

# Judge Blocks Air Force From Punishing Officer Denied Religious Exemption to COVID Vaccine



A federal judge in Georgia temporarily prohibited the Air Force from punishing an officer who objected to receiving a COVID vaccine on [religious grounds](#) and was [denied an exemption](#) to the vaccination requirement.

U.S. District Court Judge Tillman E. Self III on Tuesday granted a preliminary injunction for the unnamed Air Force Reserve officer and called the service's process for granting a religious exemption to the COVID vaccine requirement "illusory and insincere."

The judge ordered the Air Force to refrain from taking "any adverse action" against the officer on the basis of "this lawsuit or her request for religious accommodation, specifically including forcing her to retire."

“Given ‘the Nation’s essential commitment to religious freedom[,]’ Plaintiff’s harm – a constitutional injury involving her right to freely exercise her religion – is not a mere trivial grievance,” Self wrote in a strong rebuke of the mandate.

The judge said the Air Force likely violated the officer’s First Amendment rights when it denied her request for a religious exemption and subsequent appeal she filed in December.

“All Americans, especially the Court, want our country to maintain a military force that is powerful enough to thoroughly destroy any enemy who dares to challenge it,” the Judge wrote. “However, we also want a military force strong enough to respect and protect its service members’ constitutional and statutory religious rights. This ruling ensures our armed services continue to accomplish both.”

As of Feb. 8, the Air Force had approved exemptions for 3,313 airmen, but they were granted for medical or nonreligious “administrative” reasons. When the unnamed officer stationed at Robins Air Force Base filed her lawsuit on Jan. 6, the Air Force had not granted a single religious exemption.

Since then, the Air Force has [granted nine religious exemptions](#), denied 3,665 requests and is still considering 3,288 requests. As of Feb. 7, the Air Force had administratively separated 142 active-duty airmen from the service for refusing the vaccine, the branch [said in an update](#) last week.

“It seems illogical to think, let alone argue, that plaintiff’s religious-based refusal to take a [coronavirus] vaccine would ‘seriously impede’ military function when the Air Force has at least 3,300 other service members still on duty who are just as unvaccinated as her,” Self wrote in his

opinion. “The only difference is that plaintiff is unvaccinated because she followed her religion and the others were granted either a medical or administrative exemption from receiving a [coronavirus] vaccine.”

“And, what real interest can our military leaders have in furthering a requirement that violates the very document they swore to support and defend?” the judge continued. “The Court is unquestionably confident that the Air Force will remain healthy enough to carry out its critical national defense mission even if Plaintiff remains unvaccinated and is not forced to retire.”

In a [statement](#), the Air Force said it was aware of the preliminary injunction and will abide by the court’s order until the matter is legally resolved. “The Air Force has no other comments about this ongoing litigation,” said Ann Stefanek, an Air Force spokeswoman.

The [case was filed](#) in January by the [Thomas Moore Society](#) on behalf of the officer, who is a 25-year veteran who has never faced disciplinary action during her career. She currently serves in “an administrative position in the Air Force Reserve” that would not “be tasked to deploy” or likely to engage in physically demanding military operations.

Plaintiff is also a civilian employee for the Air Force and filed a separate request for a religious exemption to the COVID vaccine mandate in her civilian role. The branch had not ruled on it before a federal judge in Texas stopped the government from enforcing President Joe Biden’s vaccine mandate for federal civilian workers.

[According to the organization](#), the service member objected to receiving a COVID vaccine for religious reasons and because she had already acquired [natural immunity](#).

The Air Force gave its active-duty service members until Nov. 2 to be vaccinated, while Air National Guard and Reservists

had until Dec. 31 to comply.

[Numerous cases](#) have been brought against the various branches over the Department of Defense' COVID vaccine mandate, all of which have favored the constitutional rights and freedoms of military members.

Plaintiff is at least the 38th U.S. service member granted a preliminary injunction barring the Pentagon from punishing over the refusal to receive a COVID vaccine, but no judge has issued a nationwide injunction.

In her lawsuit, the Air Force officer had requested a nationwide injunction, but Self said her allegations in the case "simply don't warrant a nationwide injunction."

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