIN is applicable to the Marine Corps Total Force.

9. This MARADMIN remains in effect until canceled.

10. Release authorized by Lieutenant General D.J. Furness Deputy Commandant, Plans, Policies and Operations.//