



DEPARTMENT OF THE NAVY
CHIEF OF NAVAL PERSONNEL
701 SOUTH COURTHOUSE ROAD
ARLINGTON VA 22204-2472

BUPERSINST 1730.11
N13
13 Nov 2018

BUPERS INSTRUCTION 1730.11

From: Chief of Naval Personnel

Subj: STANDARDS AND PROCEDURES GOVERNING THE ACCOMMODATION OF
RELIGIOUS PRACTICES

Ref: (a) DoD Instruction 1300.17 of 10 February 2009
(b) SECNAVINST 1730.8B
(c) NAVPERS 15665I
(d) BUMEDINST 6230.15B

Encl: (1) Sample Request to Accommodate a Religious Practice (Template)
(2) Chaplain Interview Checklist (Template)
(3) Chaplain Memorandum for the Record (Template)
(4) Religious Accommodation Approval or Endorsement (Template)

1. Purpose. To provide updated policy, guidance, procedures and responsibilities for the accommodation of a sincerely held religious belief for Sailors and prospective accessions, per references (a) and (b). Reference (c) provides the Navy's manner of wear policy for the most commonly requested religious accommodations as delineated in paragraph 5.

2. Scope and Applicability

a. This instruction applies to all active and reserve members of the Navy, including applicants for entry into the Navy and Navy Reserve, as well as midshipmen at the U.S. Naval Academy (USNA) and in the Navy Reserve Officer Training Corps (NROTC), and officers and officer candidates in Navy officer accession programs. Nothing in this instruction precludes disciplinary or administrative action for conduct that is proscribed by the Uniform Code of Military Justice or supporting policies.

b. Conscientious Objectors. Conscientious objections are not covered under this instruction. See DoD Instruction 1300.06 (Conscientious Objector) of 12 July 2017.

c. Peyote Use. Peyote use is not covered under this instruction. See Assistant Secretary of Defense for Force Management Policy Memorandum of 25 April 1997, *Sacramental Use of Peyote by Native American Service Members*.

3. Background. This policy complies with references (a) and (b) and supports the Navy's culture of diversity, tolerance and inclusion. In line with section 2000bb-1 of Title 42, United States Code, requests for religious accommodation from a military policy, practice or duty that

substantially burdens a Sailor's exercise of religion may be denied only when the military policy, practice or duty furthers a compelling government interest and is the least restrictive means available of furthering that compelling government interest. Many religious practices such as (but not limited to) religious observances and dietary practices do not need a request for waiver of policy and can be accommodated at the command level.

4. Roles and Responsibilities

a. Sailors. Sailors seeking accommodation of a religious practice ("requestors") must submit a request in writing to their commander, consistent with enclosure (1). Prospective accessions seeking accommodation of a religious practice ("requestors") should use the accession source chain of command, consistent with enclosure (1) and subparagraph 5b.

(1) Requestors must comply with the applicable policy, practice, direction or duty from which he or she is requesting accommodation until the request is adjudicated. Additionally, commanders and commanding officers ("commanders") may temporarily modify or suspend a religious accommodation if operational circumstances or safety concerns arise that require immediate compliance by the requestor.

(2) Personnel with an approved religious accommodation must inform their chain of command of the approved accommodation upon checking in or changing duties. Requestors must retain a copy of the approved accommodation and be able to produce it within a reasonable amount of time if required to do so.

b. Chaplains. The Chaplain Corps is responsible for the training associated with religious accommodation policy execution. Assisted by religious program specialists, Chaplains provide for and facilitate efforts to meet the religious needs of Department of the Navy (DON) personnel.

(1) A Navy chaplain will conduct an administrative interview for each religious accommodation request. Local chaplains should be used if available. Chaplains may use any means available to ensure the interview takes place promptly, such as telephone or video conference. The chaplain should use enclosure (2) during the interview and must produce a memorandum for the record consistent with enclosure (3).

(2) The chaplain will inform the Sailor or prospective accession that the interview is for the purpose of preparing a memorandum for the record and advising the command, and that the content of the interview is not privileged or confidential as defined in SECNAVINST 1730.9 and the Manual for Courts-Martial Military Rule of Evidence 503.

c. Commanders and Commanding Officers (CO). Commanders must process requests according to the timelines, routing and criteria set forth in this instruction.

(1) When forwarding for appeal or adjudication, commanders will use enclosure (4).

(2) Commanders must obtain the advice of a judge advocate and a chaplain prior to acting on a request that involves a waiver of Navy policy.

(3) Commanders will include a religious needs assessment upon check-in to the command in line with OPNAVINST 1730.1E to include identification of Sailors who may need previously-approved religious accommodation waivers reviewed.

d. Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (CNO N1). CNO N1 is responsible for overseeing religious accommodation policy and will review and act on religious accommodation requests that require waiver of Department of Navy (DON) policy and religious accommodations routed to CNO N1 for approval as indicated in table 1.

5. Policy

a. Standards-Based Approach. The Navy has a compelling governmental interest in mission accomplishment at the individual, unit and organizational levels, including such necessary elements of mission accomplishment as military readiness, unit cohesion, good order, discipline or health and safety. The military is a specialized community within the United States, governed by a discipline separate from the rest of society. All Navy personnel must expeditiously review and act on requests for religious accommodations. Many religious practices do not require an exception to Navy policy and can be accommodated at the command level. The term “religious practice” includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

(1) Each request for religious accommodation must be reviewed on a case basis, giving consideration to the full range of facts and circumstances relevant to the specific request. Requests to accommodate religious practices should not be denied simply because similar requests were denied. The following factors should be considered:

- (a) applicable operational or regional policies,
- (b) importance of the military policy, practice or duty in terms of mission accomplishment, including military readiness, unit cohesion, good order, discipline or health and safety,
- (c) importance of the accommodation to the requestor,
- (d) cumulative impact of repeated accommodations of a similar nature and
- (e) alternate means to meet the requested accommodation.

(2) To comply with the intent of section 2000bb-1 of Title 42, U.S. Code, commanders and their staffs should remain objective in considering a request to accommodate a religious practice. Commanders will not deny or recommend denial of a religious accommodation unless the denial or partial denial furthers a compelling governmental interest and is the least restrictive means of furthering that compelling government interest. It is essential that commanders articulate the factual basis underlying any compelling government interest and that they articulate why a recommended denial or partial denial is the least restrictive means available to the commander to protect the compelling government interest over the individual request. Factors to consider include (but are not limited to) whether approving the accommodation would:

(a) pose a health or safety hazard or interfere with the wear or proper function of special or protective clothing or equipment (including, but not limited to, the donning of respiratory equipment, hazards to proper visibility and communication or clothing hazards) or

(b) otherwise impair mission accomplishment, good order, discipline, morale or unit cohesion.

(3) Sometimes it is necessary for commanders to recommend an alternative accommodation of a religious practice. For example, there may be options and resources not known to the member at the time of his or her request that might be known to the commander. Those alternatives should be discussed and offered to the member to determine if they might satisfy some or all of the member's religious need. Where appropriate, the Chaplain memorandum may discuss alternative means available to address the requested accommodation.

(4) Types of religious accommodations and approval authority levels are listed on the following page. Many religious practices such as (but not limited to) religious observances and dietary practices do not need a request for waiver of policy and can be accommodated at the command level. Certain requests for religious accommodation may be approved by commanders in certain duty type environments as listed in table 1 below. Per reference (a), exceptions to this table are not permitted without CNO N1 approval.

Duty Type	Types of Religious Accommodations	Authority
Types 1, 2, 3, 4 and 6 (all duty types)	Religious observances per subparagraph 5d(1)	CO
Types 1, 2, 3, 4 and 6 (all duty types)	Dietary practices per subparagraph 5d(2)	CO
Types 1, 3 and 6 (shore duty, remote land-based sea duty and overseas shore duty)	Beard of ¼ inch or less per references (c) subparagraph 5d(4)	Approvals authorized at O-6 CO/Immediate Superior In Command (O-6 ISIC), otherwise send recommendation directly to CNO N1
Types 2 and 4 (sea duty and overseas sea duty)	Beard of ¼ inch or less per references (c) and subparagraph 5d(4)	O-6 CO/ISIC send recommendation directly to CNO N1
Types 1, 2, 3, 4 and 6 (all duty types)	Beard longer than ¼ inch per references (c) and subparagraph 5d(4)	O6 CO/ISIC send recommendation directly to CNO N1
Types 1, 3 and 6 (shore duty, remote land-based sea duty, and overseas shore duty)	Neat conservative head covering per reference (c) and subparagraph 5d(4)	Approvals authorized at O-6 CO/ISIC, otherwise send recommendation directly to CNO N1
Types 2 and 4 (sea duty and overseas sea duty)	Neat conservative head covering per reference (c) and subparagraph 5d(4)	O-6 CO/ISIC send recommendation directly to CNO N1
Types 1, 2, 3, 4 and 6 (all duty types)	Uniform, grooming or religious apparel waivers not authorized at a lower level in line with reference (c)	O-6 CO/ISIC send recommendation directly to CNO N1
Types 1, 2, 3, 4 and 6 (all duty types)	Immunizations per subparagraph 5.d (3)	O-6 CO/ISIC send recommendation directly to CNO N1
Types 1, 2, 3, 4 and 6 (all duty types)	All other types of religious accommodation that require a waiver of Navy policy	O-6 CO/ISIC send recommendation directly to CNO N1

Table 1. Authorities and Religious Accommodations (sorted by duty type)

Note 1: Pre-accession authority examples are listed below in subparagraph 5b.

Note 2: Further details for duty types 1 through 6 can be found in MILPERSMAN 1306-102.

b. Accessions

(1) Navy accession sources, Navy Recruiting Command, Naval Service Training Command, USNA and U.S. Navy Bureau of Medicine and Surgery (BUMED), are the designated chains of command for pre-accession requests in line with table 1. Accession source headquarters are responsible for ensuring active and reserve enlisted and officer accessions are informed of uniform and grooming standards and policies, as well as procedures for seeking religious accommodations. Accession source headquarters must document this opportunity in writing and ensure all accession requests for religious accommodation are adjudicated prior to

entering service. The following language should be used to document the applicant understanding of the Navy's religious accommodation policy:

"I understand that Department of the Navy policy is to accommodate religious practices whenever possible, unless doing so would have an adverse impact on mission accomplishment, including military readiness, unit cohesion, good order, discipline or health and safety.

I understand accommodation of my religious practices cannot be guaranteed at all times. I understand that determination of military necessity rests entirely with my Navy chain of command, and that I will be expected to comply with the Navy's policy, practice or duty from which I am requesting accommodation unless and until approved by the designated authority.

I do NOT desire to request a religious accommodation at this time

(Applicant Signature)

I DO desire to request a religious accommodation for:

(Type of Request)

(Applicant Signature)

Applicants requesting religious accommodation may not enlist or commission until they receive a final approval in writing. Accession commands must immediately process the request in line with BUPERSINST 1730.11 (Standards and Procedures Governing the Accommodation of Religious Practices).

(Typed or Printed Name and Signature of Witnessing Recruiting Representative)"

(2) Additionally, prospective accessions must be given the opportunity to route a religious accommodation request prior to departure for a Military Entrance Processing Station, as applicable.

c. Timelines. For religious accommodations requiring adjudication at the commander or O-6 CO/ISIC level, final review and written notification to the requestor will be completed no later than 15 days from the date the requestor submitted the request to his or her immediate commander. This timeline is extended to 30 days for cases originating outside the continental United States (except for Hawaii and Alaska), and in all cases concerning Reserve Component

Service members not on active duty that require adjudication at the commander or O-6 CO/ISIC level. Extensions may be granted by the Director, Military Personnel, Plans and Policy (OPNAV N13), generally due to operational necessity or lack of immediate access to a judge advocate or chaplain. All religious accommodation cases forwarded from the commander's O-6 CO/ISIC to CNO N1 for adjudication must be forwarded within 15 days from the date the requestor submitted the request to his/her immediate commander, and will be expeditiously adjudicated in line with references (a) and (b). To ensure timely and consistent adjudication of all requests, active and reserve Sailors will not submit a religious accommodation waiver request if they are expected to execute permanent change of station orders within 45 days. Written notification should be given to the requestor within 5 days upon any decision, modification, suspension or revocation of a religious accommodation.

d. Accommodation Type

(1) Observances of Worship and Holy Days. Worship practices, holy days and Sabbath or similar religious observance requests will be accommodated except by necessity, consistent with mission accomplishment, U.S. Navy Regulations, and Navy Military Personnel Manual (MILPERSMAN) article 1731-010.

(2) Dietary Practices. Commanders should accommodate religious dietary observances to the fullest extent possible. Commanders normally accommodate religious dietary observances through a standard core menu that supports many religious dietary requirements or by issuing Meals Ready to Eat, Religious. In certain circumstances, commanders may consider other alternative solutions.

(3) Immunizations. The Navy requires immunizations for all Sailors, based on its compelling interest in mission accomplishment, including military readiness, unit cohesion, good order, discipline and health and safety. Local commanders should make a reasonable effort to acquire alternative vaccinations, when available, that meet both religious needs of Sailors and the Navy's immunization requirements as determined by BUMED. Refer to MILPERSMAN 1730-020 as needed. Medical waivers of immunization requirements not associated with religious belief will continue to be adjudicated by the health care provider as addressed in reference (d).

(4) Uniform and Grooming. Pursuant to subparagraph 5a above, commanders should consider such factors as the safe and effective operation of weapons, work center equipment and machinery, and wear of protective clothing or equipment to determine whether the religious accommodation might interfere or otherwise impair the accomplishment of the unit or individual mission(s). Commanders should also state in the endorsement or approval how the religious accommodation may need to be modified in operational, non-operational or training environments.

(a) Beards. As delineated in table 1, religious accommodations for Sailors on shore duty, remote land-based sea duty and overseas shore duty to wear a beard less than ¼ inch in

length may be authorized at the O-6 CO/ISIC level based upon the operational environment and in line with reference (c). All other requests must be sent to CNO N1 for decision.

(b) Head Coverings. As delineated in table 1, religious accommodations for Sailors on shore duty, remote land-based sea duty and overseas shore duty to wear neat and conservative religious head coverings such as (but not limited to) a hijab, turban, kufi, kippah or yarmulke may be authorized at the O-6 CO/ISIC level based upon the operational environment and in line with reference (c). Religious head coverings must not interfere with the wearing of required safety equipment or the cover for the prescribed uniform of the day.

(5) Deoxyribonucleic Acid (DNA) Specimen Sampling. Waiver requests from participation in DNA specimen collection should be forwarded to CNO N1 for final adjudication. BUMED will be consulted prior to final adjudication.

(6) Other Religious Accommodation Requests. All other religious accommodation requests requiring a policy waiver not specified under this section will be routed to CNO N1 via OPNAV N13 for adjudication.

e. **Routing.** For those requests that require a waiver of policy to accommodate religious needs:

(1) A requestor seeking religious accommodation must submit a request in writing through his or her commander using the template at enclosure (1). The requestor must state the religious accommodation sought, and may elaborate on the sincerely-held religious beliefs or circumstances motivating the request.

(2) Every requestor seeking religious accommodation must interview with a Navy chaplain. The chaplain will assess whether the requestor's religious beliefs appear sincerely-held, and will forward an evaluation to the commander using the templates provided in enclosures (2) and (3).

(3) Commanders will take appropriate action on requests to stay within the timelines in subparagraph 5(c). Requests forwarded to the O-6 CO/ISIC for approval or endorsement for CNO N1 must include enclosures (1) through (4). There are no additional requirements.

(4) A copy of any religious accommodation authorized at the O-6 CO/ISIC level or requests forwarded from the O-6 CO/ISIC level to CNO N1 should be sent via e-mail to OPNAV N13 at ALTN_Navy_Religious_Accommodations@navy.mil. If the request contains Personally Identifiable Information (PII), the request must be labelled and encrypted appropriately.

(5) Sailors who fall under the direct report of another United States Military Service will adhere to the provision set forth in subparagraph 4a and must route their requests to the

appropriate Service decision authority for approval. Sailors assigned to a Joint command will route requests to their respective Navy Element Commander for approval, or recommendation to CNO N1 as delineated in table 1.

f. Appeals

(1) Appeals of command-level adjudication will be forwarded to the commander's O-6 CO/ISIC for adjudication. Appeals of O-6 CO/ISIC level adjudication will be forwarded to CNO N1 for adjudication. Appeals of CNO N1 adjudication will be forwarded to the Chief of Naval Operations (CNO) for final adjudication, unless directed otherwise in references (a) or (b).

(2) If the requestor's religious accommodation is denied at any level in the chain of command, and the requestor subsequently experiences a change in physical, operational or geographical environment, or if there is a change to pertinent policy, the requestor may renew his or her request for religious accommodation.

g. Approval Duration, Withdrawal and Suspension. An approved religious accommodation is subject to review, suspension and revocation, in whole or in part, at any time upon a change in the circumstances upon which the initial religious accommodation was based (e.g., new duty assignment, temporary duty or other material change in circumstances). If the commander determines that a compelling government interest requires suspension or revocation of the religious accommodation, the command must notify the requestor in writing. The commander may temporarily modify or suspend an accommodation if operational circumstances or safety concerns arise that require immediate compliance by the requestor. Approved religious accommodations will remain in effect until the commander or future commander notifies the candidate or Service member in writing that a compelling government interest requires a suspension or withdrawal of the religious accommodation. Religious accommodations may be immediately suspended (normally 90 days or less) in light of the duties assigned while not permanently revoked. The original approval will suffice after the suspension is complete. A copy of any permanent withdrawal of a religious accommodation approval must be sent via email to OPNAV N13 at ALTN_Navy_Religious_Accommodations@navy.mil. If the request contains Personally Identifiable Information (PII), the request must be labelled and encrypted appropriately.

(1) The authority to temporarily suspend a previously approved religious accommodation resides with the CO, while the authority to permanently revoke a previously approved religious accommodation remains with the same level of authority at which the religious accommodation was granted. For example, a CO can suspend a religious accommodation while waiting for the O-6 ISIC or DCNO N1 to permanently rescind the previously approved waiver. The standard for suspending or revoking a previously granted religious accommodation, in whole or in part, is the same as the standard for denying a religious accommodation, and the same factors must be considered. Suspensions and revocations may be appealed in the same process as described in subparagraph 5f(1).

(2) The written notification must include the nature of the changed circumstances that require such review and specify the reason for the revocation or the length of the suspension.

(3) The requestor will be given a chance to comment on the review and potential revocation of the religious accommodation. Any comments submitted by the requestor will be forwarded to the appropriate authority for consideration.

6. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned for the standard subject identification codes (SSIC) 1000 through 13000 series per the records disposition schedules located on the Department of the Navy/Assistant for Administration (DON/AA), Directives and Records Management Division (DRMD) portal page at <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local records manager or the DON/AA DRMD program office.

7. Review and Effective Date. Per OPNAVINST 5215.17A, OPNAV N13 will review this instruction annually on the anniversary of its issuance date to ensure applicability, currency and consistency with Federal, Department of Defense, SECNAV and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 5 years unless revised or cancelled in the interim, and will be reissued by the 5-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation following the guidance in OPNAV Manual 5215.1 of May 2016.



R. P. BURKE

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via BUPERS/NAVPERSCOM Web site, <https://www.public.navy.mil/bupers-npc/reference/Pages/default.aspx>

SAMPLE REQUEST TO ACCOMMODATE A RELIGIOUS PRACTICE (TEMPLATE)

(Date)

From: Rate or rank, as applicable, full name, branch and type of service as applicable

To: Appropriate authority per table 1 (i.e., O-6 CO/ISIC or CNO N1)

Via: Appropriate authority per table 1 (i.e., CO, O-6 CO/ISIC)

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION

Ref: (a) DoD Instruction 1300.17 of 10 February 2009

(b) SECNAVINST 1730.8

(c) BUPERSINST 1730.11

(d) Other references as needed

Encl: (1) Photograph (as needed to show the neat and conservative color, manner of wear, etc.)

(2) Optional enclosures (e.g., religious leader endorsement or research in applicable area)

1. Pursuant to references (a) through (c), I hereby request religious accommodation from Navy policy (use reference as needed) to ___(describe the specific practice(s)) ___ due to my religious belief that ___(paraphrase religious basis of the request)___.

2. My request is based on my religious belief that_____ (provide a detailed explanation here as desired)_____ and reference enclosure (1) or (2) as needed/desired.

3. (Required statement) I certify that I understand that any approved or partially approved waiver may not be appropriate for future duty to which I may be assigned, including operational, non-operational or training command(s), and may be suspended or withdrawn in accordance with reference (c).

(Signature)

CHAPLAIN INTERVIEW CHECKLIST TEMPLATE

Requestor:			Interview Date:
Name:			Chaplain Interviewer:
Phone:			Phone:
Email:			E-mail:
Command:			Chaplain's Command:
Interview Preliminaries			
Yes	No	N/A	
			Chaplain reviewed policy and doctrine on religious accommodation and the policy for which the requestor is seeking accommodation.
			Applicant was notified that the interview is not confidential and will be used to advise the command.
			Chaplain explained to the applicant that confidential support can be received from another chaplain.
			Applicant has been granted a religious accommodation for this practice previously.
			Applicant's Page 2 (NAVPERS 1070/602) reflects the belief cited in the application.
Type of Waiver Requested			
Yes	No	N/A	
			Uniform standards
			Grooming standards
			Immunization requirements
			DNA sampling
			Other (Please describe):
Interview			
Yes	No	N/A	
			Requestor's religious beliefs seemed honestly and sincerely held using one or more of the following factors:
			1. Requestor was credible (consistently keeps tenets, practices, etc.).
			2. Requestor's demeanor and pattern of conduct are consistent with the request.
			3. Requestor participates in activities associated with the belief(s).
			4. Other persons supporting the claim are credible.
			5. Request is supported by letter(s) of verification or endorsement from an organization espousing the beliefs which are the basis for the claim.
			Alternate means of accommodating the practice were explored in the interview.
Process Checklist			
Yes	No	N/A	
			Chaplain has prepared a memorandum documenting the interview.
			Chaplain reviewed memorandum with applicant and provided a copy.
			Chaplain submitted the memorandum and this document to the commanding officer via chain of command.
			Chaplain referred applicant to command to process request.

CHAPLAIN MEMORANDUM FOR THE RECORD (TEMPLATE)

From: [Chaplain's rank and name], CHC, USN
To: [Commanding Officer of requestor]

Subj: REQUEST FOR AN EXCEPTION TO POLICY TO ACCOMMODATE A PRACTICE
BASED ON RELIGIOUS BELIEF ICO [REQUESTOR'S RANK, NAME]

Ref: (a) SECNAVINST 1730.8
(b) SECNAVINST 1730.9

1. (Requestor's rank and name) has submitted a request for accommodation of a religious practice per reference (a). Per BUPERSINST 1730.11, I interviewed the requestor on (date). I explained that this interview would not be a confidential communication as defined by reference (b) and informed the requestor that referral for confidential chaplain support was available.
2. Nature of the request. (Provide a narrative summary of the request for religious accommodation and whether or not the requestor has previously had this or any other related request approved or denied)
3. Basis. (Identify the religious beliefs on which the accommodation request is based and provide a professional and objective opinion regarding the religious importance of the request to the member. Include the requestor's religion as listed on NAVPERS 1070/602 (Page 2).
4. Alternate Means. (Indicate alternate means of meeting the request)
5. Sincerity. (Assess the sincerity of the requestor. The memorandum should focus on the sincerity of the member's personal religious beliefs, including the information provided during the interview.)
6. My contact information is (telephone number and e-mail address).

[Signature]

Copy to:
(rank and name of requestor)

RELIGIOUS ACCOMMODATION APPROVAL OR ENDORSEMENT (TEMPLATE)

(Date)

From: Appropriate authority per table 1

To: Appropriate authority per table 1

Via: As applicable with appropriate authority per table 1

Subj: APPROVAL (or) APPROVAL/DISAPPROVAL RECOMMENDATION ICO (INSERT
NAME HERE) RELIGIOUS ACCOMMODATION

Ref: (a) DoD Instruction 1300.17

(b) SECNAVINST 1730.8

(c) BUPERSINST 1730.11

(d) Other references as needed including regional or operational policy

Encl: (1) Sailor/accession request of DD MMM YY

(2) Chaplain Memorandum and Interview Checklist

(3) Other enclosures as needed (e.g., operational or regional policy)

1. Per references (a) through (c)/(d), I am approving this request or I am forwarding this request recommending approval/disapproval in full or in part during the following environments (as applicable to the command):

a. Operational recommendation:

b. Non-operational recommendation:

c. Training environment recommendation:

2. The following information was considered or is provided for consideration as applicable (articulate the factual basis underlying any compelling government interest and why the denial or partial denial is the least restrictive means available to protect the compelling government interest over the individual request):

a. The importance of the military policy, practice or duty from which religious accommodation is sought in terms of mission accomplishment, including:

(1) Military readiness:

(2) Unit cohesion:

(3) Good order and discipline:

(4) Health and safety:

- b. The religious importance of the accommodation to the requestor.
 - c. The cumulative impact of repeated accommodations of religious practices of a similar nature.
 - d. Alternate means available to accommodate the practice in whole or in part.
3. Other pertinent issues or information associated with this request.
4. My point of contact (POC) for this matter is _____ (insert POC here) who can be reached at _____(insert e-mail and telephone number here).
5. This approval/recommendation will be emailed/mailed to OPNAV N131 for review/decision within the timelines in reference (c). Otherwise, Commander should provide the timeline/waiver of timeline here as applicable.

(Signature)

Copy to:
OPNAV N131
Operational Commander(s),
Requestor, etc.



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SECNAVINST 1730.8B CH-1
ASN (M&RA)/N097
28 March 2012

SECNAV INSTRUCTION 1730.8B CHANGE TRANSMITTAL 1

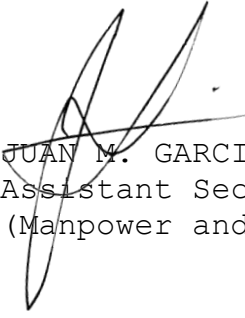
From: Secretary of the Navy

Subj: ACCOMMODATION OF RELIGIOUS PRACTICES

Encl: (1) Revised Page 3
(2) Revised Page 4
(3) Revised Page 8

1. Purpose. To transmit new pages 3, 4, and 8 of the basic instruction replacing obsolete language relative to dietary accommodation and clarifying the factors commanders consider when making determination to grant a request for religious accommodation thereby ensuring that commanders do not treat requests for religious accommodation as personal requests for general accommodation but afford such requests the proper consideration due their religious nature.

2. Action. Remove pages 3, 4, and 8 of the basic instruction and replace with enclosures (1), (2), and (3), respectively, of this change transmittal.


JUAN M. GARCIA III
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

Distribution:

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<http://doni.daps.dla.mil/>



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SECNAVINST 1730.8B
N097
02 October 2008

SECNAVINST 1730.8B

From: Secretary of the Navy

Subj: ACCOMMODATION OF RELIGIOUS PRACTICES

Ref: (a) DoD Directive 1300.17, of 3 Feb 88
(b) U.S. Navy Regulations, 1990
(c) DoD 7000.14-R, Vol. 7A, of Feb 02
(d) DoD Directive 5154.24, of 3 Oct 01
(e) Title 10, United States Code

1. Purpose. To provide policy and guidance for the accommodation of religious practices within the Department of the Navy (DON) under reference (a). The DON recognizes that religion can be as integral to a person's identity as one's race or sex. The DON promotes a culture of diversity, tolerance, and excellence by making every effort to accommodate religious practices absent a compelling operational reason to the contrary. During a service member's career in the DON, he or she will be exposed to a wide variety of religious expressions from both chaplains and other service members. It is DON policy to foster mutual respect for diverse religious expressions, which includes accommodating as many of them as possible at the command level. Chaplains are the Navy's only trained professional religious accommodators. Assisted by religious program specialists, they provide for and facilitate the religious needs of authorized personnel. The Chaplain Corps' capabilities are critical to the commander's ability to successfully meet the requirement for the free exercise of religion set forth in the U.S. Constitution.

2. Cancellation. SECNAVINST 1730.8A.

3. Applicability. The policies and procedures in this instruction apply solely to the accommodation of religious practices within the DON and no other context.

4. Definitions

a. Department of the Navy. The DON, for purposes of this instruction, includes applicants for entry to, and members of, the Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, as

well as midshipmen at the U.S. Naval Academy and in the Reserve Officer Training Corps, and officers and officer candidates in all officer accession programs.

b. Religious Observance. Religious observances include participating in worship services and following other doctrinal requirements on Sabbath and holy days.

c. Religious Dietary Observances. Religious dietary observances include doctrinal or traditional requirements on types of foodstuffs allowed or the means of food preparation.

d. Religious Apparel. Religious apparel is defined as articles of clothing worn as part of the doctrinal or traditional observance of the religious faith practiced by the service member. Hair and grooming practices required or observed by religious groups are not included within the meaning of religious apparel.

e. Religious Medical Practices. Religious medical practices include doctrinal or traditional objections to receiving immunizations and providing Deoxyribonucleic Acid (DNA) specimen samples.

5. Policy. DON policy is to accommodate the doctrinal or traditional observances of the religious faith practiced by individual members when these doctrines or observances will not have an adverse impact on military readiness, individual or unit readiness, unit cohesion, health, safety, discipline, or mission accomplishment.

a. Accommodation of a member's religious practices cannot be guaranteed at all times and is subject to military necessity. Determination of necessity rests entirely with the commanding officer.

b. The guidelines in this instruction shall be used in the exercise of command discretion concerning the accommodation of religious practices. Nothing in these guidelines, except as expressly provided herein, shall be interpreted to require a specific form of accommodation in individual circumstances.

c. All requests for accommodation that can be approved by the commanding officer shall be approved or denied, absent unusual circumstances, within 1 week of the date of request.

Requests that require approval from the headquarters level shall be approved or denied within 30 days of the date of request for cases arising in the United States, and within 60 days for all other cases. Exceptions to these deadlines shall be limited to unusual circumstances.

d. Any request for accommodation that is denied is subject to appeal as follows.

(1) The requesting member shall be informed by the commanding officer of the right to appeal the decision up the chain of command.

(2) Requests denied by the commanding officer shall be appealed to the next higher level of command. Subsequent appeals shall be made at successive levels of command up to and including the Chief of Naval Operations (CNO) or Commandant of the Marine Corps (CMC) as appropriate.

(3) The next level of command will either overturn or uphold the contested decision within 30 days of the date of appeal for cases arising in the United States, and within 60 days for all other cases. Absent unusual circumstances, exceptions to these deadlines shall be limited.

(4) Denied requests regarding the wear of religious apparel shall be appealed directly to the CNO or the CMC per reference (a). The CNO and CMC will provide an information copy of the approval or denial to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN(M&RA)).

(5) The decision of the CNO or CMC shall not be subject to appeal.

6. Religious observances shall be accommodated, except by reason of necessity, as provided in reference (b). In scheduling, commanders should be mindful of major religious observances.

7. Dietary Observance. Commanders afloat and ashore should accommodate religious dietary observances to the fullest possible extent within the limits and guidelines established by this policy. Commanders normally accommodate religious dietary observances through a standard core menu that supports many

religious dietary requirements, and or by issuing Meals Ready to Eat, Religious (MRE-R), or through other appropriate means. To the extent that health, safety, or readiness in the unit is not compromised, commanding officers should authorize individuals to provide their own supplemental food rations at sea or in the field environment to accommodate their religious dietary observances.

8. **Immunizations.** Immunization requirements may be waived when requested by the member based on religious objection.

a. The religious objection of the service member must be balanced against the medical risk to the member and the military unit, and military requirements such as alert status, deployment potential, and availability of the member for reassignment to units requiring full medical readiness. To provide for consistent application of these guidelines, immunization waivers will be decided by the Surgeon General of the Navy (CNO (N093)) or headquarters level designee. Individual requests shall be submitted to Chief, Bureau of Medicine and Surgery (MEDCOM-24), via the commanding officer and Deputy Chief of Naval Operations, Manpower, Training and Education (CNO (N1)) or CMC Deputy Chief of Staff for Manpower and Reserve Affairs (DCS (M&RA)), as appropriate.

b. Commanding officers may subsequently revoke waivers for service members at imminent risk of disease due to exposure or to conform to international health regulations incident to foreign travel or unit deployment. The guidance in paragraph 11e on irresolvable differences must be considered in such circumstances.

9. **Deoxyribonucleic Acid (DNA) Specimen Sampling**

a. Requests for waiver of the DNA specimen sample requirement will be decided by CNO (N1) or CMC (DCS (M&RA)). Individual requests shall be submitted to CNO (N1) or CMC (DCS (M&RA)), as appropriate, via the commanding officer.

b. When determining whether to grant a request for waiver based on religious medical practices, the five factors contained in paragraph 11c as supplemented by the following shall be considered:

(1) DNA analysis fulfills the military requirement of quickly and accurately identifying the remains of service members under reference (d). DNA analysis is not conducted on the specimen unless necessary for identification of remains or for other narrowly defined purposes. The specimen sample will be destroyed at the request of the member upon completion of service.

(2) The cumulative impact of repeated accommodations of a similar nature and previous treatment of similar requests may set a precedent that could adversely impact other Department of Defense (DoD) medical policies and programs, including mandatory pre-deployment processing, medical screening activities, Human Immunodeficiency Virus testing and medical surveillance program serum collection.

10. Uniforms

a. When approved by competent military authority, religious apparel not visible or otherwise apparent may be worn with the uniform, provided it does not interfere with the performance of the member's military duties or interfere with the proper wearing of any authorized article of the uniform.

b. When approved by competent military authority, visible items of religious apparel will be authorized for wear with the uniform, except when the item is not neat and conservative, its wearing will interfere with the performance of the member's military duties, or is specifically prohibited in subparagraphs 10d and 10e. In the context of the wearing of a military uniform, "neat and conservative" items of religious apparel are those that:

(1) Are discreet, tidy, and not dissonant or showy in style, size, design, brightness or color.

(2) Do not replace or interfere with the proper wearing of any authorized article of the uniform.

(3) Are not temporarily or permanently affixed or appended to any article of the uniform.

(4) Do not obscure the identity of the wearer or interfere with communication.

c. The standards in subparagraph 10b, and the prohibitions in subparagraphs 10d and 10e, are intended to serve as a basis for determining a service member's authorization to wear religious apparel with the uniform. Unless prohibited by subparagraph 10d or 10e, religious apparel shall be authorized.

d. Whether an item of religious apparel interferes with the performance of the service member's military duties depends on the characteristics of the item, the circumstances of its intended wear, and the particular nature of the member's duties. Factors in determining if an item of religious apparel interferes with the military duties include, but are not limited to, whether the item may:

(1) Impair the safe and effective operation of weapons, military equipment, or machinery.

(2) Pose a health or safety hazard to the wearer or others.

(3) Interfere with the wearing or proper functioning of special or protective clothing or equipment (e.g., helmets, flak jackets, flight suits, camouflage uniforms, gas masks, wet suits, and crash and rescue equipment).

(4) Otherwise impair the accomplishment of the military mission.

e. Visible items of religious apparel shall not be worn while wearing historical or ceremonial uniforms; participating in review formations, parades, honor or color guards and similar ceremonial details or functions.

f. Jewelry bearing religious inscriptions or otherwise indicating affiliation or belief may be worn subject to the same uniform regulations prescribed for jewelry that is not of a religious nature.

g. Chaplains may wear any religious apparel required by their religious organizations with the uniform while conducting public worship services and during the performance of rites and rituals distinct to their faith groups.

h. Service members may wear any required religious apparel distinct to their faith group with the uniform while in attendance at public worship services.

i. Subject to the guidelines in subparagraph 4d, and the limitations in subparagraphs 10b, 10d, and 10e, commanding officers shall approve individual requests for wearing visible religious apparel with the uniform in circumstances other than attendance at public worship services. Visible items of religious apparel may not be worn with the uniform until approved.

j. A member whose request to wear a visible item of religious apparel has been approved by their commanding officer must again request approval when reporting to a new command or when a new commanding officer reports.

11. Responsibilities

a. Members seeking religious accommodation must submit their request in writing through their chain of command to their commanding officer, commander, or as otherwise specified in this instruction.

b. Commanders will respond to requests for accommodation in a just and timely manner, supporting religious freedom and respect for religious diversity within the Sea Services.

c. Commanders and commanding officers shall approve requests for religious accommodation within the guidelines of this instruction. To promote standard procedures for the accommodation of religious practices, commanding officers shall consider the following factors:

(1) The importance of military requirements, including individual readiness, unit readiness, unit cohesion, health, safety, morale, discipline, and mission accomplishment.

(2) The religious importance of the accommodation to the requester.

(3) The cumulative impact of repeated accommodations of a similar nature.

(4) Alternative means available to meet the requested accommodation.

(5) Previous treatment of the same or similar requests, including treatment of similar requests made for other than religious reasons. Religious requests should be considered at least as favorably as non-religious requests. A request for religious accommodation should not be denied simply because a similar non religious request was denied.

d. When requests are precluded by military necessity, commanders should seek reasonable alternatives.

e. When requests for accommodation are not in the best interests of the unit but continued tension between the unit's requirements and the individual's religious beliefs is apparent, administrative action is authorized, including but not limited to: reassignment, reclassification, or separation consistent with Secretary of the Navy (SECNAV) and Service regulations.

f. Commanding officers shall report each decision to approve or deny a request for religious accommodation up the chain of command to CNO (N1) or CMC (DSC (M&RA)) as appropriate.

g. Nothing in this instruction precludes action under the Uniform Code of Military Justice in appropriate circumstances.

h. The Chief of Chaplains will annually report to the SECNAV, the CNO and the CMC on religious demographics and religious diversity in the DON.

i. The Chief of Chaplains will provide procedures for commanders to record and report their decisions regarding requests for accommodation.

12. Information and Education

a. The CNO and CMC shall provide DON policy on accommodation of individual religious practices and military requirements in paragraphs 5 and 5a of this instruction to applicants for commissioning, enlistment and reenlistment, and shall require the member's signature acknowledging the DON policy.

b. The CNO and CMC shall incorporate relevant materials on religious traditions, practices, policies, this instruction, and reference (e), in curriculum for command, judge advocate, chaplain and similar courses of instruction and orientation.

13. Action

a. ASN(M&RA) is responsible for overall policy control and program execution.

b. The CNO and CMC shall implement the policies and procedures in this instruction.

c. The CNO and CMC shall review Service regulations governing uniforms, food service, separate rations, immunizations, and DNA sampling and revise them as necessary in order to conform to this instruction within 90 days from the date of this instruction and provide copies of each such regulation revision to ASN(M&RA).

d. CNO (N1) and CMC (DCS (M&RA)) shall collect, maintain and make available to the Chief of Navy Chaplains (CNO (N097)) the data concerning religious diversity, religious demographics and statistics related to the approval and denial of requests for religious accommodation.

14. Records Management. Records created by this instruction, regardless of media and format, shall be managed in accordance with SECNAV Manual 5210.1.



Donald C. Winter

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DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON DC 20350-3000

MCO 1730.9
M&RA (MPO)
12 July 2021

MARINE CORPS ORDER 1730.9

From: Commandant of the Marine Corps
To: Distribution List

Subj: ACCOMMODATION OF RELIGIOUS PRACTICES IN THE MARINE CORPS

Ref: (a) Free Exercise Clause of the First Amendment to the Constitution of the United States
(b) The Religious Freedom Restoration Act of 1993 (RFRA), 42 U.S.C. § 2000bb, *et seq.*
(c) 10 U.S. Code §774
(d) DoDI 1300.17, Religious Liberty in the Military Services
(e) SECNAVINST 1730.8B CH-1, Accommodation of Religious Practices
(f) MCRP 6-11D, Sustaining the Transformation (28 Jun 99)
(g) MCTP 6-10A CH 1, Sustaining the Transformation (4 Apr 18)
(h) MCWP 6-11, Leading Marines (formerly FMFM 1-0)
(i) MCO 1020.34H, Marine Corps Uniform Regulations

Encl: (1) Chaplain Interview Checklist Template
(2) Chaplain Memorandum for the Record Template
(3) Religious Accommodation Review Board

1. Situation. Pursuant to reference (a), Service members have a right to observe the tenets of their religion or to observe no religion at all, as provided in this Order. Reference (b) prohibits the federal government from substantially burdening a person's exercise of religion unless the government can demonstrate the burden to the person is: (1) in furtherance of a compelling government interest; and (2) the least restrictive means of furthering that compelling government interest. This Order implements Marine Corps policy for religious accommodation requests in accordance with references (d) and (e).

2. Mission. As required by references (a) - (d), the Marine Corps will accommodate individual expressions of sincerely held beliefs (conscience, moral principles, or religious beliefs) which do not have an adverse impact on a compelling government interest. Religious accommodation includes excusing a service member from an otherwise applicable military policy, practice, or duty. In accordance with reference (d), if such a military policy, practice, or duty substantially burdens a service member's exercise of religion, the accommodation request can only be denied if the cognizant Adjudication Authority determines the following: (1) the military policy, practice, or duty is in furtherance of a compelling government interest; and (2) the military policy, practice, or duty is the least restrictive means of furthering that compelling governmental interest.

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3. Execution

a. Commander's Intent

(1) Per references (b) through (d), Marine Corps Adjudication Authorities will accommodate practices of a Marine based on a sincerely held religious belief when such requests do not adversely affect a Marine or unit's mission accomplishment capabilities. Accommodation includes excusing a Marine from an otherwise applicable military policy, practice, or duty. In accordance with reference (d), if such military policy, practice, or duty substantially burdens a Marine's exercise of religion then a request for accommodation can only be denied if:

(a) The military policy, practice, or duty is in furtherance of a compelling governmental interest; and

(b) The denial is the least restrictive means of furthering that compelling interest.

(2) In applying the standard of paragraphs 3.a.(1)(a) and 3.a.(1)(b), the burden of proof is placed upon the Marine Corps, not the individual requesting the exemption.

(3) Commanders making final determinations on requests will consider, with appropriate annotation on the determination, the elements of mission accomplishment that form the basis of the compelling governmental interest.

(4) Commanders must remain objective in considering requests to accommodate religious practices. Each request for religious accommodation must be reviewed on a case-by-case basis, giving consideration to the full range of facts and circumstances relevant to the specific request. It is essential that commanders articulate the factual basis underlying their decision.

b. Compelling Governmental Interest The United States Marine Corps has a compelling governmental interest in mission accomplishment at the individual, unit, and organizational levels. The necessary elements of mission accomplishment include: (1) military readiness; (2) unit cohesion; (3) good order and discipline; and (4) health and safety. Adjudication Authorities must pay particular attention to how religious accommodation request determinations will impact the unit's ability to accomplish the mission. In making their decision, the matters to be considered by a commander include, but are not limited to, the following:

(1) The Marine Corps has a compelling interest in instilling in each Marine an identity as part of a team. Almost everything the Marine Corps does, it does as a team. It trains as a team, fights as a team, wins as a team. This identity is in the very nature of a "Corps." To be effective, every member of the team must commit to accepting a role and a willingness to sacrifice individually to carry out that role in support of the team. To defend our nation, some Marines have been, and will be called upon to make the ultimate sacrifice. A commitment of this magnitude runs counter to humanity's most primal survival instincts, but the mission of the Corps requires it. The very nature of being a Marine means possessing more than a willingness to go into harm's way—it requires the strength of character to move forward in environments that will cost Marine lives. To do this, Marines must have more than courage. They must have the highest level of

discipline and a unique trust in those with whom they serve. They must know at an instinctual level that their fellow Marines are as committed to stepping forward in those dangerous environments to execute the mission. This discipline is forged through Marine training and culture, instilled as an ethos at the very beginning of a recruit's journey to becoming a Marine, and carried with them into those dangerous and difficult environments for which the Corps was created.

(2) The Marine way of life includes the use of certain tools to instill and maintain that team mindset. One such tool is the uniform. For the Marine, uniformity is a reminder for the individual that they have joined a storied team with a warrior culture. An individual joins the Corps and through the transformation to Marine, joins a team that relies on individual sacrifice and performance in the context of executing the Corps' mission. As a practical matter, this means that everyone desiring to be a Marine often must be willing to give up something to accept uniformity and what it means. This common sacrifice contributes to the forging of unit cohesion.

(3) Importantly, the uniform is a representation of commitment to other Marines. It does not supersede an individual Marine's personal beliefs or values. No Marine will be asked to change their personal beliefs, including religious beliefs, which are protected by the United States Constitution. The Corps has an obligation to try to find ways to facilitate each Marine's commitment to their faith as well as to each other. To facilitate that obligation, the Corps has created a process enabling each Marine to request a waiver of its regulations to allow the display or facilitation of articles of faith. That process is outlined herein.

c. Pre-accession Requests and Delayed Entry Program. During the screening process, the recruiter will explain to the applicant the Marine Corps' uniform and grooming policies and the religious accommodation policy. An applicant will acknowledge an understanding of these policies, in writing, and inform the recruiter if they maintain religious beliefs that would require an accommodation of the uniform and/or grooming policies. The recruiter will explain the conditions and considerations taken by commands and individuals when an accommodation has been requested as described in sections 3.c, 3.d, 3.e, and 3.f of this Order. An applicant must be determined by the Recruiting Station to be a qualified applicant for accession before a request for religious accommodation will be considered. The applicant will acknowledge, in writing, an understanding of these policies. Once a decision on the accommodation request is made, the applicant may accept the decision and then be contracted and enter the delayed entry program or direct ship. While in the delayed entry program, the recruiter reinforces the requirements to be a Marine, and begins to instill the sense of team over self. The qualified applicant begins to gain an understanding of what it means to be a Marine and begins transforming underlying assumptions of being a Marine into service beliefs of being a Marine. This transformation, as identified in references (f) and (g), begins as the qualified applicant prepares for recruit training.

d. Entry Level Training (ELT). Of particular importance is the recruit training phase which begins the ELT continuum. During recruit training, the recruit is transformed from a civilian into a United States Marine. Recruit training instills the understanding of, and ability to, put the needs of the unit over an individual Marine's needs. Uniformity plays an integral role in the Transformation. As the Marine proceeds through the ELT continuum, the

Marine is increasingly introduced to working with military equipment, and the associated necessary health and safety precautions.

e. Unit Assignment

(1) Fleet and Deployable units. Marines assigned to Fleet and deployable units face the possibility of protecting the interest of the United States in the full range of conflict at any time. Unit readiness, safety and security are essential in ensuring Marine units are ready to respond to crisis. Marines assigned to these units are involved in many inherently dangerous activities to include combat operations. Personal protective equipment is required. Some accommodations may not be suitable during such assignments and previously approved accommodations are subject to review. During combat deployments, the needs of the unit are greater than the needs of the individual.

(2) Non-deployable units. Marines assigned to non-deployable units are typically involved in fewer inherently dangerous activities and have less reliance on personal protective equipment and therefore, health and safety considerations are weighed against some accommodations. However, the need for uniformity in public-facing ceremonial duties is high. Marines who perform ceremonial duties must be mindful that they represent the entirety of the Corps to the general public and to each specific audience for whom ceremonies are performed. When performing public-facing ceremonial roles, Marines must signal that the Corps is neutral on matters of religion. This is an important representational role, one that inspires others to join the Corps and that communicates to national leaders and others that the Corps is achieving its goal of creating a cohesive group of warriors capable of defending the nation's interests.

f. Other Considerations

(1) The Marine Corps requires immunizations for all Marines, based upon our compelling interest in military readiness and the health and safety of the Total Force. Immunizations are an important component of individual and unit medical readiness. Marines may be called upon to operate in environments and under conditions that increase their exposure and susceptibility to illness, particularly in deployed environments and when Marines are required to be in close proximity to each other such as recruit training and embarked on ships, aircraft, and military vehicles. Mission accomplishment may require that Marines be immunized to protect against disease due to increased exposure potential, or to conform with international health regulations incident to foreign travel or unit deployment.

(2) The Marine Corps generally accommodates religious dietary observances by adopting a standard core menu that supports many religious dietary requirements at military dining facilities, ashore and afloat, as well as by issuing meals, ready-to-eat (MREs) and meals, religious, ready-to-eat (MRE-R) in field environments. However, forward deployed dining facilities may not be able to provide for all dietary practices and MRE or MRE-Rs cannot always be guaranteed. When military dining facilities, MREs or MRE-Rs cannot meet a Marine's religious dietary observances during training events, commanders may authorize Marines to provide their own supplemental food rations to the extent that health, safety or mission readiness of the unit is not compromised.

(3) The Marine Corps generally accommodates religious observance requests by permitting Marines time off for worship and similar religious observance practices, consistent with mission accomplishment. Time off for religious observances can routinely be addressed by modifying duty schedules, or by granting leave or liberty when the time required for religious observance would interfere with the performance of normal duties. However, a Marine must also be prepared to perform alternative duty or duty hours for the benefit of the team. Marines must also recognize that time for religious observances may not always be readily available in a forward-deployed or operational environment.

4. Concept of Operations

a. Accommodation Requests

(1) Qualified Applicant Requests. Qualified applicants will be briefed on the requirements of references (d) and (e) and this Order and screened on their willingness to comply with reference (i) if accessed into the Marine Corps. Qualified applicants may submit a pre-accession request for religious accommodations in accordance with this Order. Qualified applicants requesting an accommodation will be interviewed by a chaplain, per enclosures (1) and (2). A decision concerning the request must be made prior to participation in the commissioning program, warrant officer program, enlistment, reenlistment, enrollment in a Military Service Academy or a Senior Reserve Officers' Training program, or award of such scholarship or benefit. Pre-accession requests for religious accommodations will be forwarded through the chain of command to the Commanding General, Marine Corps Recruiting Command (CG, MCRC), for further coordination with the Deputy Commandant, Manpower and Reserve Affairs (DC M&RA). Qualified applicants who submit such requests may not be accepted for enlistment before DC M&RA makes a determination on their requests.

(2) Service Members. Service member religious accommodation requests will be submitted using the NAVMC 10274 AA form. Requests requiring DC M&RA decision will be forwarded, via the chain of command, to include the first Marine Corps General Court-Martial Convening Authority (GCMCA) in the chain of command. Service members submitting a religious accommodation request must continue to comply with the policy, practice, or duty from which an accommodation has been requested until informed that the request has been approved by the appropriate authority unless exceptional circumstances exist. The cognizant Appellate Authority may determine whether a particular circumstance qualifies as an exceptional circumstance. For the purposes of this Order, a cadet or midshipman enrolled at a Military Service Academy or in a Reserve Officers' Training Corps are considered service members.

(3) Minimum requirements. Religious accommodation requests will include the nature of the accommodation requested, duration of the request, the religious or sincerely held spiritual basis for the request, and the faith group or belief system identified with the request. Requesters are encouraged, but not required, to propose viable alternatives that could balance the Marine Corps and Marine's interests appropriately (e.g., limiting a request to the wear of certain religious attire in an indoor setting or identifying an alternative immunization). If applicable, the request must also include a photo or description of any head covering, religious affiliated item, grooming standard, and/or personal appearance for which the requester is requesting accommodation. For Service member requests, an

interview from the cognizant command chaplain is required. See enclosures (1) and (2).

b. Adjudication Authority. Religious accommodation requests that can be approved/denied consistent with Department of Defense, Department of Navy, and Marine Corps Orders and regulations will be reviewed and acted upon by a Marine Corps special court-martials convening authority (SPCMCA). This type of request includes requests for dietary practices and time off for religious observances. Requests for the accommodation of religious practices that require the waiver of Department of Navy and Marine Corps Orders and regulations will be submitted to DC M&RA via the first GCMCA. This type of request includes requests for grooming, religious apparel, and medical requirements. Prior to an Adjudication Authority determination, the authority must consult with their staff judge advocate.

(1) Review and Action Timelines

(a) Review and Action Timelines. Adjudication Authority review and final determinations for requests that can be approved consistent with existing orders, regulations, and policies must be made within 30 business days of receipt of a request that meets the minimum requirements under this Order. However, Adjudication Authority review and a final determination for requests originating from outside the United States or for Reserve Component Service members not on active duty must be made within 60 days of receiving a request that meets the minimum requirements under this Order. Exceptions to these timelines may be granted only in exceptional circumstances.

(b) Requests that require the waiver of otherwise applicable orders, regulations, and policies, must be forwarded to DC M&RA within 30 days of receipt of a request that meets the minimum requirements under this Order. Requests originating from outside the United States or for Reserve Component service members not on active duty must be forwarded to the DC M&RA within 60 days of receipt of a request that meets the minimum requirements under this Order. DC M&RA review and final determinations for these requests must be made within 60 days of receipt of a request. In addition, the individual requesting the accommodation must be informed of the final determination within five business days of final action.

(c) All pre-accession qualified applicant requests will be submitted to DC M&RA for final determination. The request must be received by DC M&RA within 30 days from submission to recruiter.

(d) Per reference (d) to establish controls for compliance, commands will inform DC M&RA when a request for accommodation is received.

(2) Standard of Review. The Marine Corps will approve an individual request for accommodation unless such approval erodes a compelling government interest. The factors detailed above shall be considered. Adjudication Authorities must demonstrate that their determinations consider whether the request is based on a sincerely held religious belief and whether there is a less restrictive alternative means of meeting the compelling government interest while providing for a religious accommodation. Adjudication Authorities must consider every request on a case-by-case basis. However, Adjudication Authorities may consider: (1) the individual and the cumulative effects of granting similar religious accommodation requests on the necessary elements of mission accomplishment; and (2) whether any existing exemptions available for other individuals or entities could be expanded to include the

requester in whole or in part. Pursuant to reference (d), Adjudication Authorities must ensure, to the greatest extent practical, the consistent application of the policies and procedures prescribed by this Order. This should include a consistent application of prior accommodation decisions.

(3) In making their decision, the matters to be considered and annotated by an adjudication authority include, but are not limited to, the following:

(a) The unit's readiness and potential impacts of the request. This includes consideration of the overall mission of the unit and of the particular position the service member occupies.

(b) Any adverse health and safety impacts of the request. This includes potential interference with the proper functioning of special or protective military equipment (for example a respirator, gas mask, protective helmet or communication gear).

(c) Whether or not accommodations of similar nature have been granted in the past within the unit and the cumulative impact of repeated similar accommodations. Note, requests to accommodate religious practices should not be approved or denied simply because similar requests were approved or denied in the past.

(d) Least restrictive alternate means to fulfil the request that support the Service member in the exercise of their religious beliefs and practices.

(4) Adjudication Authority Notice of Resolution

(a) A qualified applicant or service member will be informed of the approval or disapproval of their request for accommodation in accordance with the review and action timelines in this Order.

(b) A religious accommodation request may be granted in whole or in part. The qualified applicant or service member will be informed in writing of any conditions or limitations placed on the approval to meet the compelling governmental interest in mission accomplishment. For example, conditions related to deployment, health and safety issues relative to particular assignments or types of assignments, or training events or ceremonial occasions that require a service member to conform to military standards to protect health and safety, or maintain good order and discipline.

(c) A qualified applicant or service member whose request is granted in whole or in part will be informed, in writing, of the specific elements of that approval.

c. Administrative Appeal Process. An appeal must be requested in writing within five business days of receipt of final decision by the adjudication authority. An appeal must be forwarded via the chain of command, through the first Marine Corps GCMCA in the chain of command, for appellate decision.

(1) Appellate Authority. The appellate authority for religious accommodation requests that can be approved consistent with Department of Navy and Marine Corps Orders and regulations is the first Marine Corps GCMCA.

The Appellate Authority for religious accommodation requests that require waiver of Department of Navy and Marine Corps Orders or regulations is the Commandant of the Marine Corps (CMC). The Assistant Commandant of the Marine Corps or the Director of the Marine Corps Staff may take action on behalf of the CMC. Decisions by an Appellate Authority are final. A Service member who desires to appeal DC M&RA's decision will submit the appeal in standard naval letter addressed to CMC within 10 business days of receiving the determination. The appeal should provide substantive information as to why the Service member or applicant believes the decision was unjust. The appeal will be sent to CMC(MPO) at MPO@usmc.mil.

d. Duration and Proposals to Rescind. In accordance with reference (d), an approved religious accommodation request will remain in effect during follow-on duties, assignments, or locations, and for the duration of a service member's military career, including after promotions, reenlistment or commissioning, unless and until rescinded in accordance with the requirements of this Order. As detailed above, the Adjudication Authority may place conditions or limitations on the request, for example those related to deployment, health and safety issues relative to particular assignments or types of assignments, or training events or ceremonial occasions.

(1) Rescissions and modifications. An approved accommodation may be subject to review and rescission, in whole or in part, at any time, based upon a determination that the circumstances and conditions under which the grant of accommodation was approved have changed (e.g., deployment, new duties, or other material change in circumstances). The standard for repealing a previously granted accommodation is the same as the standard for denying an accommodation request. Proposals to review, rescind, or modify an approved accommodation will, at a minimum, originate from the cognizant SPCMCA and will state the basis on which the proposed review, rescission or modification of the religious accommodation has been submitted. When such a proposal is initiated, the service member will be afforded the following:

(a) A written summary of the nature of the materially changed circumstances that require such review and repeal;

(b) No fewer than 10 business days to review and comment on the proposed rescission of the accommodation;

(c) An opportunity to review and comment on any endorsements of the proposal from the chain of command;

(d) Subject to security classification requirements, the opportunity to review and comment on any documents or attachments to the proposal or subsequent endorsements.

(2) Exigent Circumstances

(a) Previously approved requests may be revoked due to exigent circumstances in furtherance of a compelling government interest and due to operational necessity, when time is of the essence, and no less restrictive means of religious accommodation are available. Exigent circumstances may include instances in which a competent military authority has identified a specific and concrete threat to the health and safety (such as toxic chemical, biological, radiological, nuclear agents that may merit a heightened protective posture). During exigent circumstances, the cognizant GCMCA, after consultation with their staff judge advocate, must notify a

service member of the need to suspend a religious accommodation, the basis for the suspension, the date the suspension will go into effect, and the service member's right to appeal. The cognizant GCMCA shall inform DC M&RA of any actions to suspend a religious accommodation due to exigent circumstances within three business days. Service members will have five business days to submit their appeal to DC M&RA. A Service member may temporarily self-suspend an approved accommodation without surrendering the approval.

(b) Imminent Threat Exigent Circumstances. During exigent circumstances involving an imminent threat to individual, unit, or organizational health and safety, the GCMCA may shorten or eliminate the notification and appeal process until such time as the imminent threat to health and safety no longer exists. The cognizant GCMCA shall inform DC M&RA of any actions to suspend a religious accommodation due to imminent and exigent circumstances within three business days.

e. Subordinate Element Tasks

(1) Deputy Commandant for Manpower and Reserve Affairs (DC M&RA)

(a) Establish a non-statutory Religious Accommodation Review Board ("Board") to consider religious accommodation requests requiring DC M&RA determination (see enclosure (3)).

(b) In accordance with references (d) and (e), the DC M&RA is delegated the authority to act on religious accommodation requests that require waiver of Department of Navy and Marine Corps issuances, directives, and regulations.

(2) Commanding General, Training and Education Command (CG TECOM)

(a) Ensure the training curriculum for commanding officers and sergeants major include appropriate education and training on this Order.

(b) Provide subject matter expertise on the Transformation Process during the ELT training continuum.

(3) Commanding General, Marine Corps Recruiting Command (CG MCRC)

(a) Ensure qualified applicants are screened on their willingness to comply with reference (i), if inducted into the Marine Corps. Qualified applicants may submit a pre-accession request for religious accommodation in accordance with this order.

(b) Qualified applicants who submit such requests may not be accepted for enlistment before DC M&RA makes a determination on their requests. Pre-accession requests for religious accommodations will be forwarded through the chain of command to the CG MCRC, for further coordination with the DC M&RA.

(c) Ensure Service members in the Ready Reserve submit their request for religious accommodation through Marine Corps Individual Reserve Supporting Activity chain of command before joining them through Prior Service Recruiting.

(d) Ensure recruiters are provided appropriate education and training on this Order.

(4) Chaplain of the Marine Corps

(a) Provide a chaplain advisor to support the Religious Accommodation Review Board, who assess the interviewing chaplain's advisement to the command concerning the sincerity and the nature (i.e., conscience, moral principles, or religious beliefs) of the held beliefs.

(b) Ensure chaplains complete enclosures (1) and (2) for all accommodation requests.

(c) Ensure chaplains assigned to the Marine Corps are provided appropriate education and training on this Order.

(5) Staff Judge Advocate to the Commandant of the Marine Corps (SJA to the CMC)

(a) Provide a legal advisor to support the Religious Accommodation Review Board.

(b) Ensure staff judge advocates assigned to the Marine Corps commands are provided appropriate education and training on this Order.

(6) Director, Health Services (HS). Provide a medical advisory for any medical related accommodation request.

f. Coordinating Instructions

(1) DC M&RA will make determinations on requests for grooming, religious apparel, and medical practices (including, but not limited to, immunizations and deoxyribonucleic acid (DNA) specimen samples).

(2) Commanding officers will make determination on dietary requests and requests for time off for religious observances in accordance with the guidance in this Order.

(3) Service members requesting an accommodation within the context of this Order will be interviewed by a chaplain. The chaplain will conduct an interview of the Marine and record it with the templates found in enclosures (1) and (2). The interviewing chaplain shall assess the sincerity and the nature (i.e., conscience, moral principles, or religious beliefs) of the held belief.

(4) Nothing in this Order precludes disciplinary or administrative action for conduct by a service member that is prohibited by Chapter 47 of Title 10, U.S. Code, also known as the "Uniform Code of Military Justice."

(5) An expression of sincerely held beliefs may not be used as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

g. Definitions

(1) Business Days. Any day except any Saturday, any Sunday, any day which is a federal legal holiday, or a day in which the Office of Personnel

Management designates the federal offices in the Washington D.C. area as closed.

(2) Exceptional Circumstances. An incident that is out of the ordinary, unavoidable, or unexpected where time is of the essence and the incident requires immediate and mandatory intervention. For example, a showing of exceptional circumstance may include the exercise of certain religious practices for a medical emergency or funeral rite.

(3) Qualified Applicant. A Marine Corps applicant who has been found to be mentally, morally, and physically qualified for accession in to the Marine Corps. This term includes applicants applying for a commissioning program, warrant officer program, enlistment, reenlistment, or enrollment in a military service academy or Reserve Officers' Training Corps program (including military service academy preparatory schools).

(4) Service Member. For the purposes of this Order, this term means a member of the Marine Corps. Additionally, this term means members of the Navy who are serving with Marine Corps units and authorized to wear the Marine Corps uniform.

5. Administration and Logistics


a. Records Management. Records created as a result of this directive shall be managed according to National Archives and Records Administration (NARA)-approved dispositions per SECNAV M-5210.1 CH-1 to ensure proper maintenance, use, accessibility and preservation, regardless of format or medium. Records disposition schedules are located on the Department of the Navy/Assistant for Administration (DON/AA), Directives and Records Management Division (DRMD) portal page at:
<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>. Refer to MCO 5210.11F for Marine Corps records management policy and procedures.

b. Privacy Act. Any misuse or unauthorized disclosure of Personally Identifiable Information (PII) may result in both civil and criminal penalties. The Department of the Navy (DON) recognizes that the privacy of an individual is a personal and fundamental right that shall be respected and protected. The DON's need to collect, use, maintain, or disseminate PII about individuals for purposes of discharging its statutory responsibilities shall be balanced against the individuals' right to be protected against unwarranted invasion of privacy. All collection, use, maintenance, or dissemination of PII shall be in accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a) and implemented per SECNAVINST 5211.5F.

c. Recommendations. Recommendations for the content of this Order may be sent to Manpower and Reserve Affairs (M&RA), Manpower Military Policy (MPO) branch.

6. Command and Signal

- a. Command. This Order is applicable to the Total Force.
- b. Signal. This Order effective date signed.

A handwritten signature in black ink, appearing to read 'D. H. Berger', written in a cursive style.

David H. Berger
Commandant of the Marine Corps

Distribution: PCN 10202400600

CHAPLAIN INTERVIEW CHECKLIST TEMPLATE

Requester:			Interview Date:
Name:			Chaplain Interviewer:
Phone:			Phone:
Email:			E-mail:
Command:			Chaplain's Command:
Interview Preliminaries			
Yes	No	N/A	
			Chaplain reviewed policy and doctrine on religious accommodation and the policy for which the requestor is seeking accommodation.
			Requester was notified that the interview is not confidential and will be used to advise the command.
			Chaplain explained to the requestor that confidential support can be received from another chaplain.
			Requester has been granted a waiver for this practice previously.
Type of Waiver Requested			
Yes	No	N/A	
			Uniform standards
			Grooming standards
			Immunization requirements
			DNA sampling
			Other (Please describe):
Interview			
Yes	No	N/A	
			Requester's beliefs (conscience, moral principles, or religious beliefs) seemed honestly and sincerely held using one or more of the following factors:
			1. Requester was credible (consistently keeps tenets, practices, etc.).
			2. Requester's demeanor and pattern of conduct are consistent with the request.
			3. Requester participates in activities associated with the belief(s).
			4. Other persons supporting the claim are credible.
			5. Request is supported by letter(s) of verification or endorsement from an organization espousing the beliefs which are the basis for the claim.
			Alternate means of accommodating the practice were explored in the interview.
Process Checklist			
Yes	No	N/A	
			Chaplain has prepared a memorandum documenting the interview.
			Chaplain reviewed memorandum with requestor and provided a copy.
			Chaplain submitted the memorandum and this document to the commanding officer via chain of command.
			Chaplain referred requestor to command to process request.

CHAPLAIN MEMORANDUM FOR THE RECORD TEMPLATE

Date

From: [Chaplain's rank and name], CHC, USN
To: [Commanding Officer of requester]

Subj: REQUEST FOR A WAIVER OF POLICY TO ACCOMMODATE
PRACTICE BASED ON RELIGIOUS BELIEF ICO [REQUESTER'S
RANK, NAME]

Ref: (a) DoDI 1300.17
(b) SECNAVINST 1730.8B

1. (Requester's rank and name) has submitted a request for accommodation of a religious practice. Per MCO 1730.9, I interviewed the requester on (date). I explained that this interview would not be a confidential communication as defined by reference (b) and informed the requestor that referral for confidential chaplain support was available.

2. Nature of the request. (Provide a narrative summary of the request for religious accommodation and whether or not the requestor has previously had this or any other related request approved or denied). The narrative summary should also identify the beliefs are derived from a matter of conscience, rooted in moral principles, or religious beliefs.

3. Basis. (Identify the religious beliefs on which the accommodation request is based and provide a professional and objective opinion regarding the religious importance of the request to the member.

4. Alternate Means. (Indicate alternate means of meeting the request).

5. Sincerity. (Assess the sincerity of the requester. The memorandum should focus on the sincerity of the member's personal religious beliefs, including the information provided during the interview).

6. My contact information is (telephone number and e-mail address).

[Signature]

Copy to:
(Rank and name of requester)

RELIGIOUS ACCOMMODATION REVIEW BOARD

1. The Religious Accommodation Review Board will use existing M&RA board structure and will consist of a minimum of three voting members assigned by DC M&RA. The Board will be supported by non-voting advisors, to include a recorder, a legal advisor, a chaplain advisor, and other personnel as determined by the Board President.

2. The Board will make written recommendations as to the merits of each religious accommodation request and whether the DC M&RA should approve or deny, in whole or in part, each request. The Board may also recommend an accommodation request be temporarily or partially denied. For example, the Board may recommend a particular accommodation request be denied for a short period of time during ELT (e.g., during recruit training), for safety reasons (i.e., within 25 feet of an operating aircraft), or during combat operations (i.e., to ensure the proper wear or function of special or protective clothing or equipment).

3. For each accommodation request where the Board recommends an accommodation be temporarily approved or denied, the Board is encouraged to make a recommendation on what conditions could affect the modification or revocation of an accommodation.

4. The Board is encouraged to make specific recommendations that will allow consistent accommodation decision for Marines serving in similar MOSs, geographical locations, and duty assignment.