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OFFICE OF THE JUDGE ADVOCATE GENERAL
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DAJA-LA

25 August 2021

SUBJECT: FAQs – Mandatory Vaccinations and Exemptions

Q1. What is the mandatory vaccine order?

A1. On 24 August 2021, the Secretary of Defense (SecDef) issued a memorandum directing the Service Secretaries to immediately begin full vaccination of all members of the Armed Forces under DoD authority on active duty or in the Ready Serve, including the National Guard, who are not fully vaccinated against COVID-19.

Q2: I am a Soldier who is fully vaccinated. Does the SecDef memo apply to me?

A2. No. "Service members are considered fully vaccinated two weeks after completing the second dose of a two-dose COVID-19 vaccine or two weeks after receiving a single dose of a one-dose vaccine." If you are fully vaccinated, this memo does not apply to you.

Q3: I previously tested positive for COVID-19, does the SecDef memo apply to me?

A3: Yes. Those with previous COVID-19 infection are not considered fully vaccinated. You must still be vaccinated.

Q4: When am I fully vaccinated?

A4: Service members are considered fully vaccinated two weeks after completing the second dose of a two-dose COVID-19 vaccine or two weeks after receiving a single dose of a one-dose vaccine.

Q5: Which of the available vaccines will be mandatory?

A5: 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.

Q6: What if I was vaccinated with a different vaccine?

A6: If you were voluntarily immunized with a COVID-19 vaccine under FDA Emergency Use Authorization or World Health Organization Emergency Use Listing in accordance with applicable dose requirements prior to, or after, the establishment of this policy you are considered fully vaccinated. Once you are considered fully vaccinated, the SecDef memo no longer applies to you.

Q7: I am participating in a COVID-19 clinical trial; do I still have to be vaccinated?

A7: Service members who are actively participating in COVID-19 clinical trials are exempted from mandatory vaccination against COVID-19 until the trial is complete in order to avoid invalidating such clinical trial results.

Q8: Are there any exemptions to the mandatory vaccination policy?

A8: Yes.

There are two types of immunization exemptions: medical and administrative.

Q9: How do I get a medical exemption?

A9: Go see your health care provider.

Health care providers will determine a medical exemption based on your health and the nature of the immunization under consideration. (AR 40-562, para. 2-6a). Medical exemptions may be temporary (up to 365 days) or permanent. An underlying health condition of the vaccine candidate may be the basis for a medical exemption. (AR 40-562, para. 2-6a).

Q10: How do I get an administrative exemption?

A10: Administrative exemptions include those enumerated in AR 40-562, as well as religious exemptions, which must comply with the requirements for religious accommodations described in AR 600-20, para. P-2b, and DoDI 1300.17 (Religious Liberty in the Military Services), September 1, 2020. The Surgeon General is the decision authority for immunization exemptions based on religious accommodation requests. AR 600-20, para. 5-6e(1)(b). Soldiers may request an exemption by forwarding the request through command channels.

Q11: Does this policy affect my Family members?

Q11: No. This policy only applies to Soldiers.

Q12: Can I refuse to be immunized?

A12: No.

If you refuse to be immunized, without a valid exemption, you can expect to be legally ordered to be immunized. If you continue to refuse to obey the order, it may result in punitive or adverse administrative action.

Q13: Will I still be required to wear a mask on post/installation once vaccinated?

A13: It depends.

The CDC guidance and the Department of Defense guidance is very fluid and changes based on the current threat from COVID-19, and more recently the Delta variant.

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Q14: If I am approved for an exemption will this limit my ability to PCS, go TDY, and travel?

A14: It depends.

Other countries already limit admittance based on vaccination status.

Q15: Can I see an attorney?

A15: If, as a result of refusing a COVID-19 vaccination, you are given a punitive or administrative action, you may be authorized to seek advice from Legal Assistance (GOMOR) or Trial Defense Services (Article 15 or separations). Legal Assistance attorneys will not assist with submitting an exemption.

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