

Federal Court Issues Temporary Restraining Order Halting Air Force's COVID-19 Vaccine Mandate



A federal court in Ohio on July 14 issued a [nationwide restraining order](#) blocking the United States Air Force from enforcing its military COVID-19 vaccine mandate for two weeks for airmen seeking a religious exemption.

Judge Matthew McFarland ordered the entire Air Force to cease mandatory vaccination of all active-duty and reserve members objecting on religious grounds during which time Frank Kendall III, President Biden's Secretary of the Air Force, is required to make his case for the mandate to stand.

The court will also [consider a preliminary injunction](#), which would extend the ban, protecting religious objectors until a trial is held.

The temporary restraining order means the military cannot

punish airmen and Space Force guardians whose application for a religious exemption to the vaccination requirement has been denied or is still in process.

Judge McFarland noted in the order, "The facts show Defendants [the Air Force] have engaged in a pattern of denying religious accommodation requests."

"Members face the same injury: violation of their constitutional freedom by defendants' clear policy of discrimination against religious accommodation requests," wrote McFarland, of the U.S. District Court of the Southern District of Ohio.

Air Force spokesperson Ann Stefanek declined to comment on the litigation and how it may affect how the service evaluates religious accommodation requests.

The case was brought by a few dozen airmen stationed at Wright-Patterson Air Force Base in Dayton, Ohio, but McFarland's ruling affects more than 9,000 service members who have sought religious exemptions from the shot.

According to court documents, the Air Force had only [approved](#) 86 of religious exemption requests as of early June.

Thomas More Society (TMS) attorneys are [happy with the development](#) in *Doster v. Kendall* as it directly affects a lawsuit in which they represent several members of the Air Force.

"The government has recently ordered imminent punitive action against those men and women of faith who cannot in good conscience take these experimental vaccines, and this order stops the government in its tracks," Adam Hochschild, an attorney with the TMS and lead counsel in *Air Force Officer v. Austin*, [said in a release](#).

In a similar case in Georgia, *Air Force Officer v. Austin*, TMS

attorneys won the first preliminary injunction in the nation against the Air Force's COVID-19 vaccine mandate on behalf of an Air Force officer.

TMS is currently representing three additional Air Force service members and is seeking class action certification for a nationwide injunction against the mandate.

"This is a huge victory for our country and religious freedom," said Stephen Crampton, TMS Senior Counsel, about the order issued in *Doster v. Kendall*.

"Not only does this decision protect the plaintiffs in the *Doster* case, but it also protects the fundamental First Amendment rights of Air Force service members all over the nation, including those in the Space Force, Air Force Academy Cadets and those in the Reserves."

"This order could not have come at a better time," added Adam Hochschild, TMS Special Counsel, serving as lead counsel in *Air Force Officer v. Austin*.

"The government has recently ordered imminent punitive action against those men and women of faith who cannot in good conscience take these experimental vaccines, and this order stops the government in its tracks," Hochschild explained.

According to the [TMS](#), the Air Force has granted only about 1% of all the religious accommodation requests submitted, and virtually all of those are for airmen leaving the Air Force. The court stated that this class includes over 12,000 Air Force members.

"The court has correctly certified the class in *Doster* and rightly enjoined the Air Force mandate," stated Crampton. "It is gratifying to see the courts uphold their constitutional duty to ensure other branches of the government do not run roughshod over fundamental rights, as the Air Force has been doing here."

Read the Order Regarding Pending Motions issued July 14, 2022, in *Hunter Doster, et al., v. Hon. Frank Kendall, et al.* [here](#).