



Department of Defense INSTRUCTION

NUMBER 1300.17

February 10, 2009

Incorporating Change 1, Effective January 22, 2014

USD(P&R)

SUBJECT: Accommodation of Religious Practices Within the Military Services

- References:
- (a) DoD Directive 1300.17, "Accommodation of Religious Practices Within the Military Services," February 3, 1988 (hereby cancelled)
 - (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
 - (c) *DoD Instruction 1000.29 "DoD Civil Liberties Program," May 17, 2012*
 - (d) *Public Law 112-239, "National Defense Authorization Act for Fiscal Year 2013," December 18, 2012, as amended*
 - (e) *Section 2000bb-1 of Title 42, United States Code*
 - (f) *DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012, as amended*
 - (g) Section 774 and chapter 47 of title 10, United States Code

1. PURPOSE. This Instruction:

- a. Reissues Reference (a) as a DoD Instruction in accordance with the authority in Reference (b).
- b. Prescribes policy, procedures, and responsibilities for the accommodation of religious practices in the Military Services.

2. APPLICABILITY AND SCOPE

- a. This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the ~~Department of Defense DoD (hereafter referred to collectively as the "DoD Components")~~.
- b. The policies, *procedures, and definitions* prescribed herein apply solely to the accommodation of religious practices in the Military Services and in no other context.

3. DEFINITIONS

a. Neat and Conservative. In the context of wearing 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 wear of any authorized article of the uniform.

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

b. Religious Apparel. Articles of clothing worn as part of the doctrinal or traditional observance of the religious faith practiced by the member. ~~Hair and grooming practices required or observed by religious groups are not included within the meaning of religious apparel. Jewelry bearing religious inscriptions or otherwise indicating affiliation or belief is subject to existing Service uniform regulations under the same standard that applies to jewelry that is not of a religious nature.~~

c. Grooming and Appearance. ~~Grooming and appearance practices, including hair, required or observed by religious groups.~~

d. Religious Body Art. ~~Temporary or permanent tattoos, piercings through the skin or body part, or other modifications to the body that are of a religious nature.~~

e. Substantially Burden. ~~In general, significantly interfering with the exercise of religion as opposed to minimally interfering with the exercise of religion.~~

f. Exercise of Religion. ~~Includes any religious practice(s), whether or not compelled by, or central to, a system of religious belief.~~

g. Compelling Governmental Interest. ~~In the DoD, a military requirement that is essential to accomplishment of the military mission.~~

4. POLICY. ~~The U.S. Constitution proscribes Congress from enacting any law prohibiting the free exercise of religion. It is DoD policy that:~~

a. ~~The Department of Defense~~ *The DoD* places a high value on the rights of members of the Military Services to observe the tenets of their respective religions ~~or to observe no religion at all. It protects the civil liberties of its personnel and the public to the greatest extent possible, consistent with its military requirements, in accordance with DoD Instruction (DoDI) 1000.29 (Reference (c)).~~

b. In accordance with section 533(a)(1) of Public Law 112-239 (Reference (d)), as amended, unless it could have an adverse impact on military readiness, unit cohesion, and good order and discipline, the Military Departments will accommodate individual expressions of sincerely held beliefs (conscience, moral principles, or religious beliefs) of Service members in accordance with the policies and procedures in this instruction. This does not preclude disciplinary or administrative action for conduct by a Service member requesting religious accommodation that is proscribed by Chapter 47 of Title 10, United States Code (the Uniform Code of Military Justice), including actions and speech that threaten good order and discipline.

c. DoD has a compelling government interest in mission accomplishment, including the elements of mission accomplishment such as military readiness, unit cohesion, good order, discipline, health, and safety, on both the individual and unit levels. An essential part of unit cohesion is establishing and maintaining uniform military grooming and appearance standards.

d. In so far as practicable, a Service member's expression of sincerely held beliefs (conscience, moral principles, or religious beliefs) may not be used as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

e. ~~It is DoD policy that r~~Requests for religious accommodation ~~shall~~ will be resolved in a timely manner and ~~should~~ will be approved when accommodation would not adversely affect mission accomplishment, including military readiness, unit cohesion, good order, discipline, *health and safety*, or any other military requirement. For requests for religious accommodation when accommodation would adversely affect mission accomplishment:

(1) In accordance with section 2000bb-1 of Title 42, United States Code (Reference (e)), requests for religious accommodation from a military policy, practice, or duty that substantially burdens a Service member's exercise of religion may be denied only when the military policy, practice, or duty:

(a) Furthers a compelling governmental interest.

(b) Is the least restrictive means of furthering that compelling governmental interest.

(2) Requests for religious accommodation from a military policy, practice, or duty that does **not** substantially burden a Service member's exercise of religion should not be evaluated under the standard established in paragraph 4e(1). Under these circumstances, the needs of the requesting Service member are balanced against the needs of mission accomplishment. Only if it is determined that the needs of mission accomplishment outweigh the needs of the Service member may the request be denied.

f. Requests for accommodation of religious practices will be resolved as follows:

(1) Immediate commanders may resolve requests for accommodation of religious practices that do not require a waiver of Military Department or Service policies regarding the

wearing of military uniforms, the wearing of religious apparel, or Service grooming, appearance, or body art standards.

(a) Jewelry bearing religious inscriptions or otherwise indicating affiliation or belief is subject to existing Service uniform regulations under the same standard that applies to jewelry that is not of a religious nature.

(b) Grooming and appearance practices are not included within the definition of religious apparel; however, such practices are subject to consideration for accommodation when the request is based on religious beliefs.

(2) Requests that **do** require such a waiver will be forwarded to the Secretary of the Military Department concerned (known in this issuance as the “Secretary concerned”) for decision. The Secretary concerned may delegate authority to resolve these requests no lower than:

(a) Army: Deputy Chief of Staff, G-1.

(b) Air Force: Deputy Chief of Staff for Manpower, Personnel, and Services.

(c) Navy: Chief of Naval Personnel and Deputy Commandant, Manpower and Reserve Affairs.

g. Service members submitting requests for accommodation of religious practices will comply with the policy, practice, or duty from which they are requesting accommodation, including refraining from beginning unauthorized grooming and appearance practices, wearing unauthorized apparel, or applying unauthorized body art, unless and until the request is approved.

h. In resolving requests for accommodation of religious practices, careful consideration of the effect, if any, of approval or disapproval on any compelling governmental interest is essential. Because the military is a specialized community within the United States, governed by a discipline separate from that of the rest of society, the importance of uniformity and adhering to standards, of putting unit before self, is more significant and needs to be carefully evaluated when considering each request for accommodation of religious practices. It is particularly important to consider the effect on unit cohesion.

i. All requests for accommodation of religious practices will be assessed on a case-by-case basis. Each request must be considered based on its unique facts; the nature of the requested religious accommodation; the effect of approval or denial on the Service member’s exercise of religion; and the effect of approval or denial on mission accomplishment, including unit cohesion.

j. Service members whose requests for accommodation of religious practices are approved will be informed of the specific elements of that approval. Specific elements will include that such approval does not apply for their entire military service commitment and that, at the

discretion of the Secretary concerned, new requests for the same accommodation are necessary upon new assignment, transfer of duty stations, or other significant change in circumstances, including deployment.

5. RESPONSIBILITIES

a. ~~Principal Deputy Under Secretary of Defense for Personnel and Readiness-Assistant Secretary of Defense for Readiness and Force Management.~~ The ~~Principal Deputy Under Secretary of Defense for Personnel and Readiness-Assistant Secretary of Defense for Readiness and Force Management~~, under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, shall be responsible for the administration of this Instruction and may issue guidance implementing this Instruction, as appropriate.

b. Secretaries of the Military Departments. The Secretaries of the Military Departments shall issue appropriate implementing documents and administer the rules thereunder within their respective Departments consistently with this Instruction. *This includes:*

(1) Designation of appropriate approval and disapproval authority.

(2) Final review will take place within 30 days for cases arising within the United States and within 60 days for all other cases, with strict limitations on exceptions for exigent circumstances.

6. PROCEDURES. The enclosure contains procedures for accommodating religious practices in the Military Services.

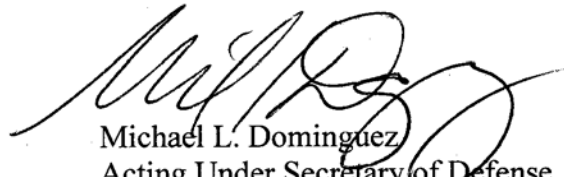
7. RELEASABILITY. **Unlimited.** This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Instruction ~~is effective immediately.:~~

a. Is effective February 10, 2009.

b. Must be reissued, cancelled, or certified current within 5 years of its publication to be considered current in accordance with DoDI 5025.01 (Reference (f)).

c. Will expire effective January 22, 2024 and be removed from the DoD Issuances Website if it hasn't been reissued or cancelled in accordance with Reference (f).



Michael L. Dominguez
Acting Under Secretary of Defense
(Personnel and Readiness)

Enclosure
Procedures

ENCLOSURE

PROCEDURES

1. In accordance with rules prescribed by the Secretary of the Military Department of the individual making the request for accommodation *of a religious practice*, military commanders should consider the following factors, in addition to any other factors deemed appropriate, when determining whether to grant a request ~~for the accommodation of religious practices~~, as addressed in section 4 of the front matter of this Instruction:

a. The importance of military requirements in terms of mission accomplishment, *including* military readiness, unit cohesion, *good order*, ~~standards, and~~ discipline, *health, and safety*.

b. The religious importance of the accommodation to the requester.

c. The cumulative impact of repeated accommodations of a similar nature.

d. Alternative means available to meet the requested accommodation.

e. Previous treatment of the same or similar requests, including treatment of similar requests made for other than religious reasons.

f. If a waiver of current Service policy is required to approve a request, the decision authority rests with the Secretary concerned, delegable only to levels defined in paragraph 4b above the signature of this instruction.

2. The factors described in this enclosure are intended to promote standard procedures for resolving difficult questions involving the accommodation of religious practices. In view of the different mission requirements of each command, individual consideration of specific requests for accommodation is necessary.

3. When *a* request for accommodation ~~are~~ *is* not ~~in the best interest of the unit approved~~, and continued tension between the unit's requirements and the individual's religious ~~beliefs practices~~ is apparent, administrative actions should be considered. ~~Those Based on the needs of the Military Service, administrative action that may be considered~~ include ~~but not limited to;~~ assignment, reassignment, reclassification, or separation. ~~Nothing in this Instruction precludes action under chapter 47 of title 10, United States code (Reference (c)), in the appropriate circumstances.~~

4. The guidance in this Instruction shall be used by the Military Departments in the development of implementing documents on the exercise of command discretion concerning the accommodation of religious practices.

a. Worship practices, holy days, and Sabbath or similar religious observance requests ~~shall~~ *will* be accommodated *to the extent possible consistent with mission accomplishment.* ~~except when precluded by military necessity.~~

b. Religious beliefs shall be included as a factor for consideration when granting separate rations.

c. Religious beliefs shall be considered as a factor for the waiver of required medical practices, subject to military requirements *including* ~~and~~ medical risks to the unit.

d. Familiarization with religious accommodation policies shall be included in the training curricula for command, judge advocate, chaplain, and other appropriate career fields or assignments.

e. Applicants for commissioning, enlistment, and reenlistment shall be advised of their Military Department's specific religious accommodation policies.

5. In accordance with section 774 of Reference (*eg*), members of the Military Services may wear items of religious apparel while in uniform, except where the items would interfere with the performance of military duties or the item is not neat and conservative. The Military Departments shall prescribe regulations on the wear of such items. Factors used to determine if an item of religious apparel interferes with military duties include, but are not limited to, whether or not the item:

a. Impairs the safe and effective operation of weapons, military equipment, or machinery.

b. Poses a health or safety hazard to the Service member wearing the religious apparel and/or others.

c. Interferes with the wear or proper function of special or protective clothing or equipment (e.g., helmets, flak jackets, flight suits, camouflaged uniforms, *gas protective* masks, wet suits, and crash and rescue equipment).

d. Otherwise impairs the accomplishment of the military mission.

6. Religious items or articles not visible or otherwise apparent may be worn with the uniform provided they shall not interfere with the performance of the member's military duties, as discussed in paragraph 5 of this enclosure, or interfere with the proper wearing of any authorized article of the uniform.

7. A complete ban on wearing any visible items of religious apparel may be appropriate under circumstances in which the Service member's duties, the military mission, or the maintenance of discipline require absolute uniformity. For example, members may be prohibited from wearing visible religious apparel while wearing historical or ceremonial uniforms; participating in review formations, parades, honor or color guards, and similar ceremonial details and functions.

8. The standards in paragraphs 5, 6, and 7 of this enclosure are intended to serve as a basis for determining *whether* a member's ~~entitlement request~~ to wear religious apparel with the uniform *should be approved*. For example, unless prohibited by paragraph 5, 6, or 7 of this enclosure, a Jewish yarmulke may be worn with the uniform whenever a military cap, hat, or other headgear is not prescribed. A yarmulke may also be worn underneath military headgear as long as it does not interfere with the proper wearing, functioning, or appearance of the prescribed headgear, under paragraph 6 of this enclosure.

9. Notwithstanding any other provision in this Instruction, chaplains may wear any required religious apparel or accouterments with the uniform while conducting worship services and during the performance of rites and rituals associated with their religious faith.

~~10. The authority to approve the wearing of an item of religious apparel with the uniform, under the guidelines of this Instruction, shall be exercised at the command level specified by each Military Department. Denials of requests to wear religious apparel shall be subject to review at the Service Headquarters level. Final review shall occur within 30 days following the date of initial denial for cases arising in the United States, and within 60 days for all other cases. Exceptions to these deadlines shall be limited to exigent circumstances. Service members shall be obliged to comply with orders prohibiting wearing questionable items of religious apparel pending review of such orders under regulations issued by the Secretaries of the Military Departments. In evaluating religious accommodation requests for the wear of body art, whether or not the body art is neat and conservative, and the location of the body art, as it relates to being visible while wearing the military uniform, should be considered. When evaluating religious accommodation requests regarding grooming (e.g., hair length and styles) and body art, factors to consider include whether approving the accommodation would:~~

- ~~a. Impair the safe and effective operation of weapons, military equipment, or machinery.~~
- ~~b. Pose a health or safety hazard.~~
- ~~c. Interfere with the wear or proper function of special or protective clothing or equipment.~~
- ~~d. Otherwise impair discipline, morale, unit cohesion, or accomplishment of the unit mission.~~

11. Nothing in this guidance or in the Military Department documents authorized by section 4 of this enclosure (except when expressly provided therein) shall be interpreted as requiring a specific form of accommodation in individual circumstances.