

INFORMATION PAPER

SUBJECT: Religious Practice on Duty

1. Purpose: To explain Army policy concerning commanders' accommodation of Soldiers' religious practices while on duty.
2. Background: The First Amendment of the U.S. Constitution prevents Congress from enacting laws prohibiting the free exercise of religion. Applying the precepts of the Free Exercise Clause, DODI 1300.17 and AR 600-20 (Rapid Action Revision 4/27/2010) place a "high value" on the rights of Soldiers to observe their personal religious beliefs. In short, the Army requires commanders to approve requests for accommodation of religious practices unless those practices will have an adverse effect on unit readiness, individual readiness, unit cohesion, morale, discipline, safety, and/or health (i.e. military necessity). Note AR 165-1 holds commanders responsible for the Army's religious program.
3. Discussion:
 - a. The rapid revision of AR 600-20 paragraph 5-6 outlines Army policy on accommodating religious practices. Typical requests fall into five general categories:
 - (1) Worship practices. At times, a religious group's worship schedule conflicts with the normal duty day. Soldiers may request exceptions from normal work hours and requirements so that they may attend special worship services. Commanders should grant such requests unless military necessity precludes them. If the Soldier asks for an extended absence to observe a particular period of religious significance, the commander may always approve ordinary leave.
 - (2) Dietary practices. A Soldier's religious beliefs may prohibit consumption of food provided by the Army. In such cases, the Soldier may ask for an exception to policy and eat separate rations. Religious grounds offer a valid basis for granting a dietary practice exception, and commanders should permit the accommodation barring any conflicts with military necessity.
 - (3) Medical practices. Certain religious practices prohibit adherents from receiving immunizations and blood transfusions, or undergoing surgery. Soldiers may seek a religious accommodation that opts out of a treatment plan in non-life threatening and non-emergency situations. However, the medical commander has the authority to grant/deny the request, and may refer a Soldier's case to a medical board, if a Soldier refuses to submit to recommended medical treatment because of religious objections. AR 600-20 paragraph 5-6 (3)(d) describes the board process in detail.
 - (4) Wear and appearance of the uniform. AR 670-1 allows Soldiers to wear religious apparel, articles, or jewelry while in uniform if the items are "neat, conservative, and discreet," which is defined as comporting with the regulatory uniform requirements. For example, necklaces may not be visible when worn with utility, service, dress, or mess uniforms. Moreover, a chain worn with the PT uniform may only be as visible as a Soldier's ID tags in the same uniform. Soldiers cannot wear religious jewelry or other items that directly inhibit duty

performance, but may wear items during a worship service that AR 670-1 would normally prohibit. Finally, Soldiers may wear religious headgear if it is subdued in color, bears no symbols, writing, or pictures, and is completely covered by a Soldier's military headgear, when appropriate.

(5) Personal grooming. The Army does not grant exceptions or accommodations to the grooming standards found in AR 670-1 paragraph 1-8. A grandfather clause exists for exceptions granted before 1 January 1986.

b. DODI 1300.17 instruct commanders to consider five things when determining whether to grant a request for religious accommodation: the potential effect on mission accomplishment, military readiness, unit cohesion, standards, and discipline; the religious importance of the accommodation to the requestor; the cumulative impact of repeated accommodations of a similar nature; alternative means to accommodate the request; previous treatment of similar requests, including those made for other than religious reasons.

c. AR 600-20 paragraph 5-6 (h) outlines the procedure for submitting requests:

(1) Soldiers should submit requests for religious accommodations to their immediate commanders (wear and appearance of the uniform and grooming standards are not entertained).

(2) Commanders must respond, orally (informal) or in writing (formal), within ten business days of receipt. If the commander informally approves the request, the case is closed and he shall assist the Soldier in furtherance of the particular accommodation, as needed. If the commander formally approves the request, then he shall provide the Soldier with the written accommodation, which remains in effect until revoked by a competent commander.

(3) If the commander disapproves the request, then the Soldier may appeal the decision by memorandum through the chain of command to the Deputy Chief of Staff (DCS), G-1. Appeals to denials of accommodation must reach the DCS, G-1 within thirty days after the Soldier submits the appeal (sixty days OCONUS). Mandatory enclosures are a chaplain's memorandum (memorializing the chaplain's interview with the Soldier) and a copy of the legal review. AR 600-20 paragraph 5-6 (h)(5) lists the optional enclosures and specific commands that must review the appeal before the DCS G-1.

(4) Any commander may approve the request before it reaches the DCS, G-1, and should inform the Soldier in writing (through channels) of the accommodation. If a commander disapproves the request, then he should endorse it and forward it to the next level of command. Once all levels of command have denied the Soldier's request, forward the packet to the DCS, G-1 for a non-appealable, final decision.

(5) Soldiers may request separation under 635-200, paragraph 5-3, after denial of their appeal. Commissioned and warrant officers requesting a release from active duty for reasons of religious accommodation should follow the procedures in AR 600-8-24 (*RAR 002, 04/27/2010). Soldiers must continue to conform to standards set by their commanders while their appeal is processed.