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United States Senate

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June 2, 2022

The Honorable Lloyd J. Austin
Secretary of Defense
United States Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

The Honorable Carlos Del Toro
Secretary of the Navy
Office of the Secretary of the Navy
1000 Navy Pentagon, Room 4D652
Washington, D.C. 20350

Dear Secretary Austin and Secretary Del Toro:

I am writing to urge you to apply the precedent established by the Administrative Separation Board in Navy Lt. Bill Moseley's religious accommodation case to all service members requesting a religious accommodation.

As you are aware, on May 20, a Navy Administrative Separation Board voted unanimously that Lt. Bill Moseley did not commit misconduct by refusing the COVID-19 vaccine, and should not be dismissed on those grounds. The Board's decision makes clear what the law holds and what I have reiterated to you previously—service members do not have to sacrifice their religious beliefs in order to serve our country.

In recent days, the U.S. Navy paused efforts to separate and discipline sailors refusing the COVID-19 vaccine due to religious objections. Specifically, NAVADMIN 083/22 "suspends separation processing and adverse administrative consequences of COVID-19 vaccine refusal for Navy service members who submitted requests for religious accommodation from the COVID-19 vaccine requirement." This new guidance followed District Judge O'Connor's decision to allow the lawsuit brought by 35 sailors refusing inoculation on religious grounds to move forward as a class action lawsuit.

Now that the preliminary injunction in the lawsuit is rightly preventing the Navy from applying its previous misguided policy of separating sailors who were denied religious accommodation requests, the Navy should apply the same standard established in Lt. Moseley's case to all service members, who request a religious accommodation. Refusing the COVID-19 vaccine on religious or moral grounds is not misconduct and does not warrant dismissal. I urge you to take immediate action to apply this precedent and equitable standard to all service members that have requested a religious accommodation to the COVID-19 vaccine mandate.

Further, as I previously requested from you this month, I also encourage you to reinstate the service members who have been separated from the Navy, as well as other branches of the Department of Defense, for refusing the COVID-19 vaccine on religious grounds. Similarly, I strongly urge the Department to apply this common-sense precedent to all such service members upon their return.

Thank you for your attention to this important issue.

In God We Trust,



James Lankford
United States Senator