

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

NAVY SEAL 1, <i>et al.</i> , for themselves)	
and all others similarly situated,)	
)	
Plaintiffs,)	
v.)	No. 8:21-cv-2429-SDM-TGW
)	
LLOYD AUSTIN, in his official)	
capacity as Secretary of the United)	
States Department of Defense, <i>et al.</i> ,)	
)	
Defendants.)	

**THIRD DECLARATION OF RICHARD L. MAST
IN SUPPORT OF MOTION TO CERTIFY CLASS
AND MOTION FOR PRELIMINARY INJUNCTION**

I, Richard L. Mast, do hereby declare as follows:

1. I am an attorney with Liberty Counsel, representing Plaintiffs in this case. I have reviewed the filings pertaining to Plaintiffs’ pending motions for class certification and preliminary injunction (Docs. 2, 35), and pending motions for temporary restraining order (TRO) pending decision on the preliminary injunction motion (Docs. 141, 157). The pending TRO motions seek relief for named Plaintiffs: COLONEL FINANCIAL MANAGEMENT OFFICER, United States Marine Corps (Doc. 141, along with 21 putative class members), and CADET, United States Air Force Academy (Doc. 157).

2. This declaration provides updates reported to me or Liberty Counsel staff by certain Plaintiffs and putative class members who have contacted Liberty Counsel for legal assistance, including Plaintiff NAVY COMMANDER SURFACE

WARFARE OFFICER, one of two service members protected by the Court's Preliminary Injunction and Order (Doc. 111) (*see* ¶ 4, *infra*), and also including some of the 22 service members included in Plaintiffs TRO motion of March 23, 2022 (Doc. 141) (*see* ¶¶ 15–24, *infra*).

3. As of April 8, 2022, Liberty Counsel had received more than 1,000 legal assistance requests from service members from all branches of the United States Armed Forces, including the Army, Air Force, Space Force, Navy, Marine Corps, and Coast Guard.

NAVY COMMANDER SURFACE WARFARE OFFICER

4. On Friday, April 8, 2022, Plaintiff NAVY COMMANDER SURFACE WARFARE OFFICER was informed by his Commodore that the Navy is reassigning Navy Commander to a shore command. On Monday, April 11, instead of getting underway with his ship, Navy Commander was “temporarily reassigned” for 60 days under a new Navy policy that prohibits unvaccinated personnel from going underway on Navy ships.

SERVICE MEMBER FINAL DENIAL LIST

5. As set forth in my First and Second Declarations (Docs. 82, 113-1), Liberty Counsel maintains an internal Service Member Final Denial List for service members who have contacted Liberty Counsel and whose final religious accommodation (RA) appeals have been denied. I provided the Court earlier excerpts from this ever-expanding list on February 9, 2022 (Doc. 82-1) and on February 22,

2022 (Doc. 113-1 at PageID 7825–27). As of April 8, 2022, the list has grown to 334 service members with final RA appeal denials. A true and correct copy of excerpted information for all 334 service members on the list as of April 8 is attached hereto as Exhibit 1.

UPDATES ON CERTAIN PLAINTIFFS

6. The following updates concern some pseudonymously named Plaintiffs who continue to suffer escalating, abusive, and retaliatory adverse consequences for their sincerely held religious objections to COVID-19 vaccination.

7. Having finally denied the RA appeal of Plaintiff RESERVE LIEUTENANT COLONEL, United States Marine Corps, the Marine Corps forced her into the Individual Ready Reserve (IRR) on Dec 27, 2021, as her only alternative to outright separation from the Marine Corps. (2d Am. V. Compl., Doc. 105, ¶¶ 43, 138.) The move to IRR made her an inactive reservist, unable to drill with her unit to earn the points necessary to accumulate satisfactory years of service towards retirement, and she is unable to complete enough professional military education (PME) classes, on her own time and at her own expense, to earn the required points. Without judicial intervention, she will be unable to earn sufficient points by May 24, 2022, to avoid separation from IRR.

8. Having already denied the final RA appeals of Plaintiffs CAPTAIN 2 and CAPTAIN 3, United States Marine Corps, and ordered them to be COVID-19 vaccinated or separated from the Marine Corps (2d Am. V. Compl., Doc. 105, ¶¶ 46, 47, 141, 142), the Marine Corps dropped them from Expeditionary Warfare School

(EWS) on March 1, 2022, less than 75 days from graduation. On March 9, the Marine Corps notified CAPTAIN 2 and CAPTAIN 3 that they had been placed on the Officer Disciplinary Notebook (ODN). On March 25, the Marine Corps notified CAPTAIN 2 of a Board of Inquiry (BOI) to occur between April 25 and May 25, 2022, which BOI is the last step in the separation process for CAPTAIN 2.

9. Having finally denied the RA appeal of Plaintiff FIRST LIEUTENANT, United States Marine Corps, relieved him of his duties, and ordered him to attend a “Transition Readiness Seminar” (2d Am. V. Compl., Doc. 105, ¶¶ 48, 143), the Marine Corps has issued him a Report of Misconduct and Notification of Separation, recommending separation by means of General Discharge (under Honorable conditions) due to failure to be COVID-19 vaccinated. On March 4, he completed the Transition Readiness Seminar, and the follow up Capstone interview requirements on March 7, leaving only separation orders to effect his final discharge from the Marine Corps.

10. Having finally denied the RA appeal of Plaintiff CHAPLAIN, United States Air Force, sustained a Letter of Counseling (LOC) and Letter of Reprimand (LOR) against him for failing to obey an order to vaccinate, and posted the ROC to his Unfavorable Information File (UIF) (2d Am. V. Compl., Doc. 105, ¶¶ 53, 148), the Air Force has now eliminated him from competition for in-residence Air Command and Staff College, which is the only Professional Military Education (PME) at the Intermediate Development Education (IDE) level available to members of the USAF Chaplain Corps. The Air Force has also removed him from all instructor duty

responsibilities and tasked him with only behind-the-scenes and administrative/logistical work, causing his officer performance record to show a drastic reduction in production and potential. As a result, on March 31, 2022, the Air Force issued him a negative referral Officer Performance Report (OPR), further damaging his career and propelling him towards discharge.

11. Having finally denied the RA appeal of Plaintiff RESERVE LIEUTENANT COLONEL 1, United States Air Force, issued her a Letter of Reprimand (LOR) for failure to obey an order to vaccinate, and initiated the process to involuntarily transfer her to Individual Ready Reserve (IRR) (2d Am. V. Compl., Doc. 105, ¶¶ 54, 149), the Air Force sent her to IRR involuntarily on March 28, 2022, denying her a Board of Inquiry (BOI) and access to the Transition Assistance Program. The Air Force also denied her a referral to a medical specialist at a military medical center despite directing her to make an appointment with the specialist.

12. Having finally denied the RA appeal of Plaintiff RESERVE LIEUTENANT COLONEL 2, United States Air Force, and issued him a Letter of Reprimand (LOR) for failure to obey and order to vaccinate (2d Am. V. Compl., Doc. 105, ¶¶ 55, 150), the Air Force issued him a negative referral Officer Performance Report (OPR) on April 5, 2022 and posted to his Unfavorable Information File (UIF) on April 6, beginning the process of curtailing his Active Guard Reserve (AGR) orders and transferring him involuntarily to the Individual Ready Reserve (IRR).

13. Having finally denied the RA appeal of Plaintiff MASTER SERGEANT SERE SPECIALIST, United States Air Force, removed him from his leadership

position, and issued him a Letter of Reprimand (LOR) for failure to obey an order to vaccinate (2d Am. V. Compl., Doc. 105, ¶¶ 56, 151), the Air Force issued him a second order to vaccinate, by March 10, 2022, and issued a second LOR for failure to obey the order to vaccinate on March 11, further damaging his career and propelling him towards discharge. In the meantime, however, his command has required him to operate at high operations tempo since March 28 as “mission essential personnel,” and he has continuously and successfully executed mission requirements despite being unvaccinated.

UPDATES ON CERTAIN PUTATIVE CLASS MEMBERS

14. The following updates concern putative class members who have contacted Liberty Counsel for legal assistance and are suffering escalating, abusive, and retaliatory adverse consequences for their sincerely held religious objections to COVID-19 vaccination, including some of the 21 putative class members included in Plaintiffs’ TRO motion of March 23, 2022 (Doc. 141).

15. On March 24, 2022, the Marine Corps separated from service putative class member LANCE CORPORAL ADMINISTRATIVE SPECIALIST, United States Marine Corps (TRO Mot. (Doc. 141) at 3, Ex. A (Doc. 141-1)), for her failure to be COVID-19 vaccinated against her religious beliefs.

16. On March 23, 2022, the Marine Corps declared putative class member CAPTAIN 4, United States Marine Corps¹ (TRO Mot. (Doc. 141) at 3, Ex. B (Doc.

¹ Putative class member CAPTAIN 4, United States Marine Corps, was misidentified in Plaintiffs’ March 23 TRO motion as “CAPTAIN, United States Marine Corps.” (Doc. 141

141-2)) in violation of a COVID-19 vaccination order, issued him a “Page 11” administrative counseling and written promotion hold, and removed him from company command as of March 25, 2022. The Marine Corps had previously selected CAPTAIN 4 for promotion to Major.

17. The Marine Corps issued putative class member STAFF SERGEANT, United States Marine Corps (TRO Mot. (Doc. 141) at 3, Ex. C (Doc. 141-3)), a “6105” formal counseling stating a violation of “Article 90, Willfully Disobeying a Superior Commissioned Officer,” and administrative separation papers.

18. On March 22, 2002, the Air Force stripped putative class member MAJOR 1, United States Air Force (TRO Mot. (Doc. 141) at 3, Ex. F (Doc. 141-6)), of all additional duties and titles. On March 28, his squadron commander submitted paperwork to involuntarily curtail Major 1’s career-status Active Guard Reserve (AGR) orders, resulting in an involuntary separation date of June 26, 2022. On March 29 Major 1’s commander removed him from flight status, depriving him of flight pay of \$1,000 per month, and submitted a Memorandum for Record (MFR) recommending Major 1’s involuntary reassignment to the Individual Ready Reserve (IRR), which is an inactive reservist position providing no benefits of service.

19. The Air Force issued putative class member TECH SERGEANT, United States Air Force (TRO Mot. (Doc. 141) at 4, Ex. I (Doc. 141-9)), a second Letter of

at 3.) “CAPTAIN, United States Marine Corps” is the pseudonym of the named Plaintiff identified in Plaintiffs’ amended complaint at ¶¶ 45, 115, and 140, who is the subject of the ongoing TRO and preliminary injunction proceedings at Docs. 121, 147, 150–154, and 162–163.

Reprimand (LOR) on March 14, 2022, followed by a third order to be COVID-19 vaccinated on April 4, 2022, with 48 hours to comply. In the interval, on April 5, 2022, the Air Force instructed him to give an early written response to the order and denied him leave until he submitted it. Despite his 18.5 years of service, he expects the Air Force to initiate the discharge process any day.

20. The Air Force issued a second, official shot order to putative class member LIEUTENANT COLONEL 2, United States Air Force Reserve (TRO Mot. (Doc. 141) at 4, Ex. K (Doc. 141-11)), following the final denial of his RA appeal. During his reserve drill weekend (Unit Training Assembly or UTA) on April 2, 2022, Lieutenant Colonel 2 received a “Notification of Involuntary Reassignment - Non-participating Individual Ready Reserve” MFR from his commander recommending his involuntary reassignment to the IRR as an inactive reservist.

21. The Air Force issued putative class member STAFF SERGEANT, United States Air Force Reserve (TRO Mot. (Doc. 141) at 5, Ex. M (Doc. 141-13)), a LOR for failing to be COVI-19 vaccinated, which will be posted to his Unfavorable Information File (UIF).

22. Putative class member HOSPITAL CORPSMAN FIRST CLASS, United States Navy (TRO Mot. (Doc. 141) at 6, Ex. Q (Doc. 141-17)), capitulated to the Navy’s vaccination order following the denial of his final RA appeal, expressing, “Unfortunately, I took the vaccine prior to the last day, in order to avoid the consequences.”

23. The Air Force has issued putative class member LIEUTENANT COLONEL, United States Space Force (TRO Mot. (Doc. 141) at 6, Ex. R (Doc. 141-18)), a Letter of Reprimand for being unvaccinated, and posted the LOR in his Unfavorable Information File.

24. On March 24, 2022, a Navy performance review board ordered disenrollment of putative class member ROTC MIDSHIPMAN, United States Navy (TRO Mot. (Doc. 141), Ex. U (Doc. 141-21)), from college, and the Navy placed him on leave of absence pending disenrollment.

25. Multiple unvaccinated service members with pending RA requests or appeals report that their requests for “voluntary” separation have been denied, even after their respective commands instructed them to apply for voluntary separation, indicating a military preference for involuntary separation based on vaccination status. A typical example is putative class member AIRFIELD OPERATIONS CAPTAIN, United States Air Force, who was instructed to submit a request for voluntary separation on October 26, 2021. While his request was pending, the Air Force denied his final RA appeal on December 2, 2021. Then the Air force denied his voluntary separation request on February 14, 2022, as “not being in the best interests of the Air Force,” and ordered him to be vaccinated by February 20.

26. After the Air Force issued her a final RA appeal denial, putative class member BRIGADIER GENERAL (SELECT), United States Air Force, Director of Cyberspace Operations and Warfighter Communications, after 26 years of service, opted to “voluntarily” retire at the lower rank of Colonel rather than violate her

religious beliefs against vaccination. She was counseled by her superior that her “religious beliefs are not compatible with service to the Country.”

SERVICE MEMBER SUICIDES

27. Liberty Counsel has received reports of two suicides of service member where the separation process for COVID-19 vaccination “refusal” or RA denial process appears to have been a significant factor.

28. The first was the suicide of the platoon mate of Plaintiff LANCE CORPORAL 2, United States Marine Corps, in connection with the platoon mate’s administrative separation for vaccine refusal. (2d Am. V. Compl., Doc. 105, ¶¶ 52, 147.)

29. The second suicide reported to Liberty Counsel is described in the Declaration of Navy Chaplain 3, attached hereto as Exhibit 2. The declarant personally counseled a husband and wife, both Coast Guard First Class Petty Officers, before the husband committed suicide following the denials of both their RA requests, and has counseled the wife after her husband’s suicide.

I declare under penalty of perjury, under the laws of the United States, that the foregoing statements are true and correct.

Executed this April 14, 2022.

s/ Richard L. Mast
Richard L. Mast

ID	Service Branch	Rank	Years of Service	Final Denial Date
353	Air Force	LtCol	17.5	4/6/2022
346	Air Force	TSgt	13	4/5/2022
341	Air Force	Major	14	4/4/2022
335	Air Force Reserve	Major/ O-4	18	4/2/2022
328	Air Force	E7	10	4/1/2022
69	Air Force	SSgt	6	4/1/2022
337	Air Force	E1	0	3/30/2022
351	Air Force	MSgt	20	3/30/2022
319	Air Force	SSGT	10	3/30/2022
329	Air Force	SSgt	8	3/30/2022
334	Air Force	Cadet	4	3/29/2022
348	Air Force	MSgt	13	3/29/2022
323	Air Force	Officer Candidate	3.5	3/29/2022
308	Air Force	Cadet	2	3/28/2022
310	Air Force	Captain	27	3/28/2022
331	Air Force	Lt Col	22	3/28/2022
322	Air Force	Lt Col	18	3/28/2022
321	Air Force	Lt Col/O-5	16.8	3/28/2022
311	Air Force	Major	18	3/28/2022
347	Air Force	Major	18.5	3/28/2022
333	Air Force	TSgt	11	3/28/2022
349	Air Force Reserve	Major	13	3/28/2022
313	Navy	E7	18	3/28/2022
324	Air Force	Lt Col	16	3/25/2022
340	Air Force	Lt Col	19	3/24/2022
345	Air Force	Captain	7	3/24/2022
240	Air Force Reserve	E6	14	3/24/2022
330	Air Force Reserve	SSgt	13	3/24/2022
332	Marine Corps	Captain	9	3/24/2022
300	Navy	E-5	4	3/24/2022
296	Air Force	Captain	9	3/23/2022
303	Air Force	SSgt (E-5)	5.5	3/23/2022
306	Air Force Reserve	E-6	10	3/23/2022
297	Air National Guard	2nd Lt	3	3/23/2022
295	Navy	E-8	21	3/23/2022
301	Navy	LT/O-3	7.75	3/23/2022
299	Navy Reserve	Senior CPO E8	14	3/23/2022
294	Air Force	Captain	15	3/22/2022
343	Air Force	SSgt	19	3/22/2022
288	Air Force	Lt Col	16	3/21/2022
292	Navy	ENS, O-1	1.5	3/21/2022
128	Coast Guard	AMT2/E5	19	3/20/2022
293	Air Force Reserve	Major	15	3/19/2022
305	Air Force	Capt	8	3/18/2022
318	Air Force	SMSGT	16	3/18/2022
354	Air Force Reserve	MSgt	16	3/18/2022
290	Air Force	Captain (O-3E)	14.5	3/16/2022
352	Air Force	TSgt/E6	9	3/16/2022
355	Air Force	Lt Col	17	3/16/2022

283	Marine Corps	Captain	4.7	3/15/2022
265	Navy	ENS (O-1)	1	3/15/2022
272	Navy	LT	8	3/15/2022
267	Navy Reserve	O-4 / LCDR	12	3/15/2022
50	Air Force	2nd Lt	1	3/14/2022
268	Air Force	E4	2	3/14/2022
314	Air Force	SSgt	7	3/14/2022
291	Air Force	TSgt	21	3/14/2022
275	Air Force Reserve	LtCol	13	3/14/2022
269	Marine Corps	Major	13	3/14/2022
264	Navy	E5	4	3/14/2022
326	Air Force	Cadet	1	3/13/2022
336	Air Force	Cadet	2	3/13/2022
320	Air Force	E-1	2	3/13/2022
304	Air Force	Lt Col	17.8	3/13/2022
287	Air Force	Major	17.8	3/13/2022
284	Air Force	Major	14	3/13/2022
327	Air Force	SSgt / E5	13	3/13/2022
309	Air Force	E-6, TSgt	17	3/11/2022
263	Navy Reserve	Lieutenant	19	3/11/2022
255	Space Force	Lt Col	18	3/11/2022
307	Navy	E6	17.7	3/10/2022
245	Navy	MIDN Fourth Class	1	3/10/2022
237	Air Force	Lt Col	16	3/9/2022
251	Air Force Reserve	Lt Col	30	3/9/2022
260	Air Force Reserve	Major	17	3/9/2022
244	Air Force	MSgt/E-7	19	3/8/2022
250	Air Force Reserve	Maj	15.8	3/8/2022
227	Air Force Reserve	Major (O-4)	13	3/8/2022
249	Air Force	A1C	2	3/7/2022
228	Air Force	Maj	18	3/7/2022
236	Air Force	Major	17.7	3/7/2022
230	Air Force	O-1	1	3/7/2022
232	Air Force	SSGT E5	17	3/7/2022
279	Marine Corps	Captain	13	3/7/2022
270	Marine Corps	LtCol	25	3/7/2022
233	Navy	LCDR (O4)	11	3/7/2022
316	Air Force	A1C	2	3/6/2022
223	Air Force	TSgt/E6	14	3/5/2022
261	Air Force	Major	18.75	3/4/2022
220	Air Force Reserve	O-4/Major	18.75	3/4/2022
221	Navy	O-3 (O-4 select)	7	3/4/2022
273	Navy Reserve	CDR	18	3/4/2022
241	Air Force	O-1	1.9	3/3/2022
243	Air Force	2d Lt	1	3/3/2022
344	Air Force	Capt	8	3/3/2022
229	Air Force	Lt Col	15.75	3/3/2022
234	Air Force	TSgt	13	3/3/2022
215	Air Force Reserve	1LT	11	3/3/2022
258	Air Force Reserve	SSGT/E-5	7	3/3/2022

231	Navy	E6	15.6	3/3/2022
209	Air Force	Capt	22	3/2/2022
212	Air Force	Captain	7	3/2/2022
205	Navy	E5	9	3/2/2022
217	Air Force	1LT	3	3/1/2022
199	Air Force	1st Lt	3.5	3/1/2022
248	Air Force Reserve	E-6	15	3/1/2022
201	Coast Guard Reserve	E-6, Petty Officer 1st class	17	3/1/2022
339	Navy	E7	14	3/1/2022
203	Navy	LCDR (O-4)	13	3/1/2022
200	Navy Reserve	O4/ LCDR	10	3/1/2022
190	Air Force	Capt	4.5	2/28/2022
246	Air Force	Major	13	2/28/2022
165	Air Force	Senior Airmen	4	2/28/2022
202	Air Force	MSgt/E-7	16	2/28/2022
222	Air Force	Senior Airman	10	2/28/2022
252	Air Force Reserve	Lt Col	22	2/28/2022
226	Navy	LTJG	3	2/28/2022
62	Army	Chief Warrant Officer 4	18.4	2/26/2022
210	Air Force	TSgt	12	2/25/2022
254	Air Force Reserve	Maj	18	2/25/2022
253	Air Force Reserve	Major	19.6	2/25/2022
298	Navy	E5	4	2/25/2022
184	Navy Reserve	E-5	13	2/25/2022
174	Air Force	1Lt	10	2/24/2022
166	Air Force	Captain	8	2/24/2022
170	Air Force	Captain	16	2/24/2022
242	Air Force	Captain	1.5	2/24/2022
159	Air Force	Major	15.5	2/24/2022
189	Coast Guard	E6	11	2/24/2022
164	Coast Guard Reserve	E6	9	2/24/2022
238	Coast Guard Reserve	E-6	16	2/24/2022
277	Navy Reserve	O-4	10	2/24/2022
150	Air Force	Lt Col	17	2/23/2022
186	Air Force	TSgt	18	2/23/2022
154	Air Force Reserve	Lt Col	20	2/23/2022
179	Army	E5	4	2/23/2022
208	Marine Corps	Captain/O-3	12.1	2/23/2022
193	Space Force	Lt Col	16.67	2/23/2022
259	Air Force	Capt	9	2/22/2022
195	Air Force	Captain (O-3)	5	2/22/2022
151	Air Force	MSgt	19	2/22/2022
281	Air Force	MSgt (E-7)	18	2/22/2022
148	Air Force	MSgt, E-7	18.6	2/22/2022
278	Air Force	SSgt	9.3	2/22/2022
146	Air Force	TSgt	18	2/22/2022
312	Air Force Reserve	Major	16	2/22/2022
144	Air Force	O-4/Major	14	2/21/2022
178	Air Force	SSgt/E-5	10	2/21/2022
21	Air Force	2d Lt	8	2/20/2022

173	Air Force	Brig Gen (S)	25	2/20/2022
171	Air Force Reserve	TSgt	15	2/20/2022
282	Air Force Reserve	E7 - MSgt	24	2/20/2022
181	Air Force	Lt Col	15	2/18/2022
136	Coast Guard	E-6	11	2/18/2022
140	Navy	E-6	17.75	2/18/2022
133	Navy	Lieutenant, O-3	16	2/18/2022
183	Air Force reserve	E-2	1	2/17/2022
139	Air Force Reserve	SMSgt (E-8)	18	2/17/2022
126	Air Force Reserve	E3/A1C	2	2/17/2022
125	Air Force Reserve	MSgt	11	2/17/2022
119	Marine Corps	First Lieutenant	2	2/17/2022
135	Navy	E-6	17	2/17/2022
111	Coast Guard	Lieutenant (O-3)	10	2/16/2022
141	Marine Corps	CAPT	7	2/16/2022
262	Marine Corps	Captain	7.5	2/16/2022
121	Marine Corps	Lt Col	18.75	2/16/2022
118	Marine Corps	Lt Col	19	2/16/2022
137	Navy	E6	8	2/16/2022
152	Navy	LCDR	18	2/16/2022
124	Air Force	Major	19	2/15/2022
153	Marine Corps	Captain	5.5	2/15/2022
325	Air Force	TSgt	12	2/14/2022
102	Air Force Reserve	Captain (O3)	10	2/14/2022
90	Air Force Reserve	Major	22	2/14/2022
95	Army	1LT	9	2/14/2022
97	Navy	E5	11	2/14/2022
92	Navy	E6	15	2/14/2022
116	Navy	LCDR	11	2/14/2022
207	Navy	O-2	2.5	2/14/2022
280	Air Force	2nd Lt	5.5	2/12/2022
239	Air Force Reserve	TSgt	14	2/12/2022
197	Air Force Reserve	Major	17	2/12/2022
216	Air Force Reserve	Major	13	2/12/2022
219	Air Force Reserve	Major	13	2/12/2022
94	Air Force Reserve	TSGT	13.5	2/12/2022
214	Air Force	Col	31	2/11/2022
176	Air Force	Senior Airman/E-4	3	2/11/2022
180	Air Force Reserve	Major	17	2/11/2022
338	Air Force Reserve	E-9	28	2/11/2022
80	Air Force Reserve	MSgt/E-7	17	2/11/2022
60	Coast Guard	E6	16.5	2/11/2022
84	Marine Corps	1st Lt	18	2/11/2022
120	Navy	E5	6	2/11/2022
85	Navy	E6	12	2/11/2022
100	Navy	E-6	11	2/11/2022
65	Navy	LCDR O4	14.5	2/11/2022
145	Air Force	Major	13	2/10/2022
218	Air Force	Major	15	2/10/2022
132	Air Force	O-4/Major	13.5	2/10/2022

143	Air Force	TSgt/E-6	18	2/10/2022
70	Air Force	E5 (SSgt)	5	2/10/2022
213	Air Force Reserve	Major O-4	12	2/10/2022
192	Air Force Reserve	Lt Col	17	2/10/2022
54	Air Force Reserve	MAJ	23	2/10/2022
127	Air Force Reserve	MSGT/E-7	9	2/10/2022
56	Marine Corps	CPL	1.5	2/10/2022
129	Navy	E4	3	2/10/2022
67	Navy	E6	15	2/10/2022
115	Navy	Ensign	1	2/10/2022
117	Navy	LCDR/O4	10.5	2/10/2022
52	Navy	LT	8.5	2/10/2022
247	Navy Reserve	Captain	26	2/10/2022
130	Air Force	TSgt/E6	12	2/9/2022
138	Air Force	E4/SrA	2.5	2/9/2022
101	Air Force Reserve	CMSgt, E-9	28	2/9/2022
105	Air Force Reserve	E5	15	2/9/2022
134	Air Force Reserve	Lt Col	18.5	2/9/2022
61	Air National Guard	CW3	17	2/9/2022
55	Air Force	Captain	6	2/8/2022
89	Air Force	E-4	4	2/8/2022
34	Air Force	SMSgt/E-8	21	2/8/2022
37	Air Force Reserve	Lt Col	18	2/8/2022
42	Marine Corps	1st Lt	3	2/8/2022
167	Marine Corps	Gunnery Sergeant	18	2/8/2022
66	Navy	E7	18.5	2/8/2022
31	Air Force	TSgt	13	2/7/2022
106	Air Force Reserve	MSgt	11	2/7/2022
78	Navy	E-5	3	2/7/2022
114	Air Force Reserve	E-5	13	2/6/2022
46	Air Force Reserve	Major	14	2/6/2022
289	Navy	STG2	9	2/6/2022
72	Air Force Reserve	E7 MSgt	24	2/5/2022
302	Air Force	Captain	7	2/4/2022
225	Air Force Reserve	Lt Col	20	2/4/2022
23	Air Force	MSgt/E-7	19.3	2/3/2022
82	Coast Guard	E-4	9	2/2/2022
25	Navy	E5	2	2/2/2022
19	Navy	E6	8	2/2/2022
49	Navy	LT	7	2/2/2022
108	Air Force	Capt	6	2/1/2022
79	Air Force	E-7	19	2/1/2022
28	Air Force	TSgt	17.5	2/1/2022
256	Air Force Reserve	Lt Col	34	2/1/2022
177	Air Force Reserve	Major	20	2/1/2022
68	Air Force Reserve	Lt Col (O-5)	18	2/1/2022
17	Navy	E7/Chief Petty Officer	19	2/1/2022
51	Space Force	Sgt / E-5	6	2/1/2022
39	Air Force	Captain	8	1/31/2022
11	Air Force	MSgt	12	1/31/2022

350	Air Force	MSgt	12	1/31/2022
6	Navy	O-4	17	1/31/2022
40	Navy	Commander (O-5)	17	1/31/2022
2	Navy	LCDR	10	1/31/2022
10	Navy	LCDR	17.5	1/31/2022
18	Navy	LCDR	10	1/31/2022
88	Navy	O3/LT	10	1/31/2022
12	Navy	O3E	23	1/31/2022
103	Air Force	Captain	6	1/28/2022
96	Air Force	E-6	12	1/28/2022
160	Marine Corps	MGySgt/E9	23	1/28/2022
45	Navy	LCDR	15	1/28/2022
71	Navy	LCDR	15	1/28/2022
211	Air Force	MSgt	16	1/26/2022
9	Air Force Reserve	TSgt	15	1/26/2022
156	Air Force	MSgt	18	1/25/2022
74	Air National Guard	LT	4	1/25/2022
158	Marine Corps	O-6 / Colonel	25	1/25/2022
81	Navy	E6/YNC	13	1/25/2022
64	Navy	LT	1	1/25/2022
122	Navy	LTJG/O2	3	1/25/2022
4	Air Force	Captain O-3	10	1/24/2022
175	Air Force	Lt Col	29.5	1/24/2022
99	Marine Corps	Lt Col	17	1/24/2022
7	Marine Corps	LtCol	19.75	1/24/2022
22	Marine Corps	LtCol	18.3	1/24/2022
104	Marine Corps	MSgt	21	1/24/2022
315	Navy	CPO/E7	17.5	1/24/2022
24	Navy	Commander	18	1/23/2022
87	Navy	E6	13	1/23/2022
30	Navy	E-6	11	1/23/2022
5	Navy	LT / O-3	7	1/23/2022
14	Navy	LT/O3	8.5	1/23/2022
161	Navy	O-3E	19.5	1/23/2022
36	Air Force	E-6/TSgt	18.8	1/21/2022
20	Air Force	O-2	4	1/21/2022
8	Air Force	SSgt	7	1/21/2022
109	Air Force	TSgt	14.5	1/21/2022
16	Air Force Reserve	Major	16	1/21/2022
3	Air Force	Major	15	1/18/2022
53	Marine Corps	Captain	9	1/14/2022
182	Marine Corps	Major	10	1/14/2022
57	Air Force	TSgt	10	1/13/2022
149	Air Force Reserve	TSgt	10	1/9/2022
113	Air Force	O4	16	1/7/2022
59	Air Force	SMSgt	22.5	1/7/2022
110	Air Force	Capt	14	1/6/2022
83	Air Force	TSgt/E-6	17.5	1/6/2022
47	Marine Corps	Major / O-4	14	1/6/2022
147	Marine Corps	1st Lt	3.5	1/5/2022

112	Marine Corps	Corporal (E-4)	2	1/5/2022
342	Air Force	Capt	5	1/4/2022
38	Air Force	Major	12	1/4/2022
123	Air Force	E-6	19	12/29/2021
168	Air Force	Major	7	12/29/2021
75	Marine Corps	Lt Col	21	12/29/2021
63	Air Force Reserve	SSgt / E-5	12	12/27/2021
196	Marine Corps	E3	2	12/27/2021
26	Marine Corps	E-3	2.5	12/27/2021
58	Air Force	Lt Col	28	12/22/2021
33	Marine Corps	Major	16.9	12/22/2021
155	Air Force	Lt Col	15	12/20/2021
86	Marine Corps	E-7 Gunnery Sergeant	17	12/16/2021
77	Air Force	Major	12	12/13/2021
163	Marine Corps	SSgt E-6	17	12/13/2021
13	Air Force	Capt	8.5	12/10/2021
185	Air Force	MSgt/E7	31	12/10/2021
131	Air Force Reserve	Lt. Col	20	12/10/2021
35	Marine Corps	SSgt	10	12/9/2021
274	Air Force Reserve	Major	13	12/8/2021
266	Coast Guard	E-7/ Chief Petty Officer	17.9	12/8/2021
235	Navy	E3	2	12/8/2021
98	Air Force	Capt	19	12/6/2021
271	Air Force	MSgt/E-7	16	12/6/2021
198	Air Force Reserve	Lt Col	22	12/3/2021
194	Air Force	Capt	10	12/2/2021
224	Air Force	TSgt	19	12/2/2021
41	Navy	E-4	1.5	11/30/2021
206	Navy	E-5	0.4	11/30/2021
48	Air Force	Major	12	11/29/2021
15	Air Force	MSgt	13.5	11/29/2021
157	Marine Corps	First Lieutenant	3.5	11/24/2021
257	Air Force	E-9	18	11/15/2021
169	Air Force Reserve	E-4	4	11/5/2021
76	Air National Guard	Captain	15	7/23/2021
276	Air Force Reserve	1Lt	17	2/2/2021

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

NAVY SEAL 1, <i>et al.</i> , for themselves)	
and all others similarly situated,)	
)	
Plaintiffs,)	
v.)	No. 8:21-cv-2429-SDM-TGW
)	
LLOYD AUSTIN, in his official)	
capacity as Secretary of the United)	
States Department of Defense, <i>et al.</i> ,)	
)	
Defendants.)	

DECLARATION OF NAVY CHAPLAIN 3

I, NAVY CHAPLAIN 3, do hereby declare as follows:

1. I am over the age of 18 years and have personal knowledge of the matters set forth in this Declaration unless otherwise indicated.

2. I am a U.S. Navy Chaplain assigned to the United States Coast Guard (“USCG”). I have been a Chaplain for more than three years and have counseled hundreds of Coast Guard members during the course of my career. At no point during COVID has the Coast Guard unit to which I am attached been unable to fulfill its mission, including that period from March 2020 through the time the COVID vaccinations became available; even through the present. We have always been mission-capable.

3. I have reviewed more than one hundred requests for Religious Accommodation (RA) from the Coast Guard COVID-19 vaccination requirement and have interviewed each person who has sought an RA at my command. I have spent a

minimum of one-hour, one-on-one with each person and have counseled others in additional phone calls and meetings. I estimate I easily have a minimum of 100 hours in interview time alone, not to mention the time spent reviewing RA's and making my own recommendations to the command. In truth, I have far more than 100 hours in the RA process and in counseling members. A chaplain is available around the clock for members' needs.

4. I have reviewed data as of February 23, 2022, showing the Coast Guard had approved zero RA requests out of over 1,300 received, and had denied the requests of over 1,200 Coast Guard members.

5. One of those members, whom I personally counseled, broke under the pressure, and took his own life in February 2022, before submitting an appeal. I provided support to his wife hours after the incident and continue to console her, their family, and members of the crew.

6. The deceased Coast Guard member and his now-widow were a married couple. She is still in the Coast Guard. I counseled both of them, regarding their individual Religious Accommodation requests. Both held ranks of Petty Officers First Class, abbreviated "PO1." For Coast Guard, as in other branches, rank is different than the member's job. For purposes of this Declaration, I will refer to the husband as "PO1 Husband" and "PO1 Wife."

7. PO1 Husband and PO1 Wife each shared with me in their interviews the extreme pressure to which they had been subjected by the USCG, to violate their religious beliefs, incurring moral and spiritual injury. Yet, both were convicted by God

to refuse the COVID shot, and that getting the COVID shot would violate their religious beliefs.

8. I concluded the RA requests of both Coast Guard members PO1 Husband and PO1 Wife were clearly sincere, and that their religious beliefs were an intrinsic part of who they were.

9. Like all other RAs within my personal knowledge, both PO1 Husband and PO1 Wife received back from Coast Guard Headquarters denied RA requests in early February 2022.

10. I counseled them on the process for submitting an appeal. USCG gives members who receive a denial ten (10) days to appeal. Based upon my general knowledge of Coast Guard members' actual work responsibilities, 10 days is a patently unreasonable response time, given the amount of responsibilities executed on a daily basis by most members, and the consequences attached to a final RA denial. The abbreviated timeline gives great stress to the members who are denied and is further exacerbated by the Coast Guard requiring members to submit a FOIA in order to obtain the endorsement documents pertaining to their RA decision, which can take at least 30 days.

11. PO1 Wife shared with me that the Coast Guard's prohibition on unvaccinated members travelling more than 50 miles created great stress, as she and her husband had close relationships with family members outside the 50-mile radius. It made them feel isolated and alone. Meanwhile, "fully-vaccinated" members who

could still acquire and transmit COVID, were not subject to a 50-mile travel prohibition.

12. PO1 Wife shared with me that both she and her husband were under a great deal of stress at the promise by Department of Homeland Security and the Coast Guard that they would be separated, thus causing them to lose not one but both household incomes. The punitive nature of their looming discharge (“General Discharge”) and its impact on their ability to get a good job post-discharge because of the negative reenlistment code served to increase their stress. Finally, the uncertainty of the date of separation made any ability to plan or take immediate steps to secure good future employment virtually impossible.

13. In my conversations with PO1 Husband, he stated he was under a great deal of stress, and was discouraged by how USCG Headquarters was treating him. USCG Headquarters had prohibited him from going more than 50 miles from his base, and thus he had not been back home to see extended family in over 6 months. He greatly missed them.

14. PO1 Husband shared with me that he was under a great deal of job stress, because there was an upcoming inspection on the Fast Response Cutter (FRC) to which he was assigned to as a Damage Controlman. This job is extremely stressful, based on my conversations with PO1 Husband, and other Damage Controlmen who work on FRCs.

15. The FRCs perform tasks of search and rescue, drug interdiction, illegal migrant interdiction, protecting fisheries, port and waterway security, and other tasks.

The FRC is one of the newest types of ship operated by the Coast Guard. It provides a “fast response” to priority missions that require high speed and a prioritized, urgent response, chief of which is saving human life at sea.

16. The operations tempo on Fast Response Cutters is among the highest in the Coast Guard fleet. The pressure from this tempo is so great that operations on Fast Response Cutters requires the full attention of the crew, without distractions. Distractions can cause mishaps that result in lost lives or severe injuries. In general, the USCG gives members from Fast Response Cutters first choice in picking new duty stations, to give those members a time to rest and recuperate, because of the great pressure inherent in operating this type of ship.

17. The job is a stressful job in an already-stressful environment, and inspections increase that pressure significantly. A Damage Controlman First Class is responsible for ensuring the safety of the ship overall, including firefighting, plugging and patching holes to control flooding, shipboard plumbing, and ensuring proper processes are followed for anything that can damage the ship. Examples include toxic gas leaks, fuel line leaks, water line leaks, flooding, fire, post-fire overhaul and ventilation. The Damage Controlman First Class must maintain all equipment necessary for dealing with these scenarios. He is responsible for fixing and knowing how to fix these threats, and all the equipment associated therewith. He is responsible for maintaining dewatering pumps. There may be multiple Engineers on board an FRC, but only one Damage Controlman, and his career depends in significant part on

passing the requisite inspection. PO1 Husband was thus already stressed, by the demands of a job into which he had poured heart and soul.

18. In addition to this work pressure with the upcoming inspection, PO1 Husband was under great social pressure to get the COVID shot. He was known by others to be unvaccinated, because USCG Coast Guard regulation has required “unvaccinated” to wear masks. USCG has permitted the vaccinated members on ships to not wear masks, even though those who are considered “vaccinated” can still get COVID and give it to others.

19. Based on my conversations with PO1 Husband in the course of my counseling, and conversations with PO1 Wife after his decease, he was under enormous pressure, based on the upcoming inspection; the RA denial, the brief appeal timeline and lack of supporting documents he needed to write his appeal; the anxiety of having to train all the new engineers reporting to the boat while facing an uncertain future, all based on his commitment to remaining true to his religious beliefs. He told me that despite this pressure, he hoped to persevere.

20. Unfortunately, in mid-February 2022, PO1 Husband reached a breaking point on a Friday night. After a week dealing with these stresses, he could not take the pressure any longer. Shortly after he got home, he shot himself with a pistol. His wife spoke with me from their home, absolutely devastated. Words are inadequate to describe her pain and the void created by his death.

21. With a heavy heart, I officiated PO1 Husband's memorial service. PO1 Wife requested that I share their story, in hope of preventing other needless deaths, and provided me with written consent to do so.

22. Days after her husband's memorial service, PO1 Wife emailed the Chaplain of the Coast Guard expressing her concerns and hope for his support in standing up to the mandates. In the ensuing email conversation, her concerns were met with derision and her God-given convictions labeled as "political" instead of religious.

23. In the wake of PO1 Husband's death, I have talked with many other Coast Guard members, urging them to remain strong and offering counsel, a listening ear, and hope. The stresses of service are compounded by the discriminatory and nonsensical policies imposed upon members seeking Religious Accommodation.

24. Our members are told they are a "threat" to readiness, yet they are still working and deploying. They can travel beyond 50 miles for mission needs, but cannot travel to see family and friends.

25. Members are told in their RA denial letters that masks are ineffective, yet at many units, they are still arbitrarily forced to wear masks.¹ They are prohibited from PCS moves, and unable to attend advanced training, A, and C schools, in spite of the impact this has to our mission readiness.

¹ Current CDC guidance, DOD guidance, DHS guidance, and Safer Federal Workforce guidance base masking requirements on local area transmission levels without consideration of whether a member has received a COVID shot or not. Some units have followed CDC guidance and removed masks for everyone, while others ignore the above guidance utilizing outdated ALCOAST message 285-21. CGHQ has yet to provide any updated guidance.

26. Since the beginning of January 2022, members of all ranks and rates from across the Coast Guard have reached out to the Chief Medical Officer of the Coast Guard, asking to address the mental health concerns of those with RAs, to no avail.²

27. After PO1 Husband's death, a "listening session" was scheduled with the Chief Medical Officer and the Chaplain of the Coast Guard for March 17, 2022, where members from across the Coast Guard, their spouses, those with RAs, and those who had taken the COVID Shot and been injured, would share their stories and mental health challenges. As these courageous Coast Members prepared to bear their hearts, the listening session was canceled at the last minute, their voices going unheard.

28. Again, I have counseled well over 100 Coast Guard members as part of the RA process. Everything I have seen, including the February 23, 2022 Coast Guard "COVID 19 Military Vaccination Metrics" indicates the Coast Guard is engaging in blanket denials of RAs, with no individual analysis, and is ratcheting up the pressure on sincere service members who already have given so much for our Nation.

29. I am concerned the pressure is mounting. As I write, my soul is burdened for the many members of varying faiths and creeds who are demoralized day after day by the capricious and arbitrary trampling of their rights. Our members with RAs are treated as "refusers" and singled out for their religious beliefs. Without relief from the judiciary, we will see more people reach personal breaking points. Without immediate

2 The Chief Medical Officer hosts a "Wellness Wednesday." Since Members began requesting a focus on Mental Health in early January 2022, the topics have instead been: *Caring for Elders*, *Love is in the Air: Building Healthy Relationships*, *Weight Loss: Myths vs. Facts*, *Black Joy: Embracing Health and Wellness*, and *What Makes Women Tick*. In this time span three (3) Coast Guard members have committed suicide.

relief, I fear we will see more suicides if that pressure becomes too great for some members, as they face the impossible prospect of an uncertain discharge or violating their faith and suffering irreparable moral injury.

I declare under penalty of perjury, under the laws of the United States, that the foregoing statements are true and correct to the best of my knowledge.

Executed this March 18, 2022.

/S NAVY CHAPLAIN 3
NAVY CHAPLAIN 3

(Original Signature retained by Counsel)