



Supplemental Guidance: Mandatory COVID-19 Vaccinations

1. Purpose. This Practice Advisory provides information and guidance on MARADMIN 612/21, which supplements MARADMINs 462/21 and 533/21, the previously published Marine Corps guidance on mandatory COVID-19 vaccination. MARADMIN 612/21 defines when a Marine is considered to have “refused the vaccine,” directs the processing for administrative separation of any Marine who has “refused the vaccine,” prohibits reenlistment or execution of orders by Marines who have “refused the vaccine,” directs the delay of promotion of Marines who have “refused the vaccine,” prohibits service in command assignments of Marines who have “refused the vaccine,” and clarifies that Marines separated for COVID-19 vaccination refusal are not eligible for involuntary separation pay and will be subject to recoupment of any unearned special or incentive pays and advance education assistance. This practice advisory supplements, and should be read in conjunction with, Practice Advisory 8-21 (Mandatory COVID-19 Vaccinations).

2. References.

- a. SECDEF Memo of 24 Aug 21
- b. ALNAV 062/21
- c. MARADMIN 462/21
- d. MARADMIN 533/21
- e. MARADMIN 612/21

3. Deadlines.

- In accordance with the references, active-duty Marines must be fully vaccinated against COVID-19 NLT 28 Nov 21, and Reserve component Marines NLT 28 Dec 21. Ready Reserve Marines in an active duty status are required to be vaccinated no later than 28 Nov 21.
- Commanders may also order Marines who are subject to the mandatory COVID-19 vaccination requirement to be fully vaccinated on a date prior to the dates established by the references.

4. Applicability.

- References (b) through (e) apply to all “active” and “reserve” component Marines.
- The terms “active duty Marines” and “Ready Reserve Marines” in reference (e) include all active component Marines as well as reserve component Marines serving in the following capacities: Active Reserve; Selected Marine Corps Reserve; and Individual Mobilization Augmentee.

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- Reference (e) does not apply to:
 - Marines who separate or commence terminal leave and are no longer present in the workplace on or before their lawfully ordered vaccination date. **These Marines are administratively exempt from vaccine requirements.** Reference (e) ¶ 3i. *NOTE: This is a change in the policy previously issued in MARAD8MIN 462/21 ¶ 3k1 and the guidance provided in Practice Advisory 8-21.*
 - Individual Ready Reserve (IRR) Marines unless the Marine was involuntarily transferred to the IRR pursuant to reference (e).
 - Marine NROTC midshipmen who are subject to references (a) and (b). Separate and distinct authorities govern the disenrollment and separation of midshipmen.
 - Marines with a pending or approved exemption or accommodation request, or appeal. If a request or appeal is denied, or a temporary exemption expires, the Marine is subject to the vaccination order. See below.

5. Vaccination Deadline for Denied Exemption and Accommodation Requests. Upon final adjudication of any request for exemption, accommodation, or appeal that results in a denial of the request or appeal, the requesting/appealing Marine's command shall establish a new deadline by which the Marine must be "fully vaccinated." It is recommended that notification of the new vaccination deadline be made in writing. There are three distinct categories of accommodation and exemption requests:

- **Religious Accommodation Requests.** Deputy Commandant for Manpower and Reserve Affairs (DC, M&RA) will copy the requesting Marine's command on decisions made on religious accommodation requests. If DC, M&RA denies the religious accommodation request, the requesting Marine's command shall establish and inform the Marine of the new deadline by which the Marine must be "fully vaccinated." It is recommended that the Marine be notified of the new deadline via written notification.
 - A Marine whose religious accommodation request is denied by DC, M&RA may appeal the denial to the Assistant Commandant of the Marine Corps (ACMC). If ACMC denies the appeal, the appealing Marine's command shall establish and inform the Marine of the new deadline by which the Marine must be "fully vaccinated." It is recommended that the Marine be notified of the new deadline via written notification.
- **Medical Exemption Requests.** A medical exemption may be denied, approved with an expiration date (e.g., temporary medical exemption based upon pregnancy,) or approved for an indefinite period of time. However, reference (e) requires all approved medical exemptions be re-evaluated within no more than 365 days from approval. If a medical exemption request is denied or a previously approved medical exemption expires or is rescinded, the subject Marine's command shall establish and inform the Marine of the new deadline by which the Marine must be "fully vaccinated."
- **Administrative Exemption Requests.** If an administrative exemption is denied or a previously approved administrative exemption expires or is rescinded, the subject Marine's command shall

establish and inform the Marine of the new deadline by which the Marine must be “fully vaccinated.” Example: The Marine is granted an administrative exemption for an indefinite period due to the Marine’s extended deployment to an area where approved COVID vaccines are not available. Upon the Marine’s return from deployment or relocation to an area where approved COVID vaccines are available, the Marine’s command may rescind the administrative exemption and establish a deadline by which the Marine must be “fully vaccinated.”

6. Refusing the Vaccine. “Refusing the vaccine” triggers administrative actions *in all cases.*

Reference (e) defines the term “refusing the vaccine.” There are three elements to the definition and all three must be met in order for a Marine to have “refused the vaccine.”

- **A lawful order to be “fully vaccinated” against COVID-19.** References (b) and (c) constitute lawful orders for Marines to be “fully vaccinated.” A local commander may also issue a lawful order with the same or an earlier “fully vaccinated” date than that established in references (b), (c), and (d).
- **The Marine has not and will not be “fully vaccinated” by the date required in references (c) and (d) or an earlier date established by a local commander’s order.** References (c) and (d) require active-duty Marines to be fully vaccinated no later than 28 Nov 21, and reserve component Marines to be fully vaccinated no later than 28 Dec 21.
- **No pending or approved written request for exemption or accommodation, or appeal.** A Marine is not considered to have “refused the vaccine” unless the final adjudication of any request for exemption or accommodation, or appeal results in a denial of the requested exemption or accommodation and the Marine is not “fully vaccinated” by the deadline imposed after the final denial.

7. Assignments and Promotions.

- **Reenlistment and the Execution of Orders.** Marines who have “refused the vaccine” are ineligible for reenlistment and, with the exception of executing separation orders, will not be permitted to execute orders. Reference (e) ¶3e.
- **Temporary Reassignment of Unvaccinated.** Regardless of exemption or accommodation status, unvaccinated Marines are not considered worldwide deployable and may be temporarily reassigned based on operational readiness or mission requirements. With the concurrence of the first General Court-Martial Convening Authority (GCMCA) in the chain of command, unvaccinated Marines may be locally reassigned to billets which account for health risks to the unvaccinated Marines and those working in proximity to them. Careful consideration should be given to these requests to clearly identify the operational readiness or mission requirement necessitating the reassignment.
- **Command Assignments.** Marines who have “refused the vaccine” are prohibited from assuming command assignments. Marines currently serving in command assignments who have “refused the vaccine” shall be relieved for cause. Reference (e) ¶ 3g.
 - A “command assignment” includes “commanders” as defined by JAGMAN ¶ 0102a, any commissioned or warrant officer who by order or regulation would take command in the

absence of the “commander,” Inspector-Instructors, any enlisted Marine **servicing** as the senior enlisted advisor for any “commander,” and officers in charge. Reference (e) ¶ 3g (emphasis added).

- This is an expansive category of officers and enlisted, and is not limited to individuals billeted to a particular assignment. For example, in the officer community, it includes deputy and assistant commanders, executive officers, and chiefs of staff. For enlisted, it would include master sergeants and master gunnery sergeants serving as a senior enlisted advisor for a commander.
- **Promotion Delay/Restriction.** Reference (e) requires commanders to delay the promotion of any officer and delay/restrict the promotion of any enlisted member refusing the vaccine. Such action shall be based upon pending administrative action or disciplinary action. **The 28 November 2021 vaccination deadline for active-duty service members allows two calendar days to delay 1 December 2021 promotions.** SJAs must promptly forward command initiated officer promotion delays to CMC(JPL) and MMPR-1 in accordance with MCO 5800.16 CH2 V15 (LSAM) ¶ 011203.¹ SJAs should reference MCO 1400.32D W/ CH 1-2 for enlisted promotion restrictions and delays.

8. Withholding of Disciplinary Authority. Reference (c) withholds the authority to initiate administrative separation proceedings, non-judicial punishment, and courts-martial for “refusing the vaccine” to the GCMCA level. However, commanders, commanding officers, and officers in charge may initiate adverse administrative or disciplinary action for **other misconduct**, as noted in reference (e) ¶ 3a. Further questions pertaining to military justice should be referred to the Military Justice Branch (JMJ) at (703) 693-9005 or (703) 693-9299. Questions concerning officer and enlisted administrative separations should be referred to the Personnel Law Branch (JPL) at (703) 693-8404.

Table 1 – Summary of Authorities Withheld and Released

Action	Authority	MARADMIN 462/21	MARADMIN 612/21
Initiating officer administrative separation process	Withheld to GCMCA	¶ 3l	¶ 4b
Ordering officer to show cause	Retained by Alternate Show Cause Authority		
Initiating enlisted administrative separation process	Retained by GCMCA. After review, notification may be delegated to SPCMCA in individual cases.	¶ 3l	¶ 4c
Approving enlisted separations (Separation Authority)	Retained by GCMCA		
Administrative counseling pursuant to ¶ 6105, MARCORSEPMAN	Withheld to SPCMCA	¶ 3l	

¹ Approximately 30 days prior to the publication of monthly promotion MARADMINs, CMC (JPL) screens the officers identified for promotion and requests to delay the promotion of any officers with potentially adverse matters. The names of officers identified and delayed by JPL will not appear on a monthly promotion MARADMIN. COs must review monthly promotion MARADMINs and delay the pending promotion of any officers within their command who are not mentally, physically, morally, or professionally qualified for promotion.

Initiating non-judicial punishment and/or court-martial for refusing the vaccine	Withheld to GCMCA	¶3l	¶ 3a
Revoking a previously granted Religious Accommodation	Initiated by SPCMCA (MCO 1730.9 ¶4.c(1), 4.d(1))		

9. Mandatory Administrative Separation Processing.

- **Officer Administrative Separation.** Reference (e) mandates separation processing for all officers “refusing the vaccine.” If the **sole basis** for separation is vaccine refusal, the least favorable characterization of service that may be approved is “General (under honorable conditions).” The references do not modify the administrative separation process for officers. DC M&RA or the cognizant Alternate Show Cause Authority can order an officer to show cause. Probationary officers may be separated via notification procedures.
- **Enlisted Administrative Separation.** Per reference (e) ¶ 4c, “refusing the vaccine” will be treated as mandatory separation processing under MCO 1900.16 ¶ 6001.3. If the **sole basis** for separation is vaccine refusal, the least favorable characterization of service that may be approved is “General (under honorable conditions).” Commands may utilize notification separation procedures for enlisted members with less than six years of service.

Table 2 – Summary of Deadlines and Administrative Actions Required

Who	Deadline	Action If “Refusing the Vaccine”	MARADMIN 612/21
Active Duty Officers	28 Nov 21*	GCMCA will report to CMC(JPL) via ODN entry and initiate administrative separation process.	¶¶ 3a, 3c, 3d, 3e, 3f, 3g, 3h, 4a, 4b, 5
Active Duty Enlisted	28 Nov 21*	GCMCA will initiate administrative separation process.	¶¶ 3a, 3c, 3d, 3e, 3f, 3h, 4a, 4c, 5
Ready Reserve Officer in AD Status	28 Nov 21*	GCMCA will report to CMC(JPL) via ODN entry and initiate administrative separation process. Coordinate transfers to the IRR with MARFORRES or RA as applicable.	¶¶ 3a, 3c, 3d, 3e, 3f, 3g, 3h, 4a, 4b, 4d, 5
Ready Reserve Enlisted in AD Status	28 Nov 21*	GCMCA will initiate administrative separation process. Coordinate transfers to the IRR with MARFORRES or RA as applicable.	¶¶ 3a, 3c, 3d, 3e, 3f, 3g, 3h, 4a, 4c, 4d, 5
Reserve Officer NOT in AD Status	28 Dec 21*	GCMCA will report to CMC(JPL) via ODN entry and initiate administrative separation process. Coordinate transfers to the IRR with MARFORRES or RA as applicable.	¶¶ 3a, 3c, 3d, 3e, 3f, 3g, 3h, 4a, 4b, 4d, 5
Reserve Enlisted NOT in AD Status	28 Dec 21*	GCMCA will initiate administrative separation process. Coordinate transfers to the IRR with MARFORRES or RA as applicable.	¶¶ 3a, 3c, 3d, 3e, 3f, 3g, 3h, 4a, 4c, 4d, 5

*Unless a shorter mandatory vaccination deadline exists pursuant to a local vaccination order.

10. Adverse Fitness Reports and Evaluations. The individual circumstances of each case will dictate if, and when, an adverse fitness report or counseling is warranted. Refer to MCO P1610.7F (Performance Evaluation System) and MCO P1070.12K, Marine Corps Individual Records Administration Manual.)

11. Special Pay and Benefits. Marines who are separated because they “refused the vaccine” lose their eligibility for involuntary separation pay and are subject to recoupment of any unearned special or incentive pays and advance educational assistance. Additionally, Marines who are separated because they “refused the vaccine” before completing the required service obligation for Transfer of Education Benefits will lose their eligibility to retain transferred Post-9/11 GI Bill benefits. This failure to complete the required service obligation may result in recoupment by the Department of Veterans Affairs of any payments already processed for transferred benefits.

12. Reporting. Commands are required to provide the Marine Corps COVID-19 Cell with by-name rosters of all Marines pending legal or administrative action for “refusing the vaccine.” Reports must be provided no later than 30 November 2021 for active component personnel, and no later than 29 December 2021 for reserve component personnel.

13. Best Practices.

- **Retain Records.** As a reminder, all commands must retain all records, materials and written communications, including emails, pertaining to vaccine refusals in accordance with SECNAV M-5210.1. The Department of Defense is already litigating multiple vaccination refusal lawsuits. These records may become critical in responding to discovery requests and defending against the lawsuits.
- **Religious Accommodation Request Command Endorsements.** Command endorsements on religious accommodation requests related to the COVID-19 vaccination mandate may comment on issues that affect mission readiness including: individual information about the requester including duty position and job requirements; whether work locations are outdoors or have sufficient space for social distancing; routine proximity to other service members; living arrangements (single or shared areas, dining, hygiene, laundry); and whether additional mitigation measures (full time masking, regular testing, maximized telework) are feasible at the unit; the effect of the member remaining unvaccinated at their current unit and the risk that this presents to their coworkers as well as their ability to participate in upcoming training/deployments; assessment of unit cohesion, morale, and good order and discipline; assessment of the local risk of community spread; and the impact on the unit’s mission of removing the member from the unit.

14. JAD Points of Contact. For questions concerning this Practice Advisory, please contact Ms. Katherine Estes at katherine.estes@usmc.mil or (703) 693-8404.