

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA**

NAVY SEAL 1, <i>et al.</i> , for themselves	)	
and all others similarly situated,	)	
	)	
Plaintiffs,	)	
v.	)	No. 8:21-cv-2429-SDM-TGW
	)	
LLOYD AUSTIN, in his official	)	
capacity as Secretary of the United	)	
States Department of Defense, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**PLAINTIFFS' TIME-SENSITIVE MOTION  
FOR TEMPORARY RESTRAINING ORDER  
PENDING DECISION ON MOTION FOR PRELIMINARY INJUNCTION  
RELIEF REQUESTED BY APRIL 25, 2022**

Plaintiffs, pursuant to Fed. R. Civ. P. 65(b)(1) and the Court's Order of October 18, 2021 (Doc. 9), move the Court for a temporary restraining order (TRO) to preserve the status quo ante for Plaintiff CADET, United States Air Force Academy ("Cadet") (Second Am. V. Compl., Doc. 105, ¶¶ 58, 153), pending the Court's decision on Plaintiffs Motion for Preliminary Injunction (Doc. 2). In support thereof, Plaintiffs show unto the Court as follows:

**INTRODUCTION**

In its first Order in this case, the Court invited Plaintiffs to "move on behalf of any individual member of the alleged class" who "imminently will suffer serious and irreparable injury before a preliminary injunction, if any, issues[]; whose interests are otherwise not adequately protected by the hearing on November 15, 2021; and whose

circumstances are for some singular reason markedly more acute than other members of the putative class.” (Doc. 9 at 4.) As demonstrated herein and in the Declaration of USAFA Cadet attached hereto as Exhibit 1, Cadet faces imminent and irreparable harm to his free exercise rights and military career absent expedited, interim injunctive relief from the Court pending determination of Plaintiffs’ preliminary injunction motion. On March 30, 2022, having denied Cadet’s appeal from the denial of a religious accommodation (RA) request, the Air Force ordered Cadet to elect COVID-19 vaccination or “voluntary” resignation from the United States Air Force Academy (USAFA) within 5 calendar days, on pain of “disciplinary action” and “initiation of administrative separation” for violating the order and “Article 90, Uniform Code of Military Justice.” (Ex. 1, ¶¶ 27, 28.) As a result of the conference of respective Plaintiffs’ and Defendants’ counsel prior to filing this motion, the Air Force has extended Cadet’s compliance deadline to April 25, 2022. Thus, **Cadet needs relief on or before April 25, 2022**, or he faces life-altering choices and discipline. Defendants’ march toward final separation of all religiously unvaccinated service members continues unabated except by judicial intervention.

### **ARGUMENT**

In addition to the argument below, Plaintiffs incorporate by reference the legal argument contained in their preliminary injunction briefing (Docs. 2, 30, 51, 104, 145-1), and rely on the supplemental declarations and notices of supplemental authority filed in support of classwide preliminary injunctive relief (Docs. 82, 95, 100, 113, 143,

146), as well as the findings and conclusions in the Court’s various orders regarding injunctive relief (Docs. 40, 67, 111, 122, 133, 150). As set forth therein, Defendants’ refusal to consider or grant Cadet’s and other Plaintiffs’ RA requests while granting thousands of similarly situated nonreligious exemptions violates the First Amendment and the Religious Freedom Restoration Act.

**I. A TRO IS NEEDED TO PRESERVE THE STATUS QUO ANTE AND PREVENT IRREPARABLE INJURY PENDING THE COURT’S DECISION ON PLAINTIFFS’ PRELIMINARY INJUNCTION MOTION.**

“A Rule 65 TRO often functions to preserve the status quo until a court can enter a decision on a preliminary injunction application . . . .” *United States v. DBB, Inc.*, 180 F.3d 1277, 1282 n.5 (11th Cir. 1999); *see also Grasso v. Dudek*, No. 6:130cv01536-Orl-28GK, 2014 WL 12621193, at \*2 (M.D. Fla. Jan. 6, 2014) (“In the Eleventh Circuit, TRO’s are intended to protect against irreparable harm and to preserve the status quo until a decision on the merits can be made.”); *Talib v. SkyWay Comms. Holding Corp.*, No. 8:05-cv-282-T-17TBM, 2005 WL 8160176, at \*5 (M.D. Fla. Apr. 5, 2005) (same). (*See also* Doc. 67 at 8 (granting TRO for the “preservation of the status quo” while a decision on the preliminary injunction is pending).) Here, a TRO pending preliminary injunction is necessary to preserve the status quo ante and prevent imminent and irreparable harm that will occur for Cadet on April 25, 2022.

**A. Plaintiff Cadet Faces Immediate and Irreparable Deprivation of His Free Exercise Rights in the Form of Involuntary Separation and Irreparable Career Damage.**

Plaintiff Cadet will suffer imminent and irreparable injury absent a TRO pending decision on Plaintiffs' preliminary injunction motion because he will suffer the irretrievable sacrifice of cherished First Amendment liberties. *See Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 67 (2020) ("There can be no question that the challenged restrictions, if enforced, will cause irreparable harm. 'The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.'" (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976))). Indeed, as this Court already held, "[r]equiring a service member either to follow a direct order contrary to a sincerely held religious belief or to face immediate processing for separation or other punishment undoubtedly causes irreparable harm." (Order, Doc. 111, at 45.)

As shown in his declaration (Ex. 1), Cadet is a patriotic American who has desired to enter USAFA since age 17, following his strong conviction, through prayer and discernment, that God has called him to serve in the United States Air Force. (Ex. 1, ¶¶ 2, 3.) Cadet has a sincerely held religious belief that he should not receive any of the available COVID-19 vaccines because of their connections to abortion. (Ex. 1, ¶¶ 4, 8 & Ex. A at A1–A6, A9–A12) Despite Cadet's submitting an RA request supported by evidence of his sincere religious objections to vaccination and the endorsements of both his pastor and Air Force chaplain (Ex. 1, ¶ 8 & Ex. A at A1–



A6); Cadet's exemplary performance at USAFA, as evidenced by USAFA's awarding him the "Outstanding C4C [Cadet 4th Class] of the Semester" award for the most impactful contribution of his class to the mission of USAFA for the Fall 2021 Semester (Ex. 1, ¶ 18); USAFA's continually accomplishing its mission both before and after the availability of COVID-19 vaccines (Ex. 1, ¶¶ 17, 18); and the continually relaxing COVID-19 restrictions amidst declining risk of hospitalization and death from COVID-19 among Air Force military members (Ex. 1, ¶¶ 19–21, 23, 24, 26 & Exs. B, C), the Air Force denied Cadet's RA request and appeal without performing any individualized assessment of his request (Ex. 1, ¶¶ 7, 10–18, 27 & Ex. A at A7–A13). Moreover, the Air Force did not attempt to justify its denial of Cadet's RA request on his "deployability" as an unvaccinated service member, and cannot justify the denial on that ground because all cadets are nondeployable while at USAFA—Cadet is nondeployable, as a USAFA cadet, for over three years. (Ex. 1, ¶ 15.)

After denying Cadet's RA appeal, the Air Force ordered Cadet to elect COVID-19 vaccination or "voluntary" resignation from the United States Air Force Academy (USAFA) within 5 calendar days, on pain of "disciplinary action" and "initiation of administrative separation" for violating the order and "Article 90, Uniform Code of Military Justice." (Ex. 1, ¶¶ 27, 28 & Ex. A at A14.) Cadet desires to stay in the Air Force to serve his country (Ex. 1, ¶ 22), which he will not be able to do beyond April 25, 2022, without the Court's intervention.

**B. Only a TRO Pending Decision on Plaintiffs' Motion for Preliminary Injunction Can Preserve the Status Quo.**

In entering a TRO, “the court’s task . . . is generally to restore, and preserve, the *status quo ante*, *i.e.*, the situation that existed between the parties immediately prior to the events that precipitated the dispute.” *FHR TB, LLC v. TB Isle Resort, LP*, 865 F. Supp. 2d 1172, 1193 (S.D. Fla. 2011) (cleaned up). Indeed, where—as here—“an irretrievably deteriorating condition threatens to thwart the Court’s ability to render a proper final judgment on the merits later, the Court must act to preserve or restore the vanishing status quo ante.” *Schrank v. Bliss*, 412 F. Supp. 28, 34 (M.D. Fla. 1976).

Here, only a TRO pending decision on Plaintiffs’ preliminary injunction motion (Doc. 2) can preserve the status quo ante. Absent interim injunctive relief, Cadet will suffer irreparable deprivation of his free exercise rights and irreparable damage to his military career. Indeed, Cadet faces either “(1) a most-likely-unlawful deprivation of [his] accumulated status and standing in the United States military, as well as prospective advancement and benefits, or (2) deprivation of [his] constitutional and statutory rights to Free Exercise and the statutory right to receive a religious exemption . . . .” (Order, Doc. 67, at 9.)

**II. THE COURT SHOULD ISSUE THE TRO WITHOUT WAITING FOR A RESPONSE FROM DEFENDANTS.**

Pursuant to Rule 65(b)(1), the Court may issue the TRO if specific sworn facts “clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition,” and “the movant’s

attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.” Fed. R. Civ. P. 65(b)(1). This motion satisfies the requirements for issuance of a TRO without waiting for a response from Defendants.

On March 31, 2022, the day after Cadet received the final denial of his RA appeal, and in accordance with the Court’s October 18, 2021 Order (Doc. 9), Plaintiffs’ counsel conferred by e-mail with Defendants’ counsel, seeking Defendants’ agreement to pause the imminent adverse action against Cadet pending the Court’s decision on Plaintiffs’ preliminary injunction motion. Defendants’ counsel replied that the Air Force will not take any action against Cadet for failure to comply with the March 30 vaccination order until after April 25, 2022—i.e., a 21-day extension of time. In a cognate situation, the Marines were not willing to forbear disciplining Plaintiff USMC Captain following the expiration of a similar 21-day extension of his vaccination deadline, resulting in the Court’s issuing a TRO protecting USMC Captain. (Doc. 150.) Given the imminent and irreparable adverse action facing Cadet, as shown herein and supported by his attached declaration (Ex. 1), the Court need neither request nor wait for any further response from Defendants before entering the requested TRO prior to the Air Force’s April 25, 2022, vaccinate-or-resign deadline.

#### **CONCLUSION AND RULE 65(b)(1)(B) CERTIFICATION**

By signing below, and in accordance with the Court’s October 18, 2021 Order (Doc. 9) and Rule 65(b)(1)(B), the undersigned Plaintiffs’ counsel certifies the foregoing efforts made to confer with Defendants’ counsel regarding the relief

requested herein, and the foregoing reasons why the Court should issue the TRO immediately without waiting for any response from Defendants prior to issuing the TRO.

/s/ Roger K. Gannam

Mathew D. Staver

Horatio G. Mihet

Roger K. Gannam

Daniel J. Schmid\*

Richard L. Mast\*

LIBERTY COUNSEL

P.O. Box 540774

Orlando, FL 32854

(407) 875-1776

court@lc.org

hmihet@lc.org

rgannam@lc.org

dschmid@lc.org

rmast@lc.org

\*Admitted specially

*Attorneys for Plaintiffs*

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States Department of Defense, <i>et al.</i> ,	)	
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Defendants.	)	

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**DECLARATION OF USAFA CADET**

I, USAFA CADET, do hereby declare as follows:

1. I am over the age of 18 years, have personal knowledge of the matters set forth in this declaration, and if called upon to testify to them, I would and could do so competently.

2. I joined the Air Force because I love America and want to make the world safer and freedom more secure. I have prayed about God's direction for my life, and feel the strong conviction that God has led me into the Air Force.

3. I was born in 2002. I applied to the United States Air Force Academy (USAFA) in 2019 and worked towards earning an appointment to the Academy. In Summer 2021 I entered USAFA, becoming a member of the United States Air Force.

4. I am a Christian. Before the COVID vaccine was mandated, I learned about its connection to abortion and prayed about whether or not to get the vaccine if mandated. The Word of God set forth in the Bible and God's answers to my prayers

showed me that I cannot get the shot without compromising my faith. For me to get the COVID shot would be a sin against God.

5. On August 11, 2021, my commanding officer informed me that the Superintendent of USAFA would be issuing a COVID vaccine mandate and that I had to get the shot.

6. After I initiated the process to request a religious accommodation (RA) from vaccination, I had a counseling with my commander on August 13, 2021 with the stated purpose “to discuss if you even qualify and what the process is.”

7. My commander, however, did not discuss the process or possible accommodations with me. Instead, he “managed my expectations” by constantly telling me I would not win; by recommending an AF Form 34 (Discharge from the Air Force) if I would not get the vaccine; and by attempting to guilt trip me into getting the vaccine.

8. I formally submitted my RA request by written memorandum, attaching a letter explaining my position, a summary of evidence supporting the sincerity of my position, and a letter from my pastor confirming consistency with my church’s beliefs. A true and correct copy of my RA request memorandum is attached hereto at pages A1 to A6 of Exhibit A.

9. I then had an interview with an academy chaplain to (according to the chaplain) “test if your belief is sincere.” In this interview, almost every question was aimed at getting me to contradict myself and my position on the COVID vaccination.

I nevertheless received a positive recommendation from the chaplain for my religious accommodation request.

10. On September 10, 2021, I received an email from my commander explaining that the board tasked with sending approval or disapproval recommendations to the Superintendent (who makes the final decision) recommended my packet for disapproval.

11. At the end, my commander said, “The reason I share all of this with you is to help manage your expectations for approval of your religious exemption package. Chances of it being approved are looking slim, so I want you to start thinking about next steps for you personally.”

12. Furthermore, my commander told me that nobody was recommended for approval on the day upon which the committee voted on my packet, indicating to me that USAFA had predetermined, before looking at any packets, that they would not approve sincere religious exemption requests.

13. Consistent with these predictions, my religious accommodation request was formally denied and disapproved by the USAFA Commander (“USAFA/CC”), via Memorandum dated December 22, 2021 (“USAFA/CC Memorandum”), a true and correct copy of which is attached hereto at pages A7 to A8 of Exhibit A.

14. The disapproval cited “compelling governmental interest of mission accomplishment, including military readiness, unit cohesion, good order and discipline, and the health and safety of all cadets.”

15. Tellingly, the disapproval did not mention “deployability,” as all USAFA cadets are non-deployable prior to graduation. Thus, I am non-deployable for another three (plus) years, leaving ample time for the pandemic to cease or for alternative vaccines or treatments to be developed that are not ethically and morally compromised.

16. The USAFA/CC Memorandum gave no reasoning that pertained specifically to my situation. In comparing my memorandum to another cadet who received a disapproval, I saw that the USAFA/CC Memorandum’s reasoning was identical, leading me to conclude that my situation was never considered individually.

17. The USAFA/CC Memorandum states that “mission requirements cannot be fully accomplished without frequent exposure to other people.” This claim is not supported by data. Since May of 2020, USAFA’s mission has been fully accomplished, preceding the availability of vaccination, and everyone at the Academy has survived Covid-19, just as everyone has survived other common endemic illnesses. There have been no deaths at the Academy due to Covid-19.

18. The USAFA/CC Memorandum states, “Cadets that remain unvaccinated are unable to perform the mission at USAFA. This places additional stress on vaccinated members and impacts mission accomplishment. As a result, unit cohesion and morale are affected.” The data does not support this assertion. Since March 2020, unvaccinated cadets, including myself, have been able to fully perform the mission at USAFA. I have performed my duties and contributed to the mission at USAFA safely while being unvaccinated, which is confirmed by my being selected by



wing leadership to receive the “Outstanding C4C [Cadet 4th Class] of the Semester” award for the most impactful contribution of my class to the mission of USAFA for the Fall 2021 Semester. This affirms the fact that, in this current environment, I pose no threat to readiness while unvaccinated, and have fully and successfully contributed to mission accomplishment, which I will continue to do.

19. USAFA goals pertaining to immunization have already been met. Over 95% of USAFA has been vaccinated, exceeding NIH thresholds to achieve herd immunity.

20. On January 5, 2022, the AY 21-22 CADET WING COVID-19 ROEs (ROEs) guidance began treating vaccinated and unvaccinated cadets nearly identically for purposes of mission accomplishment. A true and correct copy of the ROEs is attached hereto as Exhibit B and is also available at <https://www.usafa.edu/app/uploads/CW-COVID-ROE-5-Jan-22.pdf>. The ROEs provide:

**If you test positive for COVID-19 (everyone, regardless of vaccination status):**

- Isolate for at least 5 days, at that time you may be released from isolation if asymptomatic or significantly improved
- After release, continue to wear a mask at all times for 5 additional days

**If you were exposed to someone with COVID-19 (w/in 6' for >15 minutes in a 24 hr period):**

**Boosted, or completed primary Pfizer/ Moderna series within the last 6 months, or completed primary J&J series within the last 2 months:**

- Wear a mask around others for 10 days
- Test on day 5 or sooner if you develop symptoms

**NOT boosted AND completed primary Pfizer/Moderna series over 6 months ago, OR NOT boosted AND completed primary J&J series over 2 months ago, OR unvaccinated:**

- Quarantine for 5 days and continue to wear a mask around others for an additional 5 days
- Test on day 5 or sooner if you develop symptoms

21. Under the ROEs, vaccinated and unvaccinated cadets who test positive for COVID-19 are treated exactly the same, so there is no difference in impact to “mission accomplishment” or “unit cohesion and morale.” The only difference in treatment is for cadets who have been “exposed” to COVID-19. Following exposure, both vaccinated and unvaccinated cadets enter a 10-day protocol—vaccinated cadets are required to wear a mask around others for 10 days, while unvaccinated cadets are required to quarantine for 5 days and then wear a mask around others for the remaining 5 days. Even assuming the difference in treatment could be justified (which I do not concede), the quarantine requirement for unvaccinated cadets has no detectable effect on “mission accomplishment” or “good order and discipline” or “unit cohesion and morale.” Moreover, the requirement does not impact academic readiness based on remote learning capabilities.

22. I am willing to comply with the protocols set forth in the ROEs and other reasonable precautionary measures so my faith is not violated by the current COVID shots, and so I can remain in the Air Force.

23. While the USAFA/CC Memorandum states “Remaining unvaccinated poses a threat to all exposed,” on January 6, 2022, USAFA Commandant of Cadets,

Brigadier General Paul Moga, announced to the cadets at a lunch meeting regarding USAFA's posturing for the Omicron variant, "there is very little danger to the force."

24. Department of the Air Force (DAF) COVID-19 Statistics published January 31, 2022, compiling data through January 24, 2022, show 64,924 total Air Force military cases, with 28 hospitalizations and 6 deaths. A true and correct copy of the publication is attached hereto as Exhibit C and available at <https://www.af.mil/News/Article-Display/Article/2831845/daf-covid-19-statistics-dec-21-2021/>. Thus, the hospitalization rate among Air Force military members is 0.04% of cases, and the death rate is 0.009% of cases—with a corresponding survival rate of 99.99%.

25. On 12 January 2022, I timely appealed the denial of my religious accommodation request set forth in the USAFA/CC Memorandum. A true and correct copy of my appeal is attached hereto at pages A9 to A12 of Exhibit A.

26. As of March 10, 2022, USAFA has transitioned to Health Protection Condition (HPCON) level "A," indicating a limited risk of disease being spread. Members are encouraged to stay home when sick, get tested for COVID-19 if symptomatic, wear a mask if symptomatic and follow Centers for Disease Control<sup>1</sup> recommendations for isolation and quarantine. A true and correct copy of the Department of Defense's guidance on HPCON levels is attached hereto as Exhibit D

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<sup>1</sup> [https://www.cdc.gov/coronavirus/2019-ncov/index.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2Findex.html](https://www.cdc.gov/coronavirus/2019-ncov/index.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2Findex.html)

and available at <https://www.defense.gov/News/Inside-DOD/Blog/article/2128863/hpcon-understanding-health-protection-condition-levels/>.

27. On March 30, 2022, I received the final denial of my appeal (dated March 13, 2022), a true and correct copy of which is attached hereto at page A13 of Exhibit A. It contains the same spurious reasoning as the prior denial, reflecting no individual analysis or current data.

28. Also on March 30, 2022, I received the Air Force's "Order to Comply with Vaccine Mandate," ordering me to begin a COVID-19 vaccine regimen or submit paperwork to "voluntarily resign from USAFA" within 5 calendar days—by April 4, 2022. A true and correct copy of the order is attached hereto at pages A14 to A15 of Exhibit A. My attorneys advised me that the Air Force, through its attorneys, has extended the deadline for my election to April 25, 2022.

29. The vaccination order warns that if I do not make an election to get vaccinated or resign by the deadline, I "will be in violation of this order and of Article 90, Uniform Code of Military Justice," which "will result in disciplinary action," and I "will be subject to initiation of administrative separation."

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this April 7, 2022.

/s/ CADET  
CADET, United States Air Force Academy  
(Original Signature retained by Counsel)



**DEPARTMENT OF THE AIR FORCE  
COMMANDANT OF CADETS  
USAF ACADEMY COLORADO**



October 4, 2021

RICHARD M. CLARK, Lt Gen, USAFA  
Superintendent, USAFA  
2304 Cadet Drive, Suite 3100  
USAF Academy, CO, 80840

[REDACTED] C4C, USAFA CS22  
[REDACTED]

To the Superintendent of the United States Air Force Academy,

I request a religious accommodation waiver for the COVID-19 vaccine. My DoD ID number is [REDACTED]

This request is based on my religious belief that abortion is murder and that taking any available COVID-19 vaccine would be equivalent to supporting abortion. Enclosed is a letter detailing my reasoning and a separate letter from my pastor confirming that my church's stance on the issue is the same as mine. I understand I must arrange an in-person interview with a Department of the Air Force chaplain as part of the process for requesting a religious accommodation.

If my request is disapproved, I understand I must comply with the mandated guidance given in regards to the COVID-19 vaccine. I understand that an approved accommodation continues throughout my career, but may be suspended, modified, or revoked by appropriate authorities when required by military necessity. The point of contact for this request is the undersigned at [REDACTED] or [REDACTED].

[REDACTED] M Digitally signed by [REDACTED]  
[REDACTED] Date: 2021.10.04 22:24:21 -06'00'  
[REDACTED] C4C, USAF  
Scheduling Airman, CS-22

**EXHIBIT A**

Lt. Gen. Clark,

Sir, I am writing this letter for consideration for a religious exemption to the Covid-19 vaccine mandate. A few things about me that are important to know as you consider my exemption: I am a deeply committed Christian and believe that my faith and military service are interwoven. I joined the Air Force as a way to serve others and to make the world safer and freedom more secure. The most important freedom we protect is the *freedom to practice religion*; protecting this freedom, among others, is the primary reason I am in the Air Force.

I cannot receive a COVID-19 vaccine because to do so would violate my sincerely held religious beliefs. All of the currently available COVID-19 vaccines used cell lines originating from aborted children in their manufacturing or testing.

As a Christian, I believe that life begins at conception and ends at natural death.

According to Jeremiah 1:4 – 5 (“The word of the Lord came to me, saying, ‘Before I formed you in the womb I knew you, before you were born I sanctified you; I ordained you a prophet to the nations.’”), God knows us before we are conceived. God created us, human, while we were yet in the womb according to Psalm 139:13 – 16 (“For you created my inmost being; you knit me together in my mother’s womb... Your eyes saw my unformed body; all the days ordained for me were written in your book before one of them came to be.”).

The Christian Church has condemned the killing of humans while in the womb from early times. Tertullian, in his *Apologeticum*, written in 197 AD, wrote: “Murder being once for all forbidden, we [Christians] may not destroy even the fetus in the womb, ...” The *Didache*, a conduct code of the early Christian community, dated by some as 70 AD, states: “[D]o not abort a foetus or kill a child that is born.” Loeb Edition of the *Apostolic Fathers* is also translated as, “Thou shalt not murder a child by abortion nor kill that which is begotten.” *A Plea for Christians*, written around AD 177 by Athenagoras, stated, “[W]e say that those women who use drugs to bring on abortion commit murder, and will have to give an account to God for the abortion.”

I was very active in opposing abortion before joining the military. I participated in the Oklahoma State Capital rally: Protect Life and Marriage (10/25/2015), aimed at influencing legislators to enact pro-life legislation. I participated in the “Justice for All” outreach program, whose mission is to spread evidence how an unborn baby is a life—for which I had training. I was an extra in the movie “Gosnell”, whose purpose was to raise awareness about illegal late-term abortions. I visited the Oklahoma State senate in support of SB1552 (The Heartbeat Bill) in 2016, which would have banned abortions where a heartbeat could be detected. Several times, I volunteered for Dan Fisher’s campaign for governor of Oklahoma (his main goal was the “abolition of abortion”). I also volunteered for [REDACTED] campaign for Oklahoma Senate, who had a main goal also to end abortion. The largest piece of evidence demonstrating my commitment to life and against abortion and anything related is that for 5 years, the [REDACTED] Church youth group and I raised roughly \$7,000 for the “Run For Life” fundraiser which raises money for the Human Coalition, which is a pro-life, non-profit comprehensive care network designed to help rescue children from abortion through community outreach and by providing free alternative services to women seeking an abortion.



My church, [REDACTED] Church, is also staunchly against both abortion and the COVID-19 vaccine. Attached to this letter is a letter from my pastor, [REDACTED] which confirms my church's stance on the issue and my beliefs and actions stated in this letter.

Supporting Covid-19 vaccination is equivalent to supporting abortion. The commonly held belief is that only a few electively aborted babies from the 1960s/70s were collected to form the fetal cell lines used in research and testing, and that these cell lines are immortal. However, testimony from Stanley Plotkin, one of the main developers for the MMR vaccines, shows that many babies were still being aborted in order for the "best" one to be selected for fetal cell line development at the time of his testimony. A link to this testimony is at the bottom of the letter. Fetal cell lines decay over time and are replenished through further abortions. This is all to demonstrate the depth of the practice of continuing abortions in the industry—a practice I would be supporting if I took a vaccine linked to abortion—a practice I cannot support.

There are ways, other than abortion, for researchers to obtain cell lines, including from healthy adults. Although a single murder linked to the vaccine would be enough for me to object to it, I personally believe that the abortion market continues to flourish, in part, because of our support and approval, even in ignorance, of this aspect of certain vaccines by promoting and taking these vaccines—including the COVID-19 vaccines. John Piper, a prominent Christian pastor and thought leader, echoes these sentiments in his article titled "Can I Take A Vaccine Made from Aborted Babies?," stating, "If we really believe that the killing of unborn children is abhorrent to God and falls into the category of the shedding of innocent blood, for which God's judgement fell, we should not think of turning this wickedness into a wonder drug to save our lives. We should not do evil that good may come... God frequently, in the Bible, calls us to do things and avoid things that are very costly to us personally in order to demonstrate that Christ and his ways are more precious to us than safety or security or comfort." Although other Christian leaders, committed opponents of abortion themselves, have reached different conclusions, I have concluded that Mr. Piper's position is most consistent with scripture and, thus, most accurately reflects my personally held beliefs.

Hence, it is my sincerely held religious belief that abortion is murder, a violation of one of the Ten Commandments ("You shall not murder." Exodus 20:13). For that reason, it would be a violation of my religious beliefs for me to cooperate with or be complicit in abortion in any way. In being vaccinated with any of the currently available COVID-19 vaccines, I would be supporting abortion—the ending of an innocent human life—and such would constitute a sin against God, for which I would be held morally accountable by God.

I anticipate the question: "If you are this ardently against abortion and products linked to abortion, then why did you take the MMR vaccine, which also contains fetal cell lines?" I have a question in response: "How would I have known?" I did not know that the MMR vaccine contained fetal cell lines until Maj. Arnell told me in August of 2021, well after I had already taken the vaccine. Abortion being such a politically hot topic, I had assumed both that required vaccinations would be free from links to abortion and that the medical industry would give you a warning if any medication or vaccination had such links. I have provided *ample* personal evidence proving my dedication to life, against abortion, and, thus, proving I would not have taken the MMR vaccine had I been aware of its link to abortion.

For that reason, I am requesting a religious accommodation, under AFD 52-2 and any similar Air Force publications that will excuse me from having to receive a COVID-19 vaccine.

Thank you for your consideration.

Sincerely,

████████████████████

9/21/2021



## Summary of Evidence/Resources

**Link to John Piper article detailing with scripture references why Christians should not morally participate in an unethically created vaccine.**

<https://www.desiringgod.org/interviews/can-i-take-a-vaccine-made-from-aborted-babies>

**Links to video testimony of Stanley Plotkin, creator of the rubella component of the MMR vaccine.**

<https://www.youtube.com/watch?v=N16LWcGGm7I> (9-min Clip)

<https://www.youtube.com/watch?v=ZS0cYAFs2ps> (Full 9 Hour Video)

<https://www.youtube.com/watch?v=rGDNsqk0KR0> (1 Hour Clip) **Evidence for Walvax-2**

### **Evidence for Fetal Cell Line involvement in the development, research, and testing of Covid-19 vaccinations:**

### BioNTech and Pfizer, Tested on HEK-293

<https://www.biorxiv.org/content/10.1101/2020.09.08.280818v1.full.pdf>

<https://www.nebraskamed.com/COVID/you-asked-we-answered-do-the-covid-19-vaccines-contain-aborted-fetal-cells>

***AstraZeneca, Vaccine candidate: ChAdOx1 and AZD1222, Uses HEK-293 cells and MRC-5 cells***

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5516308/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3396660/>

***Moderna And NIAID, mRNA-1273, Uses HEK 293 aborted fetal cells in design, development, protein production and testing***

<https://www.nejm.org/doi/full/10.1056/NEJMoa2022483>

<https://www.nature.com/articles/s41586-020-2622-0> <http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fmetahtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=10,583,203.PN.&OS=PN/10,583,203&RS=PN/10,583,203>

<https://www.biocentury.com/article/304254/moderna-novavax-among-biotechs-working-on-novel-virus-but-vaccine-at-least-a-year-out>

<https://science.sciencemag.org/content/367/6483/1260.full>

<https://cogforlife.org/2020/11/16/moderna-covid-19-vaccine-facts-not-fiction/>

***Johnson & Johnson/Janssen Tech. Ad-Vac, Uses aborted fetal PER C6***

[https://www.inj.com/johnson-johnson-announces-a-lead-vaccine-candidate-for-covid-19-](https://www.inj.com/johnson-johnson-announces-a-lead-vaccine-candidate-for-covid-19)

landmark-new-partnership-with-u-s- department-of-health-human-services-and-commitment-to-supply-one-billion-vaccines-worldwide-for-emergency-pandemic-use

<https://www.janssen.com/infectious-diseases-and-vaccines/patented-technologies> Johnson & Johnson/Emergent Biosolutions [https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-signs-agreement-be-us-manufacturing?field\\_nir\\_news\\_date\\_value\[min](https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-signs-agreement-be-us-manufacturing?field_nir_news_date_value[min)



September 12, 2021

**Pastor Verification:**

I was contacted recently by [REDACTED] and asked to provide a letter of verification attesting to his long held Christian beliefs and convictions relating to the COVID vaccines currently being mandated. This letter is in response to that request.

I have been [REDACTED]'s pastor since 2008 when he and his family started attending [REDACTED] Church. He was 6 years old at that time. He was baptized into the faith in my church a few years later. He attended church multiple times a week (Sundays and Wednesdays) faithfully and consistently through completion of high school, at which time he left Oklahoma to attend college. Through his high school years, he was one of my student Sunday School leaders. During his high school years, [REDACTED] consistently participated in and worked charity drives for crisis pregnancy centers and participated in several protests that took place at our capital against abortion. [REDACTED] is a Christian man through and through, and I am proud of the man he has become.

[REDACTED] is a Christian who believes in the Holy Scripture, which teaches that:

*"Know ye not that ye are the temple of God, and that the Spirit of God dwelleth in you? If any man defile the temple of God, him shall God destroy; for the temple of God is holy, which temple ye are. ...What? know ye not that your body is the temple of the Holy Ghost which is in you, which ye have of God, and ye are not your own?"*  
I Corinthians 3:16-17, 6:19 (KJV).

As stated above, he also believes that he should not support abortion. He believes abortion is a sin against God. It is the murder of another life.

Accordingly, he believes, pursuant to his Christian faith, that he will not support anything that may be a part of using an aborted baby or their cells in any way shape or form in the developing of this vaccine. He believes that his body is a temple of the Holy Spirit. It is a God-given responsibility and requirement for him to protect the physical integrity of his body against potentially unclean food and injections.

The broad prohibition against consuming anything that might "defile" the body, and hence the conscience, is stated again in I Corinthians 8:7: "Howbeit there is not in every man that knowledge: for some with conscience of the idol unto this hour eat it as a thing offered unto an idol; and their conscience being weak is defiled". In 2 Corinthians 7:1, there additionally is this admonition against defiling the flesh and the spirit: "Having therefore these promises, dearly beloved, let us cleanse ourselves from all filthiness of the flesh and spirit, perfecting holiness in the fear of God."

This mandated vaccine, with its numerous additives and its novel mechanism for altering his body, is the equivalent of a prohibited "unclean food" contrary to his faith. This vaccine is what non-kosher food is to orthodox Jews, and no one requires anyone in the United States to consume a substance contrary to his or her faith.

[REDACTED] has told me that based on his knowledge of the issues, and much prayer that he might discern truth from error, the Holy Spirit and his religious conviction is not allowing him to accept the COVID shot. He believes that if he were to do so, he would be sinning against our living God. Our church supports him as he follows the leading of the Holy Spirit and supports his request for a religious exemption.

Sincerely

Pastor [REDACTED]



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE ACADEMY

DEC 22 2021

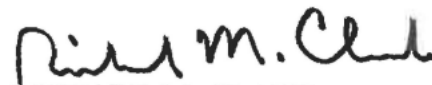
MEMORANDUM FOR C4C [REDACTED]

FROM: USAFA/CC

SUBJECT: Decision Regarding Religious Accommodation Request – C4C [REDACTED]

1. I have received your request for religious accommodation to be exempt from the following Air Force immunization requirements: COVID-19
2. After careful consideration of the specific facts and circumstances, I disapprove your request for the enumerated immunizations requirements listed above in paragraph 1.
3. My disapproval is due to the compelling governmental interest of mission accomplishment, including military readiness, unit cohesion, good order and discipline, and the health and safety of all cadets. COVID-19 continues to have a real, not theoretical, adverse impact on these compelling government interests, and as the Superintendent, I have a responsibility to protect the health and safety of the member and the unit to the best of my ability.
  - a. USAFA's mission is "To educate, train and inspire men and women to become officers of character motivated to lead the United States Air Force and Space Force in service to our Nation." These mission requirements cannot be fully accomplished without frequent exposure to other people. Specifically, academic and military training cannot be accomplished via telework or with adequate distancing.
  - b. As a USAFA cadet, you live in close quarters with other cadets and interact with numerous cadets, faculty members, and permanent party on a daily basis. Remaining unvaccinated poses a threat to all exposed. Due to the elevated transmission levels in unvaccinated individuals, the level of exposure risk substantially increases, putting cadets and permanent party members at unnecessary risk of contracting COVID-19.
  - c. Additionally, unvaccinated individuals are more likely to become severely ill and are more likely to miss class and military training while ill or in quarantine or isolation. Cadets who remain unvaccinated are unable to perform the mission at USAFA. This places additional stress on vaccinated members and impacts mission accomplishment. As a result, unit cohesion and morale are affected, as the entire USAFA population is unable to fully move forward to a more "normal" operating environment free from stringent COVID-19 risk measurements.
4. Finally, the COVID-19 vaccine is the single most effective tool in protecting the health and safety of each member and unit. It is also the least restrictive means available to accomplish the compelling government interest and mitigate the risk to military readiness, unit cohesion, good order and discipline, health, and safety. Other measures, including masking and testing, do not provide comparable protection to you and those with in-person contact.

5. Upon receipt of this denial of this religious exemption request, you have five (5) calendar days to do one of the following: 1) Begin a COVID-19 vaccination regimen, or 2) Provide your written appeal request to your Air Officer Commanding.
6. Upon receipt of this memorandum, you have five (5) calendar days to do one of the following: 1) Begin a COVID-19 vaccination regimen, or 2) Provide your written appeal request to your Air Officer Commanding.
7. If you choose to appeal, your Commanding Officer will route your appeal to the Air Force Surgeon General for a final decision. If a final appeal is denied, you will have five (5) calendar days from notice of denial to begin the COVID-19 vaccination regimen. Otherwise, you will be subject to initiation of administrative discharge.
8. My point of contact for this action is the Cadet Wing Director of Staff, Ms. Kate Russell, who can be reached at 719-333-0615.

  
RICHARD M. CLARK  
Lieutenant General, USAF  
Superintendent

1st Ind, C4C [REDACTED]

MEMORANDUM FOR AOC, CS-22

1. I acknowledge receipt on \_\_\_\_\_ (DATE).
2. I intend to (pick one):
  - a. \_\_\_\_\_ Begin a COVID-19 vaccination regimen.
  - b. \_\_\_\_\_ Provide my written appeal request to my Air Officer Commanding.

[REDACTED] C4C, USAF

cc: USAFA HQ/HC





DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE ACADEMY

7 Jan 22

MEMORANDUM FOR CS-22 AOC

FROM: C4C [REDACTED]

SUBJECT: COVID-19 Religious Accommodation Request Appeal

1. I am requesting a religious exemption to the Covid-19 vaccine mandate.

Full Name: [REDACTED]  
Grade (Rank): Cadet Fourth Class  
SSN: [REDACTED]  
Unit: Cadet Squadron 22, USAFA  
Specialty Code: N/A (Cadet)  
Faith Group/Religious Affiliation: Christian

2. I am a deeply committed Christian. As such, I believe that life begins at conception and ends at natural death. I cannot receive a Covid-19 vaccine because all of the currently available Covid-19 vaccines used cell lines originating from aborted children in their manufacturing or testing.

3. Supporting Covid-19 vaccination is equivalent to supporting abortion. It is my sincerely held religious belief that abortion is murder, a violation of one of the Ten Commandments ("You shall not murder." Exodus 20:13). For that reason, it would be a violation of my religious beliefs for me to cooperate with or be complicit in abortion in any way. In being vaccinated with any of the currently available Covid-19 vaccines, I would be supporting abortion—the ending of an innocent human life—and such would constitute a sin against God, for which I would be held morally accountable by God.

4. Chaplain Rafael Lantigua, after the religious accommodation chaplain interview, wrote: "It is my recommendation that C4C [REDACTED] religious accommodation request be approved."

5. On 2 JAN 2021, I received a Memorandum denying my religious accommodation request. ("USAFA/CC Memorandum"). The USAFA/CC Memorandum gave no reasoning that pertained specifically to my situation. In comparing my memorandum to another cadet who received a

rejection, I learned that the USAFA/CC Memorandum was *identical*, leading to the conclusion that my situation was never considered individually.

6. Court precedent in *Navy SEALs v. Biden* says that the governmental interest pertaining to Covid-19 vaccination is not compelling enough to warrant the substantial burden it places on religious beliefs. U.S. District Court Judge Reed O'Connor wrote:

“The Navy servicemembers in this case seek to vindicate the very freedoms they have sacrificed so much to protect. The COVID-19 pandemic provides the government no license to abrogate those freedoms. There is no COVID-19 exception to the First Amendment. There is no military exclusion from our Constitution.”

Judge O'Connor found that the boilerplate reasoning given throughout the DoD for denial of religious accommodation to the Covid-19 vaccination mandate was not compelling.

7. The USAFA/CC Memorandum cited the need for “mission accomplishment” defined as “military readiness, unit cohesion, good order and discipline, and the health and safety of all cadets” for the initial denial of my accommodation to the Covid-19 vaccine mandate. The government interest is not compelling enough to warrant the burden this order places on me due to my religious beliefs and will not affect mission accomplishment, as cited, for the following reasons:

- a. The USAFA/CC Memorandum states that “mission requirements cannot be fully accomplished without frequent exposure to other people.” This claim is not supported by data. Since May of 2020, USAFA’s mission has been accomplished, preceding a vaccination, and everyone at the Academy has survived Covid-19, just as everyone has survived other common endemic illnesses. Certainly, no one has died as a result of Covid-19. It is expected that people will get other sicknesses, for which they will be out on sick leave during their time at the Academy. Flu and other sicknesses periodically appear. The mission still gets accomplished. In the case of COVID-19 since July of 2020, mission accomplishment was not affected by unvaccinated cadets.
- b. The USAFA/CC Memorandum states “Cadets that remain unvaccinated are unable to perform the mission at USAFA. This places additional stress on vaccinated members and impacts mission accomplishment. As a result, unit cohesion and morale are affected.” The data does not support this assertion. Since March 2020, unvaccinated cadets have been able to perform the mission at USAFA. I have performed my duties and contributed to the mission at USAFA safely while being unvaccinated, which is confirmed by me being selected by wing leadership to receive the “Outstanding C4C of the Semester” award for the most impactful contribution of my class to the mission at USAFA for the fall semester of 2021. This affirms the fact that, in this current environment, I pose no threat to readiness, while unvaccinated, and will fully and successfully contribute to mission accomplishment.

- c. Maj. Gen. Taliaferro, Joint Chiefs of Staff Vice Director for Operations, testified on 17 Feb 2021 saying that military readiness has been retained throughout the pandemic regardless of vaccination status.

Representative Rogers, Homeland Security Committee Ranking Member: “What about...Are they deployable? If somebody is not vaccinated, is that individual deployable?”

Maj. Gen. Taliaferro: “So, Ranking Member, we have...the services and combatant commands have worked very hard over the last year to make sure that we can operate in a COVID environment before vaccinations were available. The addition of the vaccine should make us more capable in that environment, but we’ve already demonstrated over the last year that we’re fully capable of operating in a COVID environment.”

Representative Rogers: “So, I take that to mean yes, they’re deployable even if they have not been vaccinated?”

Maj Gen Taliaferro: “Yes, Sir.”

See (<https://www.congress.gov/event/117th-congress/house-event/LC67483/text?s=1&r=75>).

- d. No evidence was cited as to how or why good order and discipline would be affected by me remaining unvaccinated.
- e. Goals pertaining to immunization have already been met. Over 95% of USAFA has been vaccinated, exceeding NIH thresholds to achieve herd immunity.
- f. The USAFA/CC Memorandum ignores the AY 21-22 CADET WING COVID-19 ROEs (“ROEs”) guidance, which treats vaccinated and unvaccinated virtually identically for purposes of mission accomplishment. The ROEs were last updated 5 Jan 22. See <https://www.usafa.edu/app/uploads/CW-COVID-ROE-5-Jan-22.pdf>. The ROEs provide that:
- i. **“If you test positive for COVID-19 (everyone, regardless of vaccination status):”**
    - “Isolate for at least 5 days, at that time you may be released from isolation if asymptomatic or significantly improved”
    - “After release, continue to wear a mask at all times for 5 additional days”
  - ii. **“If you were exposed to someone with COVID-19 (w/in 6’ for >15 minutes in a 24 hr period): Boosted, or completed primary Pfizer/ Moderna series within the last 6 months, or completed primary J&J series within the last 2 months:”**
    - “Wear a mask around others for 10 days”
    - “Test on day 5 or sooner if you develop symptoms”

- iii. **“NOT boosted AND completed primary Pfizer/Moderna series over 6 months ago, OR NOT boosted AND completed primary J&J series over 2 months ago, OR unvaccinated:”**
- “Quarantine for 5 days and continue to wear a mask around others for an additional 5 days”
  - “Test on day 5 or sooner if you develop symptoms”
- g. Thus, the USAFA ROEs provide that if a Cadet is “**unvaccinated**,” then that individual does the exact same thing that those Cadets who are vaccinated (and who nevertheless come down with COVID, despite being vaccinated) are required to do – “isolate” or “quarantine” for “5 days” and “continue to wear a mask” for an additional “5 days,” or “10 days.” These requirements do not represent an undue hardship on mission accomplishment; or a negative impact on good order and discipline, or unit cohesion; nor do they cause stress to other cadets. Moreover, they do not impact academic readiness, based on remote learning capabilities.
- h. The USAFA/CC Memorandum states “Remaining unvaccinated poses a threat to all exposed.” On January 6, 2021, USAFA Commandant of Cadets, Brigadier General Paul Moga announced, regarding USAFA’s posturing for the Omicron variant, “there is very little danger to the force.” Department of the Air Force (DAF) COVID-19 Statistics for Dec. 21, 2021 (<https://www.af.mil/News/Article-Display/Article/2831845/daf-covid-19-statistics-dec-21-2021/>) report 45,431 recovered military cases, with six (6) unrecovered military cases resulting in death. **Thus, the fatality rate among USAF military personnel is 0.013%; compared with a survival rate of 99.987%.**
- i. Every reason given for the disapproval has been listed here and disproven. Mission accomplishment has not and will not be affected by unvaccinated cadets.
8. If you have any questions, I can be reached at [REDACTED]

[REDACTED] Digitally signed by [REDACTED]  
 [REDACTED]  
 Date: 2022.03.30 22:02:01 -07'00'  
 [REDACTED] C4C, USAF  
 IT Airman, CS 22





DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE  
WASHINGTON DC

MAR 13 2022

MEMORANDUM FOR CADET FOURTH CLASS [REDACTED]

FROM: HQ USAF/SG  
1780 Air Force Pentagon  
Washington, DC 20330-1780

SUBJECT: Decision on Religious Accommodation Appeal

Your final appeal is denied. In accordance with Department of the Air Force Instruction (DAFI) 52-201, *Religious Freedom in the Department of the Air Force*, paragraph 3.2, I have carefully reviewed your request for religious accommodation, specifically for an exemption from the COVID-19 immunization.

The Department of the Air Force has a compelling government interest in requiring you to comply with the requirement for the COVID-19 immunization because preventing the spread of disease among the force is vital to mission accomplishment. In light of your circumstances, your present duty assignment requires intermittent to frequent contact with others and is not fully achievable via telework or with adequate distancing. Your student (trainee) status also requires frequent contact and immersion with multiple individuals, which would significantly impact training accomplishment if you, your instructors, or your fellow trainees were exposed or actively infected. We must be able to leverage our forces on short notice as evidenced by recent worldwide events. Your health status as a non-immunized individual in this dynamic environment, and aggregated with other non-immunized individuals in steady state operations, would place health and safety, unit cohesion, and readiness at risk. Foregoing the above immunization requirement would have a real adverse impact on military readiness and public health and safety. There are no less restrictive means available in your circumstance as effective as receiving the above immunization in furthering these compelling government interests.

A copy of this decision memorandum will be placed in your automated personnel records. Please contact your unit leadership for questions or concerns.

Monday COB

Handwritten signature of Robert I. Miller in cursive.  
ROBERT I. MILLER  
Lieutenant General, USAF, MC, SFS  
Surgeon General





DEPARTMENT OF THE AIR FORCE  
CADET SQUADRON TWENTY-TWO  
USAF ACADEMY COLORADO

30 March 2022

MEMORANDUM FOR CADET FOURTH CLASS THOMAS M. BLALOCK

FROM: MAJ ALYSSA S. TETRAULT

SUBJECT: Order to Comply with Vaccine Mandate – C4C [REDACTED]

1. Your appeal for religious accommodation from the COVID-19 vaccination was denied by the Air Force Surgeon General. That decision is final. Therefore, in accordance with the Secretary of the Air Force memorandum of 7 December 2021, "Supplemental Coronavirus Disease 2019 Vaccination Policy," I am ordering you to do one of the following within five (5) calendar days upon receipt of this memorandum:

- a. Begin a COVID-19 vaccination regimen; or
- b. Submit a Form 34 to voluntarily resign from USAFA.

2. If you do not provide proof to me within five (5) calendar days that you have taken one of these two actions, you will be in violation of this order and of Article 90, Uniform Code of Military Justice. This will result in disciplinary action, and you will be subject to initiation of administrative separation as required by the Secretary of the Air Force memorandum referenced above.

3. If you have questions about the COVID-19 vaccination or to schedule your vaccination regimen, please contact 10th Medical Group Public Health at (719) 333-9443 or via email at [usaf.usafa.10-mdg.mbx.public-health@mail.mil](mailto:usaf.usafa.10-mdg.mbx.public-health@mail.mil).

4. My point of contact for this action is MSgt Van Emerson Salgado who can be reached at 719-685-6231.

*Alyssa S. Tetrault*  
ALYSSA S. TETRAULT, Maj, USAF  
Commander, Cadet Squadron 22

1st Ind to MAJ ALYSSA S. TETRAULT, 13 Mar 2022, Order to Comply with Vaccine  
Mandate – C4C THOMAS M. [REDACTED]

C4C [REDACTED]

MEMORANDUM FOR MAJ TETRAULT, CS-22

I acknowledge receipt on 30 March, 2022 (DATE) and understand that I have until  
4 April, 2022 (DATE +5 calendar days) to either submit a voluntary resignation or  
show proof of COVID-19 vaccination.

[REDACTED]  
[REDACTED] C4C


2nd Ind, C4C [REDACTED]

MEMORANDUM FOR MAJ TETRAULT, CS-22

I have taken the following action, and have attached proof of such action to this indorsement:  
(Initial)

1. \_\_\_\_\_ Began a COVID-19 vaccination regimen.
2. \_\_\_\_\_ Submitted a Form 34 to voluntarily resign from USAFA
3. \_\_\_\_\_ Failed to comply.

[REDACTED] C4C

BUILD  INSPIRE



Last Update:  
5 Jan 22

## AY 21-22 CADET WING COVID-19 ROEs

### Masks & Distancing

- **Only solid black masks** will be worn in uniform
- Masks **required** indoors at all times on base including while on mass transit vehicles (buses/planes/etc.), except when eating.

#### On-base Exception for Dorm Living Areas

- Mask wear not required w/ roommate(s) within assigned dorm room

#### Off-Base

- Adhere to local/state guidance

### Travel Guidance

#### General Guidance

- Travelers are required to research any state/local restrictions prior to requesting travel
- Higher approval levels may be required for specific locations (from DoD, FCG, etc.)

#### Individual Travel (outside of Colorado)

- IAW CS&D (50 States) and Foreign Clearance Guide (OCONUS)

### Q&I Operations

- Squadrons are now responsible for managing own Q&I operations
- See Squadron Q&I Guidance for further information

### Q&I Requirements

**If you test positive for COVID-19 (everyone, regardless of vaccination status):**

- Isolate for at least 5 days, at that time you may be released from isolation if asymptomatic or significantly improved
- After release, continue to wear a mask at all times for 5 additional days

**If you were exposed to someone with COVID-19 (w/in 6' for >15 minutes in a 24 hr period):**

**Boosted, or completed primary Pfizer/Moderna series within the last 6 months, or completed primary J&J series within the last 2 months:**

- Wear a mask around others for 10 days
- Test on day 5 or sooner if you develop symptoms

**NOT boosted AND completed primary Pfizer/Moderna series over 6 months ago, OR NOT boosted AND completed primary J&J series over 2 months ago, OR unvaccinated:**

- Quarantine for 5 days and continue to wear a mask around others for an additional 5 days
- Test on day 5 or sooner if you develop symptoms

Last Update:  
5 Jan 22

# Attachment 1: CW COVID Response Phases

	<b>Phase 0</b> <b>Baseline COVID Ops</b>	<b>Phase 1</b> <b>Baseline COVID Ops</b>	<b>Phase 2</b> <b>Limit Exposure</b>	<b>Phase 3</b> <b>Limit Exposure</b>	<b>Phase 4</b> <b>Msn-Essential Interactions</b>	<b>Phase 5</b> <b>Reset</b>
<b>Passes/ Gen. Info</b>	<ul style="list-style-type: none"> <li>Day Passes: permitted</li> <li>Restaurants: IAW local guidance</li> <li>Sponsor Visits: permitted</li> <li>Overnights: permitted</li> </ul>	<ul style="list-style-type: none"> <li>Day Passes: permitted</li> <li>Restaurants: IAW local guidance</li> <li>Sponsor Visits: permitted</li> <li>Overnights: permitted (AOC)</li> </ul>	<ul style="list-style-type: none"> <li>Day Passes: permitted (AOC approval beyond CS&amp;D local area)</li> <li>Restaurants: IAW local guidance</li> <li>Sponsor Visits: permitted</li> <li>Overnights: via ETP only (AOC)</li> </ul>	<ul style="list-style-type: none"> <li>Day Passes: permitted in local area or to ski/snowboard (AOC)</li> <li>Restaurants: drive-thru/takeout only</li> <li>Sponsor Visits: not permitted</li> <li>Overnights: via ETP only (AOC)</li> </ul>	<ul style="list-style-type: none"> <li>General Guidance: remain on base; minimize non-essential interactions</li> <li>Passes: necessities only (AOC)</li> <li>Restaurants: drive-thru/takeout only</li> <li>Sponsor Visits: not permitted</li> <li>Overnights: via ETP only (GAOC)</li> </ul>	<ul style="list-style-type: none"> <li>General Guidance: remain on base; minimize contact beyond roommate(s)</li> <li>Passes: necessities only (AOC)</li> <li>Restaurants: drive-thru/takeout only (individual/roommates pickup for sq)</li> <li>Overnights: via ETP only (Comm)</li> </ul>
<b>Facilities</b>	<ul style="list-style-type: none"> <li>Base FSS facilities: open</li> <li>Commissary/BX/Shoppette: open</li> <li>Haps: open</li> <li>A-Hall Food Court: open</li> <li>CFC/Pool: open</li> <li>Library/QRC: open</li> <li>C-Store: open</li> <li>Barber Shops: open</li> <li>Mailroom: open</li> </ul>	<ul style="list-style-type: none"> <li>Base FSS facilities: open</li> <li>Commissary/BX/Shoppette: open</li> <li>Haps: open</li> <li>A-Hall Food Court: open</li> <li>CFC/Pool: open</li> <li>Library/QRC: open</li> <li>C-Store: open</li> <li>Barber Shops: open</li> <li>Mailroom: open</li> </ul>	<ul style="list-style-type: none"> <li>Base FSS facilities: open</li> <li>Commissary/BX/Shoppette: open</li> <li>Haps: open</li> <li>A-Hall Food Court: open</li> <li>CFC/Pool: open</li> <li>Library/QRC: open</li> <li>C-Store: open</li> <li>Barber Shops: open</li> <li>Mailroom: open</li> </ul>	<ul style="list-style-type: none"> <li>Base FSS facilities: open</li> <li>Commissary/BX/Shoppette: open</li> <li>Haps: open (reduced capacity)</li> <li>A-Hall Food Court: open</li> <li>CFC/Pool: open</li> <li>Library/QRC: open</li> <li>C-Store: open</li> <li>Barber Shops: open</li> <li>Mailroom: open</li> </ul>	<ul style="list-style-type: none"> <li>Base FSS facilities: limited (outdoor activities separate from non-cadets)</li> <li>Commissary/BX: necessities only</li> <li>Shoppette: gas only</li> <li>Haps: closed</li> <li>A-Hall Food Court: takeout only</li> <li>CFC/Pool: open (reduced capacity)</li> <li>Library/QRC: open</li> <li>C-Store: open</li> <li>Barber Shops: open</li> <li>Mailroom: open</li> </ul>	<ul style="list-style-type: none"> <li>Base FSS facilities: limited (outdoor activities separate from non-cadets)</li> <li>Commissary: cadet-only sq windows</li> <li>BX/Shoppette: gas only</li> <li>Haps: closed</li> <li>A-Hall Food Court: takeout only</li> <li>CFC/Pool: open (individual only)</li> <li>Library/QRC: open</li> <li>C-Store: open</li> <li>Barber Shops: open</li> <li>Mailroom: open</li> </ul>
<b>Activities</b>	<ul style="list-style-type: none"> <li>Clubs: IAW Comm's Policy Memo</li> <li>Knowledge Bowls: permitted</li> <li>Intramurals: permitted</li> <li>Unit PT: permitted</li> <li>DDT: permitted</li> <li>NMF/Retreat: permitted</li> <li>AMI/SAMI/PAI: permitted</li> <li>CE/C&amp;L/Honor: permitted</li> <li>Religious Services: on/off base permitted</li> <li>Running/hiking/biking: on/off base permitted</li> <li>Unvaccinated Cadets May Not Travel for Official Business</li> </ul>	<ul style="list-style-type: none"> <li>Clubs: IAW Comm's Policy Memo</li> <li>Knowledge Bowls: permitted</li> <li>Intramurals: permitted</li> <li>Unit PT: permitted</li> <li>DDT: permitted</li> <li>NMF/Retreat: permitted</li> <li>AMI/SAMI/PAI: permitted</li> <li>CE/C&amp;L/Honor: permitted</li> <li>Religious Services: on/off base permitted</li> <li>Running/hiking/biking: on/off base permitted</li> <li>Unvaccinated Cadets May Not Travel for Official Business</li> </ul>	<ul style="list-style-type: none"> <li>Clubs: IAW Comm's Policy Memo</li> <li>Knowledge Bowls: permitted (modified)</li> <li>Intramurals: non-contact only</li> <li>Unit PT: permitted</li> <li>DDT: permitted</li> <li>NMF/Retreat: permitted</li> <li>AMI/SAMI/PAI: permitted</li> <li>CE/C&amp;L/Honor: permitted</li> <li>Religious Services: on/off base permitted</li> <li>Running/hiking/biking: on/off base permitted</li> <li>Unvaccinated Cadets May Not Travel for Official Business</li> </ul>	<ul style="list-style-type: none"> <li>Clubs: IAW Comm's Policy Memo</li> <li>Knowledge Bowls: suspended</li> <li>Intramurals: non-contact only</li> <li>Unit PT: max of one flight (distanced)</li> <li>DDT: limited (CWT-approved)</li> <li>NMF/Retreat: permitted</li> <li>AMI/SAMI/PAI: permitted</li> <li>CE/C&amp;L/Honor: max of one sq class year in-person</li> <li>Religious Services: on base (modified); off-base via ETP (GAOC)</li> <li>Running/hiking/biking: on-base permitted (distanced)</li> <li>Unvaccinated Cadets May Not Travel for Official Business</li> </ul>	<ul style="list-style-type: none"> <li>Clubs: virtual only</li> <li>Knowledge Bowls: suspended</li> <li>Intramurals: suspended</li> <li>Unit PT: suspended (individual/roommates only)</li> <li>DDT: virtual only</li> <li>NMF/Retreat: suspended</li> <li>AMI/SAMI/PAI: suspended</li> <li>CE/C&amp;L/Honor: virtual only</li> <li>Religious Services: on-base (modified); off-base via ETP (GAOC)</li> <li>Running/hiking/biking: on-base permitted (distanced)</li> </ul>	<ul style="list-style-type: none"> <li>Clubs: virtual only</li> <li>Knowledge Bowls: suspended</li> <li>Intramurals: suspended</li> <li>Unit PT: suspended (individual/roommates only)</li> <li>DDT: virtual only</li> <li>NMF/Retreat: suspended</li> <li>AMI/SAMI/PAI: suspended</li> <li>CE/C&amp;L/Honor: virtual only</li> <li>Religious Services: virtual only</li> <li>Running/hiking/biking: on-base permitted (alone or with roommate)</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>Visitors to cadet area: permitted, visitors must follow all DoD/USAFA/CW COVID guidance</li> </ul>	<ul style="list-style-type: none"> <li>Visitors to cadet area: not permitted (except ID/badge holders performing mission activities)</li> </ul>	<ul style="list-style-type: none"> <li>Visitors to cadet area: not permitted (except ID/badge holders performing mission activities)</li> </ul>	<ul style="list-style-type: none"> <li>Visitors to cadet area: not permitted</li> </ul>	<ul style="list-style-type: none"> <li>Visitors to cadet area: not permitted</li> </ul>	<ul style="list-style-type: none"> <li>Visitors to cadet area: not permitted</li> </ul>

## NOTES:

- Response phases are for expectations management/transparency; all liberties are subject to change based on USAFA/local conditions
- DF and AD will determine guidance for academic and athletic requirements
- Follow current state/local/base guidance in addition to this chart
- For phases where visitors to the cadet area are permitted, all CS&D visitor guidance must be followed



## DAF COVID-19 Statistics - January 2022



Published Jan. 31, 2022  
Secretary of the Air Force Public Affairs

**WASHINGTON (AFNS) --** Below are current [coronavirus disease 2019](#) statistics for Department of Air Force personnel:

Jan. 25, 2022  
Current as of 2p.m., Jan. 24, 2022

DAF TOTAL STATS*				
	CASES	HOSPITALIZED	RECOVERED	DEATHS
Military	64,924	28	51,776	6
Civilian	18,307	28	15,194	107
Dependents	15,732	6	13,416	8
Contractors	5,018	10	4,396	29
<b>Total</b>	<b>103,981</b>	<b>72</b>	<b>84,782</b>	<b>150</b>

\*These numbers include all of the cases that were reported since our last update on Jan. 18.

DAF TOTAL VACCINATED				
	ACTIVE DUTY	GUARD	RESERVE	TOTAL FORCE
% Partially Vaccinated	0.2%	0.4%	0.5%	0.3%
% Fully Vaccinated	97.5%	92.4%	92.4%	95.7%

DAF APPROVED EXEMPTIONS				
	ACTIVE DUTY	GUARD	RESERVE	TOTAL FORCE
Medical	750	482	338	1,570
Administrative	73	1,672	466	2,211

RELIGIOUS ACCOMMODATION REQUESTS		
	MAJCOM/FLDCOM	DAF/APPEALS
Pending	2,443	355
Approved	0	0

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**EXHIBIT C**



As of Jan. 21, the Air Force has administratively separated 111 active duty Airmen.

\*Civilian statistics are unaccounted for.

\*\*These numbers are subject to change.

**Unvaccinated:** All those who have verbally refused, have not started the vaccination process or are erroneously coded. Does not include those who have approved exemptions.

**Medical:** Medical exemptions are determined individually by the member's medical provider.

**Administrative:** Administrative exemptions are determined individually. For example, if a member obtained a commander-approved submission for separation or retirement by Nov. 1, they are administratively exempt.

**Religious Accommodation:** Religious accommodations are a subset of administrative exemptions and are determined by the MAJCOM/FLDCOM commanders. The DAF has 30 business days (active component in CONUS) to process requests. Appeals are determined by the DAF's Surgeon General with inputs from the chaplain and staff judge advocate. Individuals do not have to get immunized as long as their request is in the process of being decided.

**Personnel Numbers (approximates):**

326,000 Active Component (U.S. Air Force and U.S. Space Force)

107,000 Air National Guard

68,000 Air Force Reserve

501,000 Total Force (Active Duty, Air National Guard and Air Force Reserve)

Jan. 18, 2022

Current as of 2p.m., Jan. 17, 2022

DAF TOTAL STATS*				
	CASES	HOSPITALIZED	RECOVERED	DEATHS
Military	57,095	27	48,667	6
Civilian	16,763	25	14,689	105
Dependents	14,247	5	13,179	8
Contractors	4,671	9	4,301	29
<b>Total</b>	<b>92,776</b>	<b>66</b>	<b>80,836</b>	<b>148</b>

\*These numbers include all of the cases that were reported since our last update on Jan. 11.

DAF TOTAL VACCINATED				
	ACTIVE DUTY	GUARD	RESERVE	TOTAL FORCE
% Partially Vaccinated	0.2%	0.5%	0.5%	0.3%
% Fully Vaccinated	97.5%	92.3%	92.2%	95.7%

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	ACTIVE DUTY	GUARD	RESERVE	TOTAL FORCE
Medical	779	497	336	1,612
Administrative	81	1,714	332	2,127

RELIGIOUS ACCOMMODATION REQUESTS		
	MAJCOM/FLDCOM	DAF/APPEALS
Pending	2,119	222
Approved	0	0
Disapproved	2,623	282

As of Jan. 11, the Air Force has administratively separated 100 active duty Airmen.

\*Civilian statistics are unaccounted for.

\*\*These numbers are subject to change.

**Unvaccinated:** All those who have verbally refused, have not started the vaccination process or are erroneously coded. Does not include those who have approved exemptions.

**Medical:** Medical exemptions are determined individually by the member's medical provider.

**Administrative:** Administrative exemptions are determined individually. For example, if a member obtained a commander-approved submission for separation or retirement by Nov. 1, they are administratively exempt.

**Religious Accommodation:** Religious accommodations are a subset of administrative exemptions and are determined by the MAJCOM/FLDCOM commanders. The DAF has 30 business days (active component in CONUS) to process requests. Appeals are determined by the DAF's Surgeon General with inputs from the chaplain and staff judge advocate. Individuals do not have to get immunized as long as their request is in the process of being decided.

**Personnel Numbers (approximates):**

326,000 Active Component (U.S. Air Force and U.S. Space Force)  
 107,000 Air National Guard  
 68,000 Air Force Reserve  
 501,000 Total Force (Active Duty, Air National Guard and Air Force Reserve)

Jan. 11, 2022

Current as of 2p.m., Jan. 10, 2022

DAF TOTAL STATS*				
	CASES	HOSPITALIZED	RECOVERED	DEATHS
Military	53,426	26	47,299	6
Civilian	16,020	24	14,457	105
Dependents	13,814	5	13,065	8

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Total	87,814	83	79,009	148
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\*These numbers include all of the cases that were reported since our last update on Jan. 4.

DAF TOTAL VACCINATED				
	ACTIVE DUTY	GUARD	RESERVE	TOTAL FORCE
% Partially Vaccinated	0.2%	0.5%	0.6%	0.3%
% Fully Vaccinated	97.5%	92.2%	92%	95.6%

DAF APPROVED EXEMPTIONS				
	ACTIVE DUTY	GUARD	RESERVE	TOTAL FORCE
Medical	808	522	342	1,672
Administrative	84	1,666	344	2,094

RELIGIOUS ACCOMMODATION REQUESTS		
	MAJCOM/FLDCOM	DAF/APPEALS
Pending	2,158	148
Approved	0	0
Disapproved	2,387	248

As of Jan. 11, the Air Force has administratively separated 87 active duty Airmen.

\*Civilian statistics are unaccounted for.

\*\*These numbers are subject to change.

**Unvaccinated:** All those who have verbally refused, have not started the vaccination process or are erroneously coded. Does not include those who have approved exemptions.

**Medical:** Medical exemptions are determined individually by the member's medical provider.

**Administrative:** Administrative exemptions are determined individually. For example, if a member obtained a commander-approved submission for separation or retirement by Nov. 1, they are administratively exempt.

**Religious Accommodation:** Religious accommodations are a subset of administrative exemptions and are determined by the MAJCOM/FLDCOM commanders. The DAF has 30 business days (active component in CONUS) to process requests. Appeals are determined by the DAF's Surgeon General with inputs from the chaplain and staff judge advocate. Individuals do not have to get immunized as long as their request is in the process of being decided.

**Personnel Numbers (approximates):**

326,000 Active Component (U.S. Air Force and U.S. Space Force)

107,000 Air National Guard

68,000 Air Force Reserve

501,000 Total Force (Active Duty, Air National Guard and Air Force Reserve)

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Jan. 4, 2022

Current as of 2p.m., Jan. 3, 2022

DAF TOTAL STATS*				
	CASES	HOSPITALIZED	RECOVERED	DEATHS
Military	49,302	24	46,568	6
Civilian	15,050	23	14,307	105
Dependents	13,371	4	12,921	8
Contractors	4,359	8	4,200	29
<b>Total</b>	<b>82,082</b>	<b>59</b>	<b>77,996</b>	<b>148</b>

\*These numbers include all of the cases that were reported since our last update on Dec. 21.

DAF TOTAL VACCINATED				
	ACTIVE DUTY	GUARD	RESERVE	TOTAL FORCE
% Partially Vaccinated	0.2%	0.7%	0.7%	0.4%
% Fully Vaccinated	97.4%	91.7%	91.6%	95.4%

DAF APPROVED EXEMPTIONS				
	ACTIVE DUTY	GUARD	RESERVE	TOTAL FORCE
Medical	842	574	376	1,792
Administrative	103	1,593	481	2,177

RELIGIOUS ACCOMMODATION REQUESTS		
	MAJCOM/FLDCOM	DAF/APPEALS
Pending	1,824	129
Approved	0	0
Disapproved	2,213	195

\*Civilian statistics are unaccounted for.

\*\*These numbers are subject to change.

**Unvaccinated:** All those who have verbally refused, have not started the vaccination process or are erroneously coded. Does not include those who have approved exemptions.

**Medical:** Medical exemptions are determined individually by the member's medical provider.  
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**Religious Accommodation:** Religious accommodations are a subset of administrative exemptions and are determined by the MAJCOM/FLDCOM commanders. The DAF has 30 business days (active component in CONUS) to process requests. Appeals are determined by the DAF's Surgeon General with inputs from the chaplain and staff judge advocate. Individuals do not have to get immunized as long as their request is in the process of being decided.

**Personnel Numbers (approximates):**

326,000 Active Component (U.S. Air Force and U.S. Space Force)  
 107,000 Air National Guard  
 68,000 Air Force Reserve  
 501,000 Total Force (Active Duty, Air National Guard and Air Force Reserve)

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INSIDE DOD

# HPCON: Understanding Health Protection Condition Levels

MARCH 27, 2020 , DOD NEWS

You have accessed part of a historical collection on defense.gov. Some of the information contained within may be outdated and links may not function. Please contact the [DOD Webmaster](#) with any questions.



The Defense Department is taking action around the globe to keep our service members, civilian employees, contractors and their families safe during the COVID-19 pandemic, all while supporting our continued mission.

**EXHIBIT D**

During many of the public briefings that have been held about the crisis, DOD leaders have often mentioned the acronym “HPCON.” If you’re not sure what that is, here’s your answer.

.....

The DOD has protocol for public health emergencies, and they’re known as health protection conditions – HPCONs. Commanders review and update these HPCONs based on risk levels within a local community and in cooperation with local, state or host nation guidance. Military leaders and public health personnel use them to guide actions taken in response to a health threat.





## **0** ROUTINE No Community Transmission

When the HPCON is 0, or "Routine," maintain your everyday actions to stop the spread of germs:

- Avoid close contact with people who are sick.
- Wash your hands often and for at least 20 seconds with soap and water.
- Cover your cough or sneeze with a tissue, then throw it in the trash. Cough or sneeze into your elbow if tissues are unavailable.
- Avoid touching your eyes, nose and mouth.
- Practice a good diet and exercise.
- Make sure all immunizations are up to date, including your seasonal flu shot.





- Stay home if you are sick, and avoid close contact with family members and pets.
- Create an emergency preparedness kit.
- Create a pet disaster preparedness kit if needed.



When the HPCON is A, or “Alpha,” there’s a limited health alert. Maintain your routine actions but also:

- Routinely clean and disinfect frequently touched objects and surfaces.
- If you’re sick, call your medical provider for instructions on receiving care before going to a clinic or hospital. Make sure your installation is aware of the symptoms of your health threat.
- Stay informed by routinely checking reliable sources of information such as the Centers for Disease Control and Prevention and your local public health agencies.



When the HPCON is B, or “Bravo,” your area is experiencing an increase in community transmissions. Follow the guidelines for the previous HPCONs along with the following:

- Practice social distancing. Avoid unnecessary contact with others, such as shaking hands and hugging.

- Avoid unnecessary travel, especially to areas known to be experiencing active disease transmission.
- Ensure supplies of food, medication and other items needed for babies and pets are available to last at least 14 days.



- Prepare for travel restrictions and cancellation of public gatherings, such as school, religious and other community activities. Make alternative arrangements for childcare.
- Observe local guidance on movement restrictions and access requirements for military installations.
- Seek guidance from employers and unit leaders about changes to work practices (for example, telework) and training events.
- Comply with medical orders for self-isolation or quarantine.

**CHARLIE**

**SUBSTANTIAL**  
Sustained Community Transmission

When the HPCON is C, or “Charlie,” your area is experiencing sustained community transmission. Follow all previous HPCON instructions and:

- Expect cancellation of in-person gatherings (such as school, daycare and all community activities) and restricted ability to travel.
- Plan activities for family members, especially children, in case you are restricted to your home for prolonged time periods.
- Prepare for the potential of limited access to supplies and services, including severely restricted access to military installations.



- Implement remote work procedures as directed by your employer.
- If outside the U.S., authorized or ordered departure actions may be implemented.



When the HPCON is D, or "Delta," your area is experiencing severe, widespread community transmission. Follow all previous HPCON instructions and implement the following:

- Expect to remain at home for extended periods of time as movement in the community may be restricted; at-home isolation or quarantine may be directed.
- Follow all directives and guidance from local, state and federal authorities; they are enacted to protect the health and safety of you and your family.

Regardless of the HPCON level, always follow the guidance from your installation and local public health agencies.

## GOVERNMENT RESOURCES

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[www.coronavirus.gov](https://www.coronavirus.gov) 

[www.cdc.gov/coronavirus](https://www.cdc.gov/coronavirus) 

[www.usa.gov/coronavirus](https://www.usa.gov/coronavirus) 

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