



SECRETARY OF THE ARMY
WASHINGTON

08 NOV 2018

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2018-19 (Approval, Disapproval, and Elevation of Requests for Religious Accommodation)

1. References. See list of references at the enclosure.
2. Purpose and Scope. To ensure consistency across the Army and fairness to Soldiers, this directive revises the approval process for religious accommodation to vest approval, disapproval, and elevation authority to general court-martial convening authorities (GCMCAs) for religious accommodation requests regarding uniform and grooming policies in Army Regulation (AR) 670-1. Except as indicated in and modified by this directive, Army Directive (AD) 2016-34 remains in effect and continues to provide the policy for requests for religious accommodation involving uniform wear and grooming.
3. General Court Martial Convening Authority Approval, Disapproval, and Elevation. Based on the results of a review of Armywide levels of approval and disapproval authority, AD 2017-03 is hereby rescinded. I have determined that general officers exercising GCMCA authority may approve or disapprove requests for religious accommodations to wear a hijab or headscarf, a beard, or a turban or under-turban/patka with uncut beard and uncut hair. The GCMCA may also elevate the final decision to the Secretary of the Army or my designee. When elevating an accommodation request for decision, the GCMCA will recommend approval or disapproval, with reasons and evidence supporting the recommendation.
 - a. Individuals will continue to submit all requests for religious accommodation involving uniform wear and grooming standards pursuant to the process established in AD 2016-34. The GCMCA will ensure, as reasonably possible, that requests are acted upon in a timely manner.
 - (1) Once approved, religious accommodations are subject to GCMCA review at any time for health and safety considerations.
 - (2) The GCMCA of the gaining command will review an approved religious accommodation upon the Soldier's permanent change of station.

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(3) The GCMCA will review an approved religious accommodation when a Soldier reclassifies into a new or secondary military occupational specialty (MOS).

b. The GCMCA is the approval authority for religious accommodation requests to wear a hijab or headscarf, a beard, or a turban or under-turban/patka with uncut beard and uncut hair. Unit commanders will forward packets to the GCMCA for review and decision. Unit commanders receiving an initial request for an accommodation involving uniform wear and grooming will immediately notify the Office of the DCS, G-1 Command Policy Division and prepare a religious accommodation waiver packet consistent with paragraph 5c of AD 2016-34. Notification will be sent to usarmy.pentagon.hqda-dcs-g-1.mbx.command-policy@mail.mil and will include the requestor's name; grade, if applicable; unit; MOS or prospective MOS; Department of Defense identification number; and a copy of the request documents.

c. The GCMCA will consider every religious accommodation request on a case-by-case basis. In accordance with Department of Defense Instruction 1300.17, religious accommodations will be approved when accommodation would not adversely affect mission accomplishment. The GCMCA will consider health, safety, military readiness, and the Soldier's sincerity of belief. The Soldier's GCMCA will approve a request for a religious accommodation consistent with the standards described in AR 670-1 unless the commander:

(1) determines the request is not based on a sincerely held religious belief, or

(2) identifies a specific hazard that is not specifically addressed in this directive and that cannot be mitigated by reasonable measures after coordinating with the branch or MOS proponent.

d. When evaluating the sincerity of a Soldier's articulated belief, the GCMCA will consider the credibility of the applicant and the circumstances of the request. A religious practice may be an action, behavior, or course of conduct constituting an individual expression of religious beliefs, regardless of whether the practice is compelled by, or central to, the religion concerned.

e. Before acting on a request, the GCMCA will direct his or her staff to:

(1) obtain a legal review conducted in consultation with the Office of the Judge Advocate General, which may be contacted at usarmy.pentagon.hqda-otjag.mbx.g-law@mail.mil.

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(2) consult the DCS, G-1 Command Policy Division to ask for a review of the preliminary request materials to ensure consistent standards in processing requests for religious accommodation. The division may be contacted at 703-695-7370 and usarmy.pentagon.hqda-dcs-g-1.mbx.command-policy@mail.mil.

(3) consult with the Office of the Chief of Chaplains to evaluate the religious basis and sincerity of the request, and to ensure consistency and fairness across the force. Chaplain Operations may be contacted at 703-545-6629, 703-695-0295, or usarmy.pentagon.hqda-occh.mbx.chaplain-corps-operations@mail.mil.

(4) consult with the U.S. Army Corrections Command when the requestor is a prisoner confined in an Army correctional facility. Army Corrections Command Operations may be contacted at usarmy.pentagon.corrections-cmd.list.admin-operations-npe-mgt@mail.mil.

f. If the GCMCA approves a request for accommodation involving grooming and appearance, the commander will notify the Soldier and forward a copy of the approval memorandum to the Office of the DCS, G-1 Command Policy Division for filing in the Soldier's Army Military Human Resources Record.

g. Accession agencies and commands will send packets involving recruits to the first officer in grade O-7 or higher to evaluate and approve, disapprove, or elevate pre-accession requests for religious accommodations prescribed in this paragraph.

4. Wear and Appearance Standards

a. The wear and appearance standards in AR 670-1 will apply to all Soldiers with an accommodation permitting the following faith practices: the wear of a hijab or headscarf, a beard, or a turban or under-turban/patka with uncut beard and uncut hair. Approval memorandums for previously accommodated Soldiers will remain in effect, and the accommodations will continue throughout the Soldiers' careers. Such accommodations may not be permanently revoked or modified unless authorized by me or my designee.

b. All Soldiers must wear required protective headgear in accordance with the applicable technical manuals. As necessary, Soldiers will modify the placement and style of their hair to achieve a proper fit. Rearrangement of pads inside helmets for fit or comfort is permitted as authorized by the applicable technical manual.

5. Duty Considerations

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a. A religious accommodation consistent with the uniform wear and grooming standards in AR 670-1 will not affect a Soldier's assignment of MOS or branch, duty location, or attendance at military schools, except as described in paragraph 5b for Soldiers with beards or for units with specific uniform requirements that supersede AR 670-1. If a GCMCA, a higher level commander, or an MOS proponent identifies additional specific hazards an accommodation created that cannot be reasonably mitigated, they must immediately inform the Office of the DCS, G-1 Command Policy Division at usarmy.pentagon.hqda-dcs-g-1.mbx.command-policy@mail.mil.

b. Study results show that beard growth consistently degrades the protection factor provided by the protective masks currently in the Army inventory to an unacceptable degree. Until the Army can field such protective gear that meets safety standards in conjunction with beard growth, these restrictions apply:

(1) Soldiers with a religious accommodation allowing a beard may not attend military schools requiring toxic chemical agent training and may not be assigned to positions requiring compliance with biological, chemical, or nuclear surety requirements in accordance with AR 50-1 (Biological Surety), AR 50-5 (Nuclear Surety), and AR 50-6 (Nuclear and Chemical Weapons and Materiel Chemical Surety). For example, they may not serve as 74A, Chemical, Biological, Radiological, Nuclear (CBRN) Officers; 740A, CBRN Technicians; or 74D, CBRN Specialists.

(2) An accommodation for a beard may be temporarily suspended when a threat of exposure to toxic CBRN agents exists that requires all Soldiers to be clean-shaven, including those with medical profiles. Following the procedures in paragraph 6, commanders may require a Soldier to shave if the unit is in, or about to enter, a tactical situation where use of a protective mask will likely be required and where the inability to safely use the mask could endanger the Soldier and the unit. A Soldier may wear a beard while participating in training or tactical simulations designed to ensure that the Soldier is fully familiar with use of the protective mask.

6. Suspension Procedures

a. When an accommodated Soldier's GCMCA identifies a specific threat to health and safety based on the accommodation (such as threat of exposure to toxic CBRN agents that may merit a heightened protective posture) or the GCMCA identifies an issue of sincerity, the GCMCA, after consultation with the Staff Judge Advocate, will notify the Soldier of the need to suspend the religious accommodation, the basis for the suspension, the date the suspension will likely go into effect, and the Soldier's right to appeal. If the Soldier requests an appeal, the Soldier will have 10 days to submit matters to the Office of the DCS, G-1 Command Policy Division at

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usarmy.pentagon.hqda-dcs-g-1.mbx.command-policy@mail.mil. The accommodation will not be suspended before I or my designee take action on the appeal.

b. In exigent circumstances involving imminent threat to health and safety, the GCMCA may shorten the time for appeal and may require immediate suspension of the accommodation. The GCMCA will notify the DCS G-1 Command Policy Division of the decision and its basis as soon as possible at us.army.pentagon.hqda-dcs-g-1.mbx.command-policy@mail.mil.

c. The GCMCA will reinstate the suspended accommodation when the specific and concrete threat to health and safety as a result of the accommodation no longer exists.

7. Other Accommodations. Religious accommodation requests regarding worship practices, dietary practices, medical practices, or modesty concerns will continue to be processed in accordance with AR 600-20, paragraph 5-6.

8. Applicability. The provisions of this directive are effective immediately, unless otherwise stated, and apply to the Regular Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve. In addition, it applies to the Reserve Officers' Training Corps and Corps of Cadets, United States Military Academy, only when their respective uniform regulations do not include sufficient guidance or instruction.

9. Proponent. The DCS, G-1 is the proponent for this policy and, in coordination with the Assistant Secretary of the Army (Manpower and Reserve Affairs), will ensure that the provisions of this directive are incorporated into the next revision of AR 600-20, as applicable, within 2 years of the date of this directive. This directive and AD 2016-34 will be rescinded upon publication of the revised AR 600-20.



Encl

Mark T. Esper

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REFERENCES

- a. Title 42, United States Code, section 2000bb-1 (Free exercise of religion protected).
- b. Title 10, United States Code, section 774 (Religious apparel: wearing while in uniform).
- c. Department of Defense Instruction 1300.17 (Accommodation of Religious Practices Within the Military Services); February 10, 2009; Incorporating Change 1, Effective January 22, 2014.
- d. Army Directive 2016-34 (Processing Religious Accommodation Requests Requiring a Waiver to Army Uniform or Grooming Policies), 06 Oct 2016.
- e. Army Directive 2017-03 (Policy for Brigade-Level Approval of Certain Requests for Religious Accommodation), 03 Jan 2017 (hereby rescinded).
- f. Army Regulation 600-20 (Army Command Policy), 6 November 2014.
- g. Army Regulation 670-1 (Wear and Appearance of Army Uniforms and Insignia), 25 May 2017.

Enclosure