



Written by [Veronika Kyrylenko](#) on October 15, 2021

Navy Set to Boot Servicemen Who Refuse COVID Jabs

The Navy announced Thursday it is getting ready to discharge those servicemen who refuse to receive experimental gene therapeutics, aka COVID vaccines, by a mandatory November 28 deadline. Those in the selected reserve are expected to comply by December 28.

According to a [press release](#),

Sailors must be prepared to execute their mission at all times, in places throughout the world, including where vaccination rates are low and disease transmission is high.



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The release claims that “immunizations are of paramount importance to protecting the health of the force and the warfighting readiness of the Fleet.”

Servicemen were reminded that the Pentagon does not consider a person fully vaccinated until two weeks after the last shot in the series, therefore, “Nov. 14 and Dec. 14 [are] the final days [when] active and selected reserve, respectively, can receive the second of the two required shots for a two-dose vaccine or the single dose of a one-dose vaccine.”

That strict deadline is arguably legally shaky, since the military can only mandate vaccines that have received full licensure from the U.S. Food and Drug Administration (FDA). That provision is explicitly specified in the “[Memorandum](#) for Mandatory Coronavirus 2019 Disease Vaccination” issued by the Secretary of Defense Lloyd Austin on August 24.

As of today, only Pfizer’s Comirnaty vaccine has received such approval. The FDA provided that Comirnaty and a “regular” Pfizer-BioNTech jabs may be used “interchangeably,” but the regulators noted the products are “legally distinct,” as detailed in a *New American* [report](#). That means that Pfizer-BioNTech unnamed jabs can not be legally mandated for use in the military.

As for the COVID jabs that have only been granted an emergency use authorization (EUA), the servicemen have a [right](#) to refuse them.

Despite all of that, the sailors who refuse to comply with the order to vaccinate and do not have a pending or approved exemption request will be facing administrative actions. Such service members are prohibited to be promoted or advanced, reenlisted, or to execute orders, with the exception of separation orders, until each individual case is decided upon. Transfer orders already in place may be cancelled.

Regardless of exemption status, the sailors who are not yet vaccinated may be temporarily reassigned “based on operational readiness or mission requirements.”

Those officers who are enlisted or serving in leadership roles and refuse the vaccine will be given five days to either begin a vaccination series or request an exemption before “being relieved and have



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detachment for cause initiated.”

“An unvaccinated senior leader without a pending or approved exemption calls into question the Navy’s trust and confidence regarding their ability to ensure unit readiness or to maintain good order and discipline,” according to the guidelines.

Commanding officers — if they are vaccinated themselves — must identify unvaccinated servicemen and make sure they have received “guidance” on the vaccine rules, and also on the “facts” about the vaccines’ safety, efficacy, and importance.

If a sailor still refuses the vaccine, his or her commander must submit a “special evaluation or fitness report.” The report shall document other information on a sailor “as appropriate, including any misconduct.”

To manage the unvaccinated personnel and “ensure a fair and consistent process” in handling potential discharge, the Navy has set up a special COVID Consolidated Disposition Authority (CCDA).

The CCDA has been granted the authority to remove sailors’ warfare qualifications, additional qualification designations, and Navy enlisted classifications or sub-specialties, per the statement. The body can strip the servicemen who refuse the job of “applicable bonuses, special and incentive pays, and the cost of training and education.”

The Navy’s “policy goal” is declared as achievement of a “fully vaccinated force against the persistent and lethal threat of COVID-19.”

“Tragically, there have been 164 deaths within the Navy family due to COVID-19, far exceeding the combined total of all other health or mishap related injuries and deaths over the same time period,” Vice Admiral John B. Nowell, Jr., the chief of naval personnel, observed. Nowell added that 144 of those deceased were not inoculated, and the vaccination status of 20 was unknown.

According to the latest [Navy figures](#), about 94 percent of active-duty sailors and 89 percent of the total force are fully immunized against COVID-19, while 94 percent of the total force has received at least one shot. Nearly 7,000 sailors still need to take the jab or get booted.

The servicemen in other military branches are also put under the gun.

The Air Force [set](#) a November 2 deadline for all active-duty airmen to get inoculated, while other personnel are expected to comply by December 2.

Active-duty servicemen in the [Army](#) are ordered to be fully vaccinated by December 15, while Reserve members and servicemen of the National Guard must get the shot by June 30, 2022.

The New American has previously [reported](#) that the rights of the active-duty personnel are limited, and [refusal](#) to comply with a mandate would be a violation of Article 92 of the Uniform Code of Military Justice, punishment for which includes a dishonorable or bad-conduct discharge (an officer would be dismissed), two years confinement, and forfeiture of all pay and allowances. Servicemen do have an option to resign or [request](#) to opt out of a mandatory vaccination, since the DoD may authorize a temporary or permanent medical or administrative exemption to a required vaccine. Religious exemptions may also be granted. In June, the [legislation](#) H.R. 3860, which would ban any mandatory vaccinations for U.S. military members, was introduced by Representative Thomas Massie (R-Ky.). Thus far, that legislation has garnered 37 House co-sponsors.

Also, *American Military News* [reports](#) that a provision in the House version of the 2022 National



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Defense Authorization Act (NDAA) seeks to guarantee any service member separated only for refusing the COVID jab will only receive an honorable discharge, which would preserve their veteran's benefits.

As the so-called commander-in-chief, President Biden has [voiced](#) his opposition to the provision, claiming it would "limit a commander's options for enforcing good order and discipline" against service members who refuse the jab.



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