The process for filing an Article 138 complaint is two part: Step 1 is writing a memo to the CO responsible for the problem, asking him or her to redress (fix) the situation. If the request for redress is not granted, Step 2 is filing a follow-up memo, which comprises the official complaint, with anyone in the chain of command ranking above the CO whom the initial complaint was against. That complaint will be forwarded to the general court-martial convening authority, who will make an investigation and submit a report to headquarters. Both memos should reference Article 138 UCMJ so that the recipient knows what authority you are invoking to bypass the normal chain of command to address the CO directly.  If unresolved, you can take your complaint even further up the chain of command.

When writing to the CO for redress, it is important to be very clear about 1) what the problem is, 2) what you want the CO to do about the problem, and 3) when you want it done. Giving a deadline for action is important so that you can be clear about when you will file the official complaint with your CO's superiors. If your CO does not honor your request for redress, you have to file the official complaint (with his or her superior) to launch the investigation. Otherwise the issue is not likely to go any further.

Because these complaints are so powerful and have the potential to impact your CO's military record, they are often taken very seriously. Sometimes the best place to begin the complaint process is by invoking your CO's open door policy and having a conversation with him or her about your intent to file a complaint, if necessary. One way to do this is to avoid making threats but explain that you just want the problem to be fixed without having to file any official complaints like the Article 138.

Sometimes military members who mention Article 138 complaints are discouraged from filing them by their NCOs or even commanding officers.  Frequently, this discouragement is based on false information.   If this happens to you, you may want to consult a counselor at the [GI Rights Hotline](http://girightshotline.org/en/) before abandoning the idea. You might have an excellent case, and counselors can help you write or edit your request for redress or official complaint. As with all official correspondence, it is a good idea to keep copies of your documents and attach appropriate evidence. For more information and branch regulations on [Article 138](http://girightshotline.org/en/military-knowledge-base/topic/grievances-article-138-complaints), call the [GI Rights Hotline](http://girightshotline.org/en/) at 1-877-447-4487.

***To determine who to give this Notice to, demand that you have written orders. The person to address this Complaint to is the person who signed the order.*  
Instructions:***Cover Letter:*  (Page 2 of this document)  
1. Fill out your name and address (Or edit it on the Computer before Printing)  
2. Address this to the person telling (Or edit it on the Computer before Printing)  
3. Sign and Date

*Complaint:* (Pages 3 through 5 of this document)  
1. Fill out your name and address (Or edit it on the Computer before Printing)  
2. Fill out your direct CO’s name and address (Or edit it on the Computer before Printing)

3. Fill in your name on the first line of the Complaint (Or edit it on the Computer before Printing)  
4. Sign with rank and name

5.Print your duty title

6. Date  
7. Fill in the names (and addresses if you have them) of the people who are being Notified by Cc (Or edit it on the Computer before Printing)

**Supporting Document:** Order from Secretary of Defense  
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To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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From: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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To whom it may concern:

The attached Complaint under Article 138 is sent to you as part of my Chain of Command. Due to the urgency of the situation, I am submitting the same Complaint to all in the Chain of Command at the same time.

The order to vaccinate has not allowed an adequate timeline to follow the usual Chain of Command procedures. I fully understand the usual Chain of Command procedures. However, I also urgently wish for you to read and respond to my Complaint before I am dismissed on December 31, 2021 for matters related to this Complaint.

With Deep Respect.

(rank, name of complainant)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(duty title of complainant)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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From: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Informal Complaint under Article 138  
 Notice of Written Declaration of Unlawful Orders   
Cease and Desist**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Sui Juris, bringing the following claims and facts under Article 138 of the Uniform Code of Military Justice (UCMJ) which gives every member of the Armed Forces the right to bring complaint that he or she was wronged by his or her commanding officer. This is my written Declaration of Unlawful Orders. The following wrongs that have been committed against me:

**Allegation I - coercion and pressure to break my military oath**

1. Please take notice of the military oath, to which I have sworn.  
     
   "I, *Full Name*, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the regulations and the Uniform Code of Military Justice. So help me God" [Emphasis by Underline Added]
2. My military oath is to support and defend the Constitution against all enemies foreign and domestic. Disabling the United States military power from within by means of an experimental drug, goes against my oath to defend this nation. With the evidence of the physical harm these injections are having on people, it could appear this is an intentional act of treason against our military readiness for the interests of a foreign nation as these injections are being manufactured in foreign countries.

**Allegation II – Coercion to Obey an Unlawful Order**

1. My military oath states, “I will obey the orders of the President of the United States...”. The Uniform Code of Military Justice (UCMJ) Article 90 states that military personnel need to obey the lawful orders of his/her superior.  The military member has a duty to DISOBEY “unlawful orders” including orders of senior officers, Assistant Secretary of Defense, Secretary of Defense and even the President of the United Stateswhen those orders are in conflict with the Constitution. The UCMJ actually protects the soldier in this situation as he/she has a moral and legal obligation to the Constitution and not to obedience of unlawful orders, nor the people who issue them.
2. The Secretary of Defense Austin issued a memorandum on August 24, 2021 stating: “Mandatory vaccination against COVID-19 will only use COVID-19 vaccines that receive full Licensure from the FDA, in accordance with FDA-approved labeling and guidance.”
3. The Assistant Secretary of Defense Terry A. Adirim set forth an Unlawful Order on 14 September, 2021. This order is legally distinguishable from the order of SECDEF Austin dated 24 August 2021.  
     
   Adirim states: “DoD care providers should ‘use doses distributed under the EUA to administer the vaccination as if the doses were the licensed vaccine.’” Forcing vaccination with an experimental drug is a violation of my God-given, natural, and constitutional rights, as expressed and confirmed in the Declaration of Independence, and as reflected in the Constitution of the United States. This mandate violates international, Federal and state laws. It is unlawful, immoral and reprehensible to force a medical experiment upon an individual as a condition of participation in defending the nation.
4. **Facts Supporting the Orders are Unlawful**
5. Moderna injections are under an EUA and therefore in the experimental phase.  
   <https://www.modernatx.com/covid19vaccine-eua/recipients/moderna-vaccine>
6. Johnson and Johnson injections are under an EUA and therefore in the experimental phase. <https://www.jnj.com/johnson-johnson-single-shot-covid-19-vaccine-candidate-unanimously-recommended-for-emergency-use-authorization-by-u-s-fda-advisory-committee>
7. Pfizer injections are under an EUA and therefore in the experimental phase. according to the FACT SHEET FOR HEALTHCARE PROVIDERS ADMINISTERING VACCINE. <http://labeling.pfizer.com/ShowLabeling.aspx?id=14471&format=pdf>
8. Comirnaty is the only fully FDA approved COVID-19 vaccine.
9. The DOD has admitted they do not have Comirnaty available for use.
10. Comirnaty is not currently being manufactured.  
    <https://www.cdc.gov/vaccines/programs/iis/COVID-19-related-codes.html>

| **Sale Proprietary Name** | **Product Description** | **Unit of Sale NDC10 (UOS)** |
| --- | --- | --- |

|  |  |  |  |
| --- | --- | --- | --- |
| N, 195 MULTI-DOSE VIALS | 00069-1000-01 | VIAL, 2 mL, MULTI-DOSE VIAL | **COMINARTY products are not orderable at this time. NDCs are listed per FDA Structured Product Label (SPL) document for the BLA licensed product.  These codes are not included in CDC Vaccine Code Set files at this time.  Pfizer has provided the following statement regarding the COMINARTY branded NDCs and labels:**  “Pfizer received FDA BLA license on 8/23/2021 for its COVID-19 vaccine for use in individuals 16 and older (COMIRNATY).  At that time, the FDA published a BLA package insert that included the approved new COVID-19 vaccine tradename COMIRNATY and listed 2 new NDCs (0069-1000-03, 0069-1000-02) and images of labels with the new tradename. At present, **Pfizer does not plan to produce any product with these new NDCs and labels over the next few months while EUA authorized product is still available and being made available for U.S. distribution.**  As such, the CDC, AMA, and drug compendia may not publish these new codes until Pfizer has determined when the product will be produced with the BLA labels.” |
| 00069-1000-03 | CARTON, 25 MULTI-DOSE VIALS |

Page last reviewed: December 17, 2021

1. Pfizer BioNTech and Comirnaty are legally distinct.  
   1. United States District Judge Allen Winsor in Case 3:21-cv-01211-AW-HTC in Florida District Court states the following in an Order on November 12, 2021:

“…the mandate violates their statutory right to refuse an EUA vaccine. ECF No. 3-2 at 20-21. Under the EUA statute, recipients of EUA drugs must be “informed . . . of the option to accept or refuse administration of the product.” 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(III); see also 5 U.S.C. § 706(2)(C) (APA provision prohibiting agency action taken “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right”). And under 10 U.S.C. § 1107a, “[i]n the case of the administration of [an EUA] product . . . to members of the armed forces,” **that statutory right to refuse “may be waived only by the President** only if the President determines, in writing, that complying with such requirement is not in the interests of national security.” 10 U.S.C. § 1107a(a)(1). **The DOD acknowledges that the President has not executed a waiver under this section**, ECF No. 45 at 52:8-9, **so as things now stand, the DOD cannot mandate vaccines that only have an EUA**. 10 U.S.C. § 1107a(a)(1).

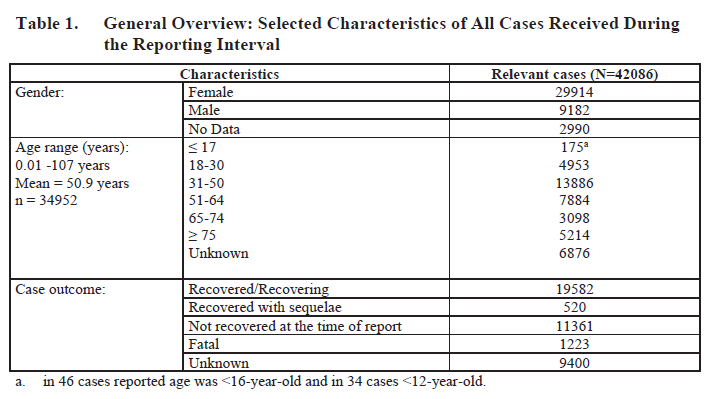
One problem with this argument is that **the DOD’s guidance documents explicitly say only FDA-licensed COVID-19 vaccines are mandated**. See, e.g., ECF No. 1-3 at 2 (DOD mandate memorandum) (“Mandatory vaccination against COVID-19 will only use COVID-19 vaccines that receive full licensure from the [FDA] in accordance with FDA-approved labeling and guidance.”); and ECF No. 1- 7 at 11 (Air Force guidance) (“Only an FDA-licensed vaccine may be mandated . . . .”). The plaintiffs present a facial challenge, ECF No. 33 at 10 (“Plaintiffs’ claims are facial challenges to a generally applicable military regulation . . . .”), **and on its face, the mandate does not require anyone to take an EUA vaccine.**

Notably, though, the plaintiffs have shown that **the DOD is requiring injections from vials not labeled “Comirnaty.” Indeed, defense counsel could not even say whether vaccines labeled “Comirnaty” exist at all.** ECF No. 45 at 48:5-7. (Although the DOD’s response said it had an adequate Comirnaty supply, it later clarified that it was mandating vaccines from EUA-labeled vials. See id. at 46:22- 47:3.) In the DOD’s view, this is fine because the contents of EUA-labeled vials are chemically identical to the contents of vials labeled “Comirnaty” **(if there are any such vials)**. According to the DOD’s argument, this means servicemembers are not required to accept “a product authorized for emergency use.” 10 U.S.C. § 1107a(a)(1). Rather, the DOD argues that once the FDA licensed Comirnaty, all EUA-labeled vials essentially became Comirnaty, even if not so labeled. ECF No. 45 at 60:1-3. Thus, the DOD argues, the “product” injected is a chemical formulation that has received full FDA licensure—not merely an EUA—so § 1107a does not apply. Id. at 65:1-6.8 **The DOD’s interpretation of § 1107a is unconvincing. For starters, FDA licensure does not retroactively apply to vials shipped before BLA approval.** See 21 U.S.C. § 355(a) (“No person shall introduce . . . into interstate commerce any new drug, unless an approval of an application [for FDA licensure] *is effective* with respect to such drug.” (Emphasis added)). Thus, as a legal matter, vaccines sent before August 23—and vaccines produced after August 23 in unapproved facilities—remain “product[s] authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act.” § 1107a(a)(1). 9 **Section 1107a’s explicit cross-reference to the EUA provisions suggests a concern that drugs mandated for military personnel be actually BLA-approved, not merely chemically similar to a BLA-approved drug.** **And the distinction is more than mere labeling: to be BLA compliant, the drug must be produced at approved facilities**, see ECF No. 1-4 at 2; 21 C.F.R. §§ 600.11, 600.20-.21, and there is no indication that all EUA-labeled vials are from BLA-approved facilities. 10 Moreover, **the DOD concedes that some of its current vials are not BLA-compliant, and that there is no policy to ensure that servicemembers get only BLA-compliant vaccines**. See ECF No. 45 at 61:10-12. **It is difficult to see how vials that the DOD admits are not BLA-compliant—and thus could only be EUA products—could fall outside § 1107a’s prohibition on mandatory administration.**

9 This distinction is the basis for the FDA’s comment that the BLA-compliant vials and the EUA-compliant vials are “legally distinct,” even though their chemical formulation is identical. See ECF No. 1-6 at 3 n.8. Thus, the DOD cannot rely on the FDA to find that the two drugs are legally identical for § 1107a purposes

10 The FDA’s Comirnaty approval letter redacts the approved manufacturing locations, see ECF No. 1-4 at 2, and the EUA extension letter does not identify which facilities were “identified and agreed upon” in Pfizer’s EUA application, ECF No. 1- 6 at 8. The Summary Basis for Regulatory Action suggests that not all Pfizer facilities are BLA compliant, because it contemplates that not all EUA-labeled lots will contain BLA-compliant vials. See ECF No. 1-5 at 28.

11 …the statutes leave unclear what FDA labeling decisions are discretionary. The FDA’s Comirnaty approval letter says that the labeling on Comirnaty vials “must be identical” to what Pfizer submitted in its application, ECF No. 1-4 at 4, but this label does not appear to be identical to an EUA label, see ECF No. 1-5 at 28. And federal regulations require the FDA commissioner to initiate license revocation proceedings if he determines that a licensed product is “misbranded with respect to any [of its intended uses]” or “fails to conform to the applicable standards established in the license . . . designed to ensure the continued safety, purity, and potency” of the product. 21 C.F.R. § 601.5(b)(1)(iv), (vi). These provisions could be read to prohibit distributing a fully licensed drug with an EUA-specific label and package insert rather than those its BLA approval require.”

1. The manufacturers of the Comirnaty biologic product have redacted much of their information including the manufacturing locations. <https://www.fda.gov/media/151707/download>
2. The lie that “The Vaccines are Safe and Effective”
   1. The CDC’s Vaccine Adverse Event Reporting System (VAERS) reports as of 17 December, 2021, 9,476 deaths, 45,251 Hospitalizations, 87,273 Urgent Care visits, 11,045 Permanent Disabled, 1,481 Miscarriages, 4,685 heart attacks, 10,801 Life Threatening Events and 4,327 cases of Myocarditis/Pericarditis reported in the United Stated from the “vaccines”. <https://wonder.cdc.gov/vaers.html>
   2. Pfizer was forced to disclose their adverse effects data which includes:5.3.6 CUMULATIVE ANALYSIS OF POST-AUTHORIZATION ADVERSE EVENT REPORTS OF PF-07302048 (BNT162B2) RECEIVED THROUGH 28-FEB-2021  
        
      As shown in Figure 1, the System Organ Classes (SOCs) that contained the greatest number

(≥2%) of events, in the overall dataset, were General disorders and administration site conditions (51,335 AEs), Nervous system disorders (25,957), Musculoskeletal and connective tissue disorders (17,283), Gastrointestinal disorders (14,096), Skin and subcutaneous tissue disorders (8,476), Respiratory, thoracic and mediastinal disorders (8,848), Infections and infestations (4,610), Injury, poisoning and procedural complications (5,590), and Investigations (3,693).

* 1. Comirnaty’s labeling includes:
     1. 5.2 Myocarditis and Pericarditis  
        Post marketing data demonstrate **increased risks of myocarditis and pericarditis**, particularly within 7 days following the second dose. The observed risk is higher among males under 40 years of age than among females and older males. The observed risk is highest in males 12 through 17 years of age. Although some cases required intensive care support, available data from short-term follow-up suggest that most individuals have had resolution of symptoms with conservative management. Information is not yet available about potential long-term sequelae.
     2. 5.5 Limitation of Effectiveness  
        **COMIRNATY may not protect all vaccine recipients.**

1. The Experimental Use Authority (EUA) (10 U.S.C. § 1107) law specifically states that if an approved vaccine is available, then those under the EUA are not lawful to administer. Therefore, any vaccine other than Comirnaty may not lawfully be utilized or ordered to be utilized.
2. The armed forces may not serve as guinea pigs for experimental drugs. This case has already been decided in Federal Court in 2003.
   1. Doe vs. Rumsfeld, No. CIV.A. 03-707EGS. United States District Court, District of Columbia.December 22, 2003. The Plaintiffs argued: “that their injuries from non-consensual inoculations would be irreparable. They note that the informed consent documents provided to civilians as a result of the anthrax laden letters in the Fall of 2001 identify side effects such as Guillain-Barre Syndrome, multiple sclerosis, angioedema, aseptic meningitis, severe injection site inflammation, diabetes, and systemic lupus erythematosus.”

The court determined that: In sum, because the record is devoid of an FDA decision on the investigational status of AVA, this Court must determine AVA's status for itself. This Court is persuaded that AVA is an investigational drug and a drug being used for an unapproved purpose. As a result of this status, the DoD is in violation of 10 U.S.C. § 1107, Executive Order 13139, and DoD Directive 6200.2. Thus, because the plaintiffs are likely to prevail on the merits, defendants will not face substantial harm by the imposition of an injunction, the public interest is served, and plaintiffs face irreparable harm, the Court finds that the plaintiffs meet the requirements for a Preliminary Injunction.

They concluded with this enlightening comment: “The women and men of our armed forces put their lives on the line every day to preserve and safeguard the freedoms that all Americans cherish and enjoy. Absent an informed consent or presidential waiver, the United States cannot demand that members of the armed forces also serve as guinea pigs for experimental drugs.”

**Allegation III – Coercion to Participate in a Medical Experiment**

1. Informed Consent – Forced participation in a medical experiment is against International and Federal laws, and is a Crime Against Humanity.
   1. The Nuremburg Code of 1947 clearly confirms “1.) that voluntary consent of the human subject is absolutely essential.”
   2. HR. 7724 The National Research Act was signed into law on July 12,1974, and protects all people from Medical Experimentation without full knowledge and consent. Public Law No: 93-348 (07/12/1974) Prohibits discrimination against individuals or institutions for engaging or not engaging in any lawful health service or research activity because of religious beliefs or moral convictions.   
      * 1. I have not been afforded the option of Informed Consent.
           1. I have not been Informed of the side effects or ingredients in the vaccines.
           2. I have not been offered a choice.
           3. I have been Coerced
           4. I have been Compelled
           5. I have been threatened with the loss of my military career and livelihood.

**Allegation IV – Violation of my Inalienable Rights**

1. “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” These fundamental rights are endowed on every human being by his or her Creator, and therefore cannot be separated from us.
2. The EUA vaccines pose a threat to my life.
3. My liberty is being threatened by unlawful orders to participate in a medical experiment without informed consent.
4. My pursuit of happiness as my military career affords me is being threatened.

**Request for Relief Under Article 138, Uniform Code of Military Justice**

It is therefore my intent to demand through this Written Declaration of Unlawful Orders that you cease and desist any and all mandated injections of the Emergency Use Authorized products, commonly known as a Covid-19 “Vaccine” immediately.

* 1. That the current order be rescinded and clarified to include that vaccination at this time is voluntary.
  2. That the EUA strictly requires “informed consent,” that all service members be informed of the ingredients in all vaccines, be informed of all potential side effects, reactions to include death, and how many negative reactions and deaths have currently occurred. (Per 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(I-III), “Federal Food, Drug, and Cosmetic Act.”)
  3. That all service members be made aware of their right to refuse any experimental vaccine, unless the President signs an Executive Order outlining the need for emergency vaccination under 10 USC 1107(f) during a time of conflict.
  4. That I will not be retaliated against in any way for filing this Complaint under Section 138.

