



DEPARTMENT OF THE AIR FORCE

[REDACTED]
[REDACTED]

-----eSSS-----

| OFFICE | ACTION | LAST NAME/RANK/DATE |
|------------|------------|---------------------|
| [REDACTED] | [REDACTED] | [REDACTED] |

-----STAFF SUMMARY-----
[REDACTED]

SUSPENSE: [REDACTED]

1. PURPOSE: I am writing to formally appeal the denial of the Religious Exemption for Immunizations request for my [REDACTED]. As additional information, I will also be submitting a religious exemption request for my [REDACTED] who has recently started attending the [REDACTED] [REDACTED] as well.

2. AUTHORITY: According to the provisions outlined in the Department of Defense (DoD) Instruction 1300.17, "The regulations and policies of a Military Department or Military Service implementing this issuance will provide a process for Service members to appeal the denial of a request for accommodation or religious practices, or any condition on such accommodation. Appeals will be sent to an official in the chain of command or chain of supervision above the officer or official who took final action on the request." As such, I am appealing to the [REDACTED].

3. BACKGROUND: On [REDACTED], we submitted a Religious Exemption for Immunizations Request Memorandum for Record (MFR) for my [REDACTED] in accordance with AFI34-144. Our initial request was denied by [REDACTED] in an MFR dated [REDACTED], with the reason cited as "It is not medically recommended to disregard immunizations." In response to a subsequent email dated [REDACTED] [REDACTED] requested clarification as to the specific vaccines we were requesting exemption from. We promptly provided the requested information in a resubmitted request. However, this second request was also denied in an MFR dated [REDACTED] by [REDACTED], reciting the same rationale "It is not medically recommended to disregard immunizations."

4. DISCUSSION: Department of Defense Instruction (DoDI) 1300.17 1.2. e. (1) and (2) states "DoD Components will normally accommodate practices of a Service member based on sincerely held religious belief ..." and may only be denied if

- a. The military policy, practice, or duty is in furtherance of a compelling governmental interest.
- b. It is the least restrictive means of furthering compelling governmental interest.

Further, the Religious Freedom Restoration Act (RFRA) requires the government to make these determinations on a case-by-case analysis, and not a generalized assessment. [REDACTED] denial of our

request is a violation of RFRA and DoDI 1300.17 in that [REDACTED] decision memorandum fails to evaluate our case on a case-by-case basis and states no compelling government interest upon which [REDACTED] denial is based. [REDACTED] also failed to consider any least restrictive means.

Next, on [REDACTED], we received a phone call from [REDACTED], [REDACTED] at [REDACTED]. [REDACTED] notified us that our [REDACTED] would be disenrolled from the [REDACTED] on [REDACTED], due to [REDACTED] vaccine non-compliance and the denial of our Religious Exemption for Immunizations Request. During the conversation, we expressed our intention to appeal the decision and inquired about previous approvals of religious exemptions as we understood that a "A list of all current individuals with approved exemptions for each immunization is maintained by the program." AFI34-144, 12.6.4. [REDACTED] mentioned that exemptions had been approved in the past, depending on the MSG/CC in charge at the time. According to DAFI52-101 2.4.14, previous decisions on similar requests, including those made for reasons other than religious, should be taken into consideration.

Therefore, given that other medical or religious exemptions have been granted previously at the [REDACTED] [REDACTED], as confirmed by [REDACTED], our request should have been approved as well. As AFI34-144, paragraph 12.6.4.1 confirms, the basis of our "sincerely held religious beliefs are not normally subject to examination or rebuttal," therefore the burden is on the government to demonstrate how allowing accommodation of our religious beliefs is in furtherance of a compelling interest that wasn't present when other children are permitted to attend the [REDACTED] unvaccinated.

5. In light of the information presented and the failure to comply with the criteria outlined in DoDI 1300.17, we respectfully request that the [REDACTED] approve our religious exemption request for immunizations for my [REDACTED]. If our appeal is granted, I ask that you also consider granting the forthcoming religious accommodation request for my [REDACTED], as well.

6. VIEWS OF OTHERS: N/A

7. RECOMMENDATION: [REDACTED] approve the Exemption Request.

[REDACTED]

Signature Block of Approval Authority

X

[REDACTED]