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MEMORANDUM

From: E. S. Anzano, CAPT
ADJUDICATION AUTHORITY

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To: S. G. Galdamez, Cadet 2/C *Sephin Galdamez* 15 MAR 22
CG Academy

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION FROM THE COAST
GUARD'S COVID-19 VACCINATION MANDATE

- Ref:
- (a) Your memo 1000 of 19 SEP 21
 - (b) ALCOAST 305/21 R 262212Z AUG 21
 - (c) ALCOAST 315/21 R 072247Z SEP 21
 - (d) Military Religious Accommodations, COMDTINST 1000.15 (series)
 - (e) Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases, COMDTINST M6230.4 (series)
 - (f) 42 U.S.C. §§ 2000bb et seq., Religious Freedom Restoration Act of 1993 (RFRA)
 - (g) U.S. Coast Guard Civil Rights Manual, COMDTINST M5350.4 (series)

1. Reference (a) is your request that the Coast Guard accommodate a religious practice so that you will not be required to receive the COVID-19 vaccine, as required by references (b) and (c). I have been delegated the adjudication authority to act on this request by CG-1 pursuant to reference (d). I have carefully reviewed your request in accordance with references (d)-(f). **Your request is denied.**

2. I made this decision after considering your right to free exercise of your religion or religious beliefs and the government's compelling interest in mission accomplishment, to include military readiness; unit cohesion; good order and discipline; and the health and safety of you, the members assigned to your unit and within the Coast Guard, and the public with whom the Coast Guard regularly interacts. I then considered whether requiring you to receive the COVID-19 vaccine is the least restrictive means available to achieve this compelling interest. It was your burden to establish the religious nature and sincerity of your beliefs and that receiving the vaccine would substantially burden your religious belief or practice. For the purpose of this administrative decision, I do not question the sincerity of your religious belief or whether vaccine requirements substantially burden your religious practice. The Coast Guard reserves the opportunity to make these determinations, but I do not need to address them here to resolve your request.

3. I have concluded that there are no lesser restrictive means available other than vaccination to achieve the compelling government interest here. In assessing your request, I considered that the Coast Guard is a military service that must be ready at all times to perform its military and other missions. Your status as a cadet at the Coast Guard Academy makes you a part of this military service. The military nature of the Coast Guard and the readiness obligations of military service suffice to require vaccination.

4. The Coast Guard, of which you are a part, is also unique amongst the military services because of the nature of its missions that include support of the Department of Defense (DoD), homeland security, and non-homeland security missions, specified in law. The Coast Guard's unique nature is relevant when considering whether there are less restrictive means available to achieve the compelling government interest here. In addition to meeting the military readiness demands confronting the DoD military services, the Coast Guard also conducts its missions on a 24 hours/7 days a week basis and must also be prepared to respond to domestic emergencies and interact with not only fellow service members, but also the public. Given the small size of the Coast Guard's work force and geographic dispersion of its units, many of which are small, any impact on the readiness of one Coast Guard unit has cascading effects on the entire Coast Guard. The service is not structured to have multiple layers of coverage that would allow another unit to fill the void left by the impacted unit. And keeping certain members from participating in missions that might interface with the public, or other service members, degrades the mission effectiveness of the entire unit. Moreover, we need as many members as possible, regardless of rating or assignment, to be prepared to deploy without significant notice to meet emergent needs. Further, Coast Guard members have much greater and more frequent interactions with members of the public than our DoD counterparts. As mentioned earlier, the Coast Guard's eleven statutory missions require Coast Guard personnel to regularly and frequently work amongst and with the public. As such, the Coast Guard has an obligation to ensure the safety of both our own personnel, as well as those in the communities we serve or with whom we otherwise interact.

5. I specifically considered that you are a cadet at the U.S. Coast Guard Academy.

a. The Academy's mission. The U.S. Coast Guard Academy provides you as a cadet with an education from one of our nation's top colleges but the Academy's purpose is not limited to an academic education. The mission of the U.S. Coast Guard Academy is to develop cadets into commissioned officers for assignment to Coast Guard operational billets including on cutters and aboard air stations and shore units, through a nearly four year program of military and academic education. The Coast Guard also has a compelling government interest in executing this mission.

b. Cadet assignments upon graduation.

(1) *Cadets are assigned to operational units upon graduation.* Further, the Coast Guard has traditionally assigned Academy graduates to operational units or pipeline flight training, so the Coast Guard can maximize the benefit from the four-year Academy curriculum and best prepare junior officers for follow-on assignments in the service. It is reasonably foreseeable that the requirement for cadet assignment to operational units will exist for your graduating class. It is also reasonably foreseeable that the military's mandatory vaccination efforts against COVID-19 will continue indefinitely and that, to meet medical readiness standards prior to your graduation in 2023, you will be required to be vaccinated against COVID-19. The Coast Guard thus has a compelling government interest in development of cadets who at the end of the four year program will be available for assignment to an operational Coast Guard unit that best fits the mission requirements of the Coast Guard for the duration of your five year commitment to active duty service. There are no lesser forms of restraint available besides vaccination to achieve the Coast Guard's compelling government interest in mission execution and in protecting the health and wellness of its workforce because only vaccination provides the protection against COVID-19 necessary to maintain the Coast Guard's readiness.

(2) *Assigning cadets to non-operational units upon graduation would still require vaccination against COVID-19.* Additionally, assigning all unvaccinated cadets to staff assignments is not viable, because the Coast Guard has a compelling government interest in

prioritizing assignment of newly commissioned officers it has spent four years training to units that conduct operational missions. Such an assignment limitation is compounded by the fact that the Coast Guard anticipates transferring you to one or more new assignments during your active duty commitment. Limiting your potential assignments would unfairly shift the burden of filling stressful, high tempo operational assignments to your future fellow junior officers. Even if the Coast Guard could absorb such permanent restrictions on its assignment flexibility, the Coast Guard has a compelling government interest in maintaining the readiness and deployability of its staff officers for emergency, disaster, and contingency response, and vaccination against COVID-19 is the least restrictive means of achieving that interest. Lesser forms of restraint, like masking, regular testing, and social-distancing, are inadequate in that they do not provide an equal level of protection against COVID-19 as compared to vaccination. You are also risking the safety of others, in that you could unwittingly carry the virus, spread the virus, or both. In other words, only vaccination against COVID-19 achieves the compelling interest in maintaining a surge support force, so a cadet would still need to be vaccinated against COVID-19 even if they were eventually only going to be assigned to staff duty.

c. The unique nature of the Coast Guard Academy. One of the most important aspects of the Academy experience is the mentoring, coaching, and peer relationships built over the four year span. For example, you learn about and build the Coast Guard culture on the field, through conversations, through military training, and studying together. This acculturation does not happen on the computer in the barracks. Remaining distanced from others to avoid spreading disease is not conducive to leadership and officer and personal development. Further, the Academy is a military installation that also houses other Coast Guard commands including Officer Candidate School and the Coast Guard's Leadership Development Center (LDC). The LDC runs courses attended by Coast Guard members from around the entire United States. The Academy and these other units are staffed by active duty military members and civilian employees. This includes civilian employees and contractors who interact closely with cadets while cleaning the barracks where all cadets live and work at the dining facilities, gymnasium, and classrooms which all cadets frequent. It also includes the contractors who provide cadets all of their meals in the one cadet wardroom where the entire corps of cadets congregates multiple times, every duty day. The Coast Guard has a compelling government interest in preserving readiness and mission effectiveness of the Academy, the units aboard the Academy, and Coast Guard units who send members for training at units based on Academy grounds, by protecting the health and safety of cadets, officer candidates, military members, and civilian employees who live, work, and receive training from within the confines of the Academy, from COVID-19. This interest is compounded because Coast Guard members, including those who work at the Academy and its tenant commands (but admittedly not cadets) must be medically ready for Coast Guard operations, worldwide deployment, or short notice surge staffing demands in support of emergency and disaster response efforts. Being unvaccinated against COVID-19 increases the risk that you will spread COVID-19 to other military members assigned on the Coast Guard Academy installation, thereby making them unable to execute their functions on the Academy installation, unavailable to meet emergency surge staffing demands, or both.

d. Summer training. Finally, cadets are required to participate in summer training evolutions, every summer, that increase the potential for close contact amongst each other (including coastal sail training aboard 44' vessels and "Swab Summer" indoctrination), result in assignment aboard active Coast Guard units (including EAGLE cruises, the Cadet Aviation Training Program (CATP), and "First Class Cruise" aboard a Coast Guard cutter), or both. While providing an accommodation which would allow a cadet to miss one or some of these events would seem to be an available lesser form of restraint, missing all or most of them because of a cadet's unvaccinated status would significantly undermine the training program necessary to complete the full course of instruction at the Academy. Therefore, vaccination is

the least form of restraint available to achieve the Coast Guard's compelling government interest in fully training fleet-ready officers for service because granting a religious accommodation to provide relief from the Coast Guard's COVID-19 vaccine mandate would prevent a cadet from participation in necessary summer training and development.

6. Requiring you to be vaccinated against COVID-19 is the least restrictive means of achieving the Coast Guard's compelling government interest in preserving the mission effectiveness of the Academy and its tenant commands.

a. Social distancing measures such as isolation, quarantine, and telework are inadequate to mitigate the spread of COVID-19 because of the nature of the Academy. Academy cadets reside, full time, within the confines of the Academy campus, except for brief periods of liberty, leave, or on temporary summer assignment. Cadets live in a room within the Chase Hall barracks, which are typically shared by at least one other cadet. There are shared restroom facilities. Meals are communal. Cadets attend classes every day of the work week and are required to attend and participate in athletic events and close order military drill and formations as part of their course of instruction. These interactions place cadets inside barracks, dining facilities, offices, classrooms, in gyms, and in other communal locations with insufficient options to consistently maintain compliance with the recommended Centers for Disease Control social distancing guidelines. There is no viable extended teleworking option. Developing leadership skills through in-person interaction with your fellow cadets throughout the day, every day, is a vital component of the cadet experience. In short, the close working and living confines of the Academy environment prevents the Coast Guard from isolating or quarantining cadets away from their shipmates without significant disruption to the course of instruction at the Academy. The close working and living quarters also renders social distancing impracticable as cadets are unable to remain six feet away from their shipmates throughout the day, while completing the Academy development experience.

b. Other safety and risk mitigation measures such as masking are also inadequate due to the nature of the Academy development experience. Wearing masks, washing hands, and practicing other hygienic techniques do not provide the same level of protection against COVID-19 as full vaccination. Relying solely upon these less effective means of protection poses a greater risk to the mission because cadets are significantly more vulnerable to contracting COVID-19 due to the congregate nature of their living and working conditions. The inefficacy of preventative hygiene and masking means your failure to be vaccinated poses a substantial risk to other cadets, officer candidates, military members, and civilian employees.

c. Testing is insufficient to mitigate the risk of COVID-19 due to inaccuracy of rapid antigen tests and the window of time necessary to receive the results of a positive COVID-19 test. By the time you receive your results, there is a high likelihood you would have already exposed other members of the Coast Guard.

6. Ultimately, unvaccinated Coast Guard members place not only themselves at risk, but also hold at risk every other member in the unit and the public. Your inability to practice social distancing at the Academy and the ineffectiveness of other preventative safety measures pose a substantial risk of you contracting or spreading COVID-19. I therefore find that there are no means less restrictive than full vaccination to achieve the Coast Guard's compelling governmental interest because of the conditions under which the Coast Guard and the Academy executes its missions and your role within that execution. **Your request for a religious accommodation to the Coast Guard's COVID-19 vaccine mandate is denied**

7. Your request also raised concerns regarding the need for a medical exemption. I have taken no action on your medical concerns because your arguments for a request for a medical

exemption are not appropriately addressed in a response to a religious accommodation request. You still have the opportunity, if you have not already done so, to submit a request for a medical exemption in accordance with paragraph 2-6 of reference (e).

8. You have 10 business days after receipt of this decision to receive your first dose of a two-dose vaccine or the single dose of a single-dose vaccine.

9. If you wish to appeal this decision, you must do so within 10 business days after receipt of this decision. The appeal authority for this matter is the Assistant Commandant for Human Resources (CG-1) at HQSPolicyandStandards@uscg.mil. The appeal must include the specific basis on which you believe the initial denial was in error.

10. You have the right to file an Equal Opportunity complaint by contacting a Civil Rights Service Provider within 45 calendar days of any denial. For complaint processing, see Chapter 5 of reference (g).

11. If you do not begin the COVID-19 regimen or submit an appeal within 10 business days after the receipt of this decision, you will be in violation of the lawful order in reference (c), as well as any other order that you received from competent authority to become vaccinated against COVID-19, and will be subject to all punitive and administrative consequences for failing to comply.

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