

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

NAVY SEALs 1-3, *et al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN, III in his official capacity as
United States Secretary of Defense, *et al.*,

Defendants.

Case No. 4:21-cv-01236-O

**DEFENDANTS' NOTICE OF ADDITIONAL GUIDANCE REGARDING RESCISSION
OF DOD COVID-19 VACCINATION REQUIREMENT**

Defendants file this notice to inform the Court that on March 7, 2023, the Navy issued NAVADMIN 065/23, taking additional actions to implement the rescission of the DoD COVID-19 vaccination requirement. *See* Ex. 1. Defendants provided a copy of this document to Plaintiffs' counsel at about 10 a.m. (Eastern) today March 7, 2023.

Dated: March 7, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

ALEXANDER K. HAAS
Director, Federal Programs Branch

ANTHONY J. COPPOLINO
Deputy Branch Director
Federal Programs Branch

/s/ Amy E. Powell
ANDREW E. CARMICHAEL (VA Bar. No. 76578)
AMY E. POWELL
Senior Trial Counsel
STUART J. ROBINSON
Senior Counsel
ZACHARY A. AVALLONE
COURTNEY D. ENLOW
LIAM C. HOLLAND

CASSANDRA M. SNYDER
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, DC 20005
Tel: (919) 856-4013
Fax: (202) 616-8470
Email: amy.powell@usdoj.gov

Counsel for Defendants

Exhibit 1

CLASSIFICATION: UNCLASSIFIED//
ROUTINE
R 061627Z MAR 23 MID200080785328U
FM CNO WASHINGTON DC
TO NAVADMIN
INFO CNO WASHINGTON DC
BT
UNCLAS

NAVADMIN 065/23

MSGID/GENADMIN/CNO WASHINGTON DC/N1/MAR//

SUBJ/FOLLOW ON COVID-19 VACCINE RESCISSION ACTIONS//

REF/A/DOC/NDAA-FY23/HR 7900//
REF/B/DOC/SECDEF/10JAN23//
REF/C/MSG/SECNAV/201839ZJAN23//
REF/D/MSG/CNO/112139ZJAN23//
REF/E/MSG/CNO/152142ZFEB23//
REF/F/DOC/DEPSECDEF/24FEB23//
REF/G/DOC/SECNAV/24FEB23//

NARR/REF A IS THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2023.
REF B IS SECDEF MEMO, TITLED RESCISSION OF COVID-19 VACCINATION REQUIREMENT FOR MEMBERS OF THE ARMED FORCES.
REF C IS ALNAV 009/23, RESCISSION OF COVID-19 VACCINATION REQUIREMENT FOR MEMBERS OF THE ARMED FORCES.
REF D IS NAVADMIN 005/23, REMOVAL OF COVID-19 VACCINATION MANDATE.
REF E IS NAVADMIN 038/23, U.S. NAVY COVID-19 STANDARDIZED OPERATIONAL GUIDANCE 8.0.
REF F IS DEPSECDEF MEMO, GUIDANCE FOR IMPLEMENTING RESCISSION OF 24 AUGUST 2021 AND 30 NOVEMBER 2021 CORONAVIRUS DISEASE 2019 VACCINATION REQUIREMENTS FOR MEMBERS OF THE ARMED FORCES.
REF G IS SECNAV MEMO, DEPARTMENT OF THE NAVY ACTIONS TO IMPLEMENT CORONAVIRUS 19 VACCINE RESCISSION.//

RMKS/1. References (a) through (g) rescinded the Navy's COVID-19 vaccine mandate. COVID-19 vaccination is no longer required for Navy Service members, and refusing the COVID-19 vaccine is no longer a basis for separation from the Navy.

2. Reference (d) ended administrative separations based solely on COVID-19 vaccine refusal. Separation processing may continue in cases where there are other reasons for separation.

3. In line with reference (e), COVID-19 vaccination status shall not be a consideration in assessing individual Service member suitability for deployment or other operational assignments. Navy Service members who are unvaccinated against COVID-19 and are approaching, in, or past their assignment window should contact their detailer if not already being processed for their next assignment.

4. Reference (b) directed the military services to cease processing requests and appeals seeking religious accommodation from the COVID-19 vaccine. Such requests and appeals by Navy Service

members are now closed and are considered returned without action. Navy Service members who submitted requests or appeals seeking relief from other mandatory vaccinations along with a COVID-19 vaccine request that have not yet been adjudicated will be contacted individually in line with reference (g).

5. In line with reference (g), the records of currently serving Navy Service members who requested religious accommodation from COVID-19 vaccination are being centrally reviewed to identify and remove any adverse information related to vaccine refusal, should it exist. Other current and former Navy service members may petition the Board for Corrections of Naval Records regarding COVID-19 vaccination related matters.

6. In line with reference (g), selection board precepts will include language that precludes consideration of adverse information regarding COVID-19 vaccine refusal in the case of Service members who submitted religious accommodation requests.

7. Released by Vice Admiral Richard J. Cheeseman, Jr., N1.//

BT

#0001

NNNN

CLASSIFICATION: UNCLASSIFIED//