

# United States Senate

WASHINGTON, DC 20510

April 21, 2022

General Lloyd J. Austin III  
Secretary of Defense  
1000 Defense Pentagon,  
Washington, D.C. 20201

Dear Secretary Austin,

As you know from your decades of service in the United States Army, there are few callings more worthy of respect and admiration than that of those who make the decision to join the Armed Forces for the sake of our country and fellow citizens. Individuals who take such an endeavor upon themselves and carry out their duties in good faith deserve a great deal from a grateful nation. While we are deeply troubled that the Department of Defense (DOD) is discharging U.S. military personnel as a result of their COVID-19 vaccination status,<sup>1</sup> we are outraged that these brave men and women are potentially being stripped of various benefits, including education benefits afforded to them under the G.I. Bill.<sup>2</sup> Whatever disagreements public officials of varying ideologies and political parties may have, we can and should agree on the importance of ensuring the promises made to members of our Armed Forces are fulfilled.

News sources indicate that branches of the U.S. military have continued issuing discharges on the basis of COVID-19 vaccination status, with the total number of discharged personnel already exceeding 1,700.<sup>3</sup> In light of this information, we request answers to the following questions:

1. How many service members, in total and within each individual branch, have been discharged due to choosing to not be vaccinated against COVID-19?
  - a. What percentage of these discharges, in total as well as broken down by branch, were issued as general discharges versus honorable discharges?<sup>4</sup>
2. What standards of evaluation are generally and specifically made that require a service member to receive a general discharge rather than an honorable discharge in the event they are not vaccinated against COVID-19?
3. The first military discharges due to COVID-19 vaccination status were issued prior to the signing of the National Defense Authorization Act for Fiscal Year 2022, which prevents the issuing of dishonorable discharges based on COVID-19 vaccination status.<sup>5</sup> During

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<sup>1</sup> Winkie, Davis. "[Army Begins Discharges for COVID Vaccine-Refusing Soldiers](#)," Army Times, February 2, 2022.

<sup>2</sup> [Veterans Benefits Administration](#), U.S. Department of Veterans Affairs.

<sup>3</sup> Toropin, Konstantin. "[Army Announces First Soldiers Pushed Out of Service Over COVID-19 Vaccines](#)," Military.com, March 18, 2022.

<sup>4</sup> Sec. 736 of PL 117-81 only allows for members of the Armed Forces to be discharged on the sole basis of their COVID-19 vaccination status under an honorable discharge or a general discharge under honorable conditions.

<sup>5</sup> Bella, Timothy and Horton, Alex. "[Air Force Discharges 27 Service Members in First Apparent Dismissals Over Vaccine Refusal](#)," Washington Post, December 14, 2021.

the period of time prior to the signing of this legislation, did any service member receive a dishonorable discharge because they were unable or unwilling to be vaccinated against COVID-19?

- a. If so, how many service members received dishonorable discharges on these grounds?
  - b. Further, have any of these dishonorable discharges been retroactively corrected? If not, what steps, if any, has the Department of Defense's leadership taken or planned to take in order to correct such decisions?
4. What benefits are service members denied when they are issued a general discharge versus an honorable discharge due to choosing to not be vaccinated against COVID-19?
  5. Are service members that are issued a general discharge or an honorable discharge due to choosing to not be vaccinated against COVID-19 required to pay back any DOD benefits previously received?
    - a. If so, how many service members has the DOD asked to pay back benefits? In total, what amount has the DOD asked service members to return?
  6. What uniform standards has the DOD established under which members may be exempted from receiving an otherwise mandated COVID-19 vaccine for administrative, medical, or religious reasons?
  7. How exactly has the DOD considered the effects of natural immunity to COVID-19 in setting medical standards, as well as whether a service member is approaching retirement when setting the administration exemption standards, and how have those considerations been implemented?
    - a. What information and sources were used in forming these exemption standards?
    - b. When were these new exemption standards implemented?

We appreciate your willingness to respond to our questions on this vital issue, and for the sake of those who made the commitment to defend our country, we ask that you provide the requested information by May 12, 2022.

Sincerely,



Michael S. Lee  
United States Senator



Roger Marshall, M.D.  
United States Senator