

30 August 2021

MEMORANDUM FOR _____

FROM: _____ (Service Member)

Subject: **Informal Complaint** under Article 138, Uniform Code of Military Justice (AFI 51-505, Chpt. 3)

1. I, _____, am currently assigned as a _____ with the United States _____ (branch) at the _____ (post). On _____ (date) 2021, while assigned to the USAFA, you committed the following wrong(s) against me:

a. The alleged wrongs include an unlawful order for mandatory vaccination as outlined in the 27 August 2021 Memo and to be implemented 30 August 2021, that:

(1) Those unvaccinated personnel “are directed to proceed to the POD on 30 August 2021 and be vaccinated.”

(2) “Failure to comply with your duty to obey this order may result in disciplinary or administrative action.”

b. This order is legally distinguishable from the order of SECDEF Austin dtd 24 August 2021, and is unlawful for the following reasons:

(1) In the Memo, para. 2, it states, “Mandatory vaccination against COVID-19 will only use COVID-19 vaccines that receive full licensure from the Food and Drug Administration (FDA).”

(2) Currently the only COVID-19 vaccine that has been approved is Pfizer Comirnaty vaccine, which as the CDC say, is “legally distinguishable” from the Pfizer BioNTech vaccine. It is unclear as to whether Comirnaty is available in the U.S.

(3) The Experimental Use Authority (EUA) (10 U.S.C. § 1107) law specifically states that if an approved vaccine is available those under the EUA are not lawful to administer.

(4) Therefore, any vaccine other than the Pfizer Comirnaty, may not lawfully be utilized or ordered to be utilized.

(5) This unlawful order is followed by a threat of disciplinary or administrative action and says nothing about the lawful exemptions available, such as religious, medical, and natural immunity per AR 40-562, (“Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases,”) which remain in effect and may not be summarily dismissed.

2. I request the following relief under Article 138, Uniform Code of Military Justice:

a. That the current order be rescinded and clarified to include that vaccination at this time is voluntary.

b. That the EUA strictly requires “informed consent,” that all Cadets be informed of the ingredients in all vaccines, be informed of all potential side effects, reactions to include death, and how many negative reactions deaths have currently occurred. (Per 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(I-III), “Federal Food, Drug, and Cosmetic Act.”)

c. That all personnel be made aware of their right to refuse any experimental vaccine, unless the President signs an Executive Order outlining the need for emergency vaccination.

d. That all personnel be made aware of their right to seek religious, medical, and natural immunity exemptions (AR 40-562, para. 2-6(b)), from the vaccine.

Cadet _____