



SECRETARY OF THE ARMY
WASHINGTON

31 JAN 2022

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2022-02 (Personnel Actions for Active Duty Soldiers Who Refuse the COVID-19 Vaccination Order and Accession Requirements for Unvaccinated Individuals)

1. References. See references enclosed.
2. Purpose. This directive establishes personnel policies and procedures for unvaccinated individuals seeking accession into the Army and Soldiers who refuse the novel Coronavirus 2019 (COVID-19) vaccination order.
3. Applicability. This Directive applies to all Soldiers of the Regular Army and Soldiers of the Army National Guard/Army National Guard of the United States and the U.S. Army Reserve when serving on active duty for more than 30 days, pursuant to Title 10, U.S. Code, and Cadets at the United States Military Academy (USMA) and Senior Reserve Officers' Training Corps (SROTC).
4. Policy. Individuals seeking accession into the Army and those Soldiers currently serving must be fully vaccinated against COVID-19.
 - a. The following definitions apply for the purposes of this policy.
 - (1) "fully vaccinated"—defined by the Department of Defense (DoD) in reference 1b
 - (2) "Soldier refusing the vaccine order"—a Soldier in the Regular Army; Soldier in a Reserve component when serving on active duty for more than 30 days pursuant to Title 10, U.S. Code; a cadet at the United States Military Academy (USMA); a cadet candidate at the United States Military Academy Preparatory School (USMAPS); or a Senior Reserve Officers' Training Corps (SROTC) cadet who meets all of the following:
 - (a) has received a lawful order to be fully vaccinated against COVID-19
 - (b) has been provided a reasonable opportunity to receive the COVID-19 vaccination
 - (c) has made a final declination of immunization as instructed in reference 1l
 - (d) does not have a pending or approved medical or administrative exemption (to include religious accommodation)

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b. COVID-19 Vaccine Exemptions. Soldiers may submit requests for medical or administrative exemption from mandatory immunization as enumerated in reference 1c. If a Soldier has a pending exemption request, and final action is taken to deny the exemption, to include any request for appeal, the Soldier will be ordered to receive the COVID-19 vaccination and counseled regarding this directive. If the Soldier refuses the COVID-19 vaccination order, the Soldier will be subject to action as listed in this directive.

c. Involuntary Separation Policy.

(1) Effective immediately, commanders will initiate involuntary administrative separation proceedings for Soldiers who have refused the lawful order to be vaccinated against COVID-19 and who do not have a pending or approved exemption request. Commands will process these separation actions, from initiation to a Soldier's potential discharge, as expeditiously as possible.

(2) Exception. Soldiers who will final out-process for separation/retirement on or before 1 July 2022 or who will separate/retire after 1 July 2022, but will begin transition leave on or before 1 July 2022, will be permitted to execute their separation or retirement without the additional separation processing described elsewhere in this paragraph.

d. Involuntary Separation Procedures. Consistent with reference 1a, all Soldiers, including those in an entry-level status, who are separated for refusing to become vaccinated will be issued either an Honorable or General (under honorable conditions) characterization of service unless additional misconduct warrants separation with an Other than Honorable characterization of service. Unless otherwise noted in this directive, these requests will be processed in accordance with current policy and regulations.

(1) Enlisted Personnel.

(a) Commanders will follow current policy for initiating administrative separation proceedings pursuant to reference 1k. The basis for separation will be for "Commission of a Serious Offense," under paragraph 14–12c of reference 1k. This applies to all enlisted Soldiers, regardless of whether the Soldier is in an entry-level status.

(b) If an enlisted Soldier is subject to an administrative separation action on the basis of refusing the COVID-19 vaccination order, is recommended for retention by an administrative separation board or approved for retention by the separation authority, and remains unvaccinated, the separation authority will reinstate an action for the exercise of Secretarial Plenary Authority under paragraph 15–2 of reference 1k.

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(c) Qualitative Management Program (QMP). If a Regular Army enlisted Soldier is identified for potential denial of continued active duty service under the QMP based solely on adverse information from refusing the COVID-19 vaccination order, the Soldier will not be processed through the QMP. The Soldier's command will initiate involuntary separation for misconduct pursuant to this directive.

(d) Expiration Term of Service (ETS). Commanders are not required to initiate involuntary administrative separation for enlisted personnel who have an ETS date on or before 1 July 2022 when the sole basis for involuntary separation is refusing the COVID-19 vaccination order. Soldiers with an ETS date on or before 1 July 2022 will be allowed to separate in accordance with chapter 4, reference 1k, unless separation on other grounds is warranted.

(2) Commissioned and Warrant Officers.

(a) Commanders will initiate an elimination action under reference 1g. The basis for separation will be for "Misconduct, Moral or Professional Dereliction," under paragraph 4-2b of reference 1g.

(b) Probationary Officers. Involuntary separation for probationary officers will be processed under notification procedures, and the separation authority will be the Deputy Assistant Secretary of the Army (Review Boards) (DASA (RB)). Although the show cause authority (SCA) may provide recommendations on retention or separation, all actions will be processed to the DASA (RB) for final decision.

(c) Non-Probationary Officers. The SCA will close the case, and no further separation-related action is required, if a non-probationary officer has been subject to an elimination action for refusing the COVID-19 vaccination order and a board of inquiry (BOI) determines that the officer should be retained on active duty. If the BOI determines that the officer should be separated, the SCA may provide recommendations on retention or separation, but the case will be processed to the DASA (RB) for final decision.

(d) Unqualified Resignation (UQR). Officers refusing the COVID-19 vaccination order may submit a request for UQR. If submitted within 30 days of the date of this directive, and the request includes a final separation date on or before 1 July 2022, commanders will not initiate involuntary separation on the sole basis of refusing the COVID-19 vaccination order unless the UQR is denied. Qualifying UQRs submitted under this directive may be approved by the Commanding General, U.S. Army Human Resources Command, or other designee, despite the officer being flagged solely for refusing the COVID-19 vaccination order. If an officer has an exemption request that is

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subsequently denied, the officer will have the later of 14 days from final action or 30 days from the date of this directive to submit a UQR. If the UQR is not submitted within 14 days, involuntary separation will be initiated. Once a UQR is submitted, it may not be withdrawn absent a showing of good cause.

e. Retirement.

(1) All officer and enlisted personnel eligible to retire on or before 1 July 2022 will be permitted to retire as soon as practicable through expedited processes in lieu of involuntary separation. Requests for retirement must be submitted no later than 30 days from the date of this directive and include a final separation date no later than 1 July 2022.

(2) Soldiers eligible to retire on or before 1 July 2022, who have a pending exemption request as of the date of this directive, and that exemption request is subsequently denied, will have the later of 14 days from final action or 30 days from the date of this directive to submit a request for retirement. The retirement request must include a final separation date that is on or before the later of either 1 July 2022 or 120 days from final action date on the exemption request.

f. Disability Evaluation System (DES). Officers and enlisted personnel currently being processed through the Medical Evaluation Board/Physical Evaluation Board system pursuant to AR 635-40 will be processed in accordance with current policy and regulations.

g. Compensation, Entitlements and Recoupment.

(1) Soldiers separated will not be eligible for involuntary separation pay and may be subject to termination and recoupment of any unearned special or incentive pays. The effective date of the termination will be the date the commander initiates an involuntary administrative separation for any Soldier who has refused the COVID-19 vaccination order. The Soldier may be required to repay the unearned portion of the pay or benefit in accordance with current policy and regulations.

(2) Unless otherwise prohibited by law or DoD policy, the Secretary of the Army may render a case-by-case determination that the Soldier's repayment of, or the Army's full payment of an unpaid portion of, a pay or benefit is appropriate.

(3) Recoupment against Soldiers and cadets who are disenrolled or separated prior to the completion of their term of service will be processed in accordance with existing policy and regulations.

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h. Evaluation Reports. When a Soldier refuses the order to be vaccinated against COVID-19 during a rating period, without a pending or approved medical or administrative exemption (to include religious accommodation), rating officials will document the refusal in the Soldier's evaluation report consistent with implementing instructions published by the Deputy Chief of Staff, G-1.

i. Permanent Change of Station (PCS). Unvaccinated Soldiers who are pending a medical or administrative exemption (to include religious accommodation) will not PCS. Exceptions may only be approved by the Under Secretary of the Army. These requests will be submitted to the Under Secretary of the Army through the Vice Director of the Army Staff. Further, unvaccinated Soldiers who do not have a pending medical or administrative exemption (to include religious accommodation) remain flagged, and are therefore ineligible to PCS under current Army policies and in accordance with reference 1m.

j. Accessions.

(1) Enlistment into the Army. An enlisted applicant must have an approved pre-accession medical or administrative exemption (to include religious accommodation) or must agree to receive the COVID-19 vaccination on entrance to active duty or active duty for training.

(2) Applicants for a Commissioning Program. Individuals seeking to enter into a cadet contract through the Reserve Officers' Training Corps (ROTC), gain admission as a cadet to USMA, or commission as an officer in the Army must be fully vaccinated against COVID-19 prior to entering into a cadet contract, signing the USMA Form 5-50, or being tendered an appointment as a commissioned officer unless they have an approved pre-accession medical or administrative exemption (to include religious accommodation).

(3) Pre-Commissioning Cadets. Current cadets who refuse the COVID-19 vaccination order, and who do not have a pending or approved medical or administrative exemption (to include religious accommodation), will be processed for disenrollment and separation.

(a) USMA Cadets/USMAPS Cadet Candidates. USMA will follow current policy for initiating administrative separation and disenrollment proceedings for cadets and cadet candidates pursuant to reference 1e, as appropriate. The basis for separation will be "Misconduct."

(b) Army SROTC Cadets. The U.S. Army Cadet Command (USACC) will follow current policy for initiating disenrollment proceedings pursuant to reference 1d, as

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appropriate. The basis for disenrollment will be “Inaptitude for Military Service” under paragraph 3–43(a)(13) of reference 1d.

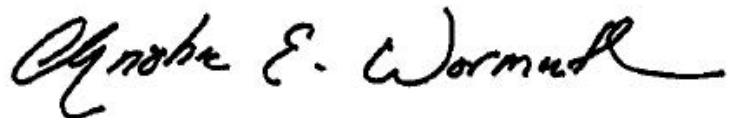
(4) Direct appointment. Prior to accession, applicants must have an approved pre-accession medical or administrative exemption (to include religious accommodation) or must agree to receive the COVID-19 vaccination on entrance to active duty or active duty for training.

(5) In-Service Officer Candidates. In-Service Candidates selected to attend the U.S. Army Officer Candidate School (OCS) must be fully vaccinated against COVID-19 prior to beginning OCS unless issued an approved medical or administrative exemption (to include religious accommodation). OCS candidates who refuse the COVID-19 vaccination order will be removed from OCS under the provisions of reference 1f.

k. The Secretary of the Army continues to withhold the authority to impose non-judicial and judicial actions based solely on vaccine refusal.

5. Proponent. The ASA (M&RA) has oversight of this policy and is authorized to grant exceptions to this directive and to amend the definitions contained in paragraph 4a of this directive. This authority may not be delegated. The Deputy Chief of Staff, G-1, in coordination with the ASA (M&RA), will publish implementing instructions as soon as possible.

6. Duration. This directive is effective unless superseded or otherwise rescinded.



Christine E. Wormuth

Encl

DISTRIBUTION: (see next page)

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REFERENCES

- a. National Defense Authorization Act for Fiscal Year 2022, 27 December 2022
- b. Secretary of Defense memorandum (Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members), 24 August 2021
- c. Army Directive 2021-33 (Approval and Appeal Authorities for Military Medical and Administrative Immunization Exemptions), 24 September 2021
- d. Army Regulation (AR) 145-1 (Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training), 22 July 1996, with rapid action revision, 6 September 2011
- e. AR 150-1 (United States Military Academy Organization, Administration, and Operation), 12 January 2021
- f. AR 350-51 (United States Army Officer Candidate School), 11 June 2001
- g. AR 600-8-24 (Officer Transfers and Discharges), 8 February 2020
- h. AR 600-20 (Army Command Policy), 24 July 2020
- i. AR 623-3 (Evaluation Reporting System), 14 June 2019
- j. AR 635-40 (Disability Evaluation for Retention, Retirement, or Separation), 19 January 2017
- k. AR 635-200 (Active Duty Enlisted Administrative Separations), 28 June 2021
- l. Fragmentary Order 5 to Headquarters, Department of the Army Execution Order (EXORD) 225-21 (COVID-19 Steady State Operations), 14 September 2021, paragraph 3.D.8.B.5.A
- m. Secretary of the Army memorandum (Flagging and Bars to Continued Service of Soldiers Who Refuse the COVID-19 Vaccination Order), 16 November 2021

Enclosure