



DEPARTMENT OF THE ARMY

249th ENGINEER BATTALION

10011 Middleton Road

Fort Belvoir, VA 22060-5837

21 October 2015

WNBFAA

**MEMORANDUM FOR LTC JULIE BALTEN, 249th ENGINEER BATTALION AND THE
UNITED STATES ARMY CHAIN OF COMMAND**

**SUBJECT: Request for Religious Accommodation and Exception to Wear and
Appearance Regulations Pursuant to AR 600-20 and AR 670-1**

I, CPT Simratpal Singh, respectfully request a religious accommodation and exception to the wear-and-appearance regulations for my Sikh articles of faith, so that I may continue to proudly serve my country in the U.S. Army while abiding by the tenets of my faith. My Sikh religion mandates (1) that I keep my hair and beard unshorn; and (2) that I wear a turban to cover my head. All devoted members of the Sikh religion keep their hair (including facial hair) unshorn because keeping it in a natural state is regarded as living in harmony with the will of God. The turban is part of the uniform of Sikhs because it has immense spiritual and temporal significance. Wearing a turban is a spiritual discipline signifying sovereignty, dedication, self-respect, courage and piety. All practicing Sikhs wear the turban out of love and as a mark of commitment to the faith. These articles of faith have deep spiritual significance to me. In short, to be a Sikh is to maintain these articles of faith.

I was a practicing Sikh for my entire life, and maintained these articles of faith until I joined the United States Military Academy at West Point in 2006. I sought admission to West Point because I greatly desired to serve my country through the U.S. Army. Since childhood, I have admired the Army and the principles governing it – such as discipline, self-sacrifice, and service to others, principles that are also intrinsic to the Sikh faith. In addition, I felt moved to serve my adopted country, which granted political asylum to my father and had provided so many opportunities to my family and me.

During the application process, I hoped that the U.S. Army would recognize the importance of my Sikh religious articles of faith. At an event at the Seattle Convention Center, I met with an Army officer from West Point. We discussed my turban and beard and he indicated that he would look into whether an accommodation would be possible. He later called me and conveyed that an accommodation was not possible. I was young and naïve and thought that once I arrived at West Point I would make inquiries in person and work out the issue.

On Reception Day at West Point, I separately asked two officers about the possibility of getting a religious accommodation—both officers indicated that they would look into

whether an accommodation would be possible, but I was sent to the barber and placed in the unenviable position of either practicing my faith or serving my country by attending West Point. Under pressure, I made the regrettable decision to remove my turban, cut my hair, and shave off my beard, all in violation of the requirements of the Sikh faith. I have regretted that decision ever since.

Historically, uncut hair and turbans have been the most central feature of the Sikh identity. For example, in the 18th century, Sikhs in South Asia were persecuted and forced to convert from their religion; the method of forcing conversions was to remove a Sikh's turban and cut off his hair. Since then, forcibly removing a Sikh's turban has symbolized denying that person the right to belong to the Sikh faith, and is perceived as the most humiliating and hurtful physical injury that can be inflicted upon a Sikh. Likewise, for a Sikh to relinquish their turban or cut their hair constitutes a most serious breach of the Sikh faith. It is regarded as an act which disgraces the honor of both the individual Sikh and the wider Sikh community. Thus, I felt shame and great disappointment in myself for relinquishing my Sikh articles of faith.

Despite the great burden on my conscience, I have given my all in service to my country through the Army. Since graduating from West Point, I have held a number of staff engineering positions, graduated from Ranger School, deployed to Afghanistan, and most recently earned a Master's Degree in Engineering Management. I look forward to continuing to serve my country when I report for duty on 16 November 2015 to FT Belvoir.

I am deeply, deeply grateful for all of the opportunities that the Army has given me – and I hope to serve a long and honorable career with the Army. However, I have come to an impasse with respect to my conscience. I must move forward in my life while abiding by the tenets of the Sikh faith by maintaining unshorn hair and a beard, and wearing a turban. For almost a decade, I have felt incomplete. I had given up a part of myself that I can no longer turn my back on. This is why I humbly submit this request for accommodation and exception to policy request. I plan to report for duty on November 16, 2015 to FT Belvoir with my Sikh articles of faith intact. I also ask that I be given an interim accommodation so that I may serve with my Sikh articles of faith while my request is pending in the Army's chain-of-command.

If provided with a religious accommodation I will conform my religious requirements in a way that ensures consistency with the Army's need to maintain uniformity and safety standards. In particular:

1. I will maintain my hair and beard in a neat and conservative manner at all times.
2. In non-field Garrison settings, I will wear a turban made of ACU camouflage material to match my uniform.
3. In field settings, I will wear a "field" turban made of ACU camouflage material to match my field ACUs.

4. I will wear a subdued black turban with the Class A uniform whenever required.
5. I will wear my Kevlar helmet using the ACU "field" turban or an ACU pattern "patka" (small turban).
6. I will adapt my "non-field" and "field" turbans to display a beret flash patch that can be removed when I enter buildings.
7. I am confident that I will be able to successfully seal my Army-issued gas mask without any issues, like the many Sikh soldiers who have preceded me in the Army.

These standards have most recently been followed without issue by MAJ Kamaljeet Singh Kalsi, MAJ Tejdeep Singh Rattan and CPL Simran Preet Singh Lamba, devout Sikhs who have served our nation in the Army with courage, valor and distinction over the past five years.

I would gladly sacrifice my life for my country and the Army. I only ask in return that my religious beliefs be respected and accommodated. I appreciate your thoughtful consideration in this regard.

If you, your staff, or anyone in the chain-of-command has any questions about Sikhs or Sikh practices, I am eager to provide any and all information you require. You may also contact my legal counsel, Amandeep Sidhu, of the law firm of McDermott Will & Emery LLP, at asidhu@mwe.com or 202-756-8380; Harsimran Kaur, of the Sikh Coalition, at harsimran@sikhcoalition.org or 510-565-7908; or Eric Baxter, of the Becket Fund for Religious Liberty, at ebaxter@becketfund.org or 202-349-7221.

For your reference, I have enclosed two documents that you may find helpful in your consideration of my accommodation request and recommendation to the chain-of-command:

- Appendix 1. A memorandum from my legal counsel to the U.S. Army Chain of Command regarding my accommodation request entitled *Guidance Regarding Religious Accommodation of Sikh Soldiers*. This memorandum provides an overview of Sikh service in the U.S. Army, background on the Sikh faith, the religious accommodation process, and various legal issues for your consideration. Additionally, the Sikh Coalition's website at www.sikhcoalition.org provides a wealth of information about Sikhism and the accommodation of Sikh religious practices in the United States.
- Appendix 2. A white paper entitled *The Case for Ending the Presumptive Ban on Observant Sikhs in the U.S. Armed Forces* (Mar. 10, 2014). This comprehensive white paper includes extensive materials that

support my request for a religious accommodation, including a Field Manual for Sikh Soldiers in the U.S. Army, which is included as Exhibit 26 of the white paper.

Thank you for your consideration of my request; I eagerly await your response. I look forward to continuing to serve and defend our country while maintaining my Sikh religious articles of faith.

Encl.

Very Respectfully,



CPT Simratpal Singh
U.S. Army
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APPENDIX 1

MEMORANDUM

Date: October 21, 2015

To: LTC Julie Balten
249th Engineer Battalion
U.S. Army Chain-of-Command

From: Amandeep S. Sidhu, Esq.
McDermott Will & Emery LLP
Harsimran Kaur, Esq.
The Sikh Coalition
Eric S. Baxter, Esq.
The Becket Fund for Religious
Liberty

Re: CPT Simratpal Singh Religious Accommodation Exception Request
Guidance Regarding Religious Accommodation of Sikh Soldiers

On behalf of our client CPT Simratpal (“Simmer”) Singh, the law firm of McDermott Will & Emery LLP (“MWE”), the Sikh Coalition,¹ and the Becket Fund for Religious Liberty² submit this memorandum in support of CPT Singh’s request for a religious accommodation of his Sikh articles of faith. This memorandum is intended to illuminate the requirements of the Sikh faith and the successful accommodations of Sikh-American soldiers in the U.S. Army.

As a practicing Sikh, CPT Singh is religiously-mandated to maintain certain articles of faith—namely, a turban, unshorn hair, and an unshorn beard. Pursuant to Department of Defense Instruction 1300.17 and Army Regulation 600-20, §§ 5-6(i)(1)-(2), and consistent with USAREC Message 15-032, CPT Singh is submitting his Exception to Policy (“ETP”) religious accommodation request to his chain-of-command for final resolution by the Deputy Chief of

¹ The Sikh Coalition is a community-based organization that defends civil rights and civil liberties in the United States, educates the broader community about Sikhs and diversity, and fosters civic engagement amongst Sikh-Americans. The Sikh Coalition owes its existence in large part to the effort to combat discrimination against Sikh-Americans after September 11, 2001. Since its inception, the Sikh Coalition has worked with government agencies and the private sector to achieve mutually acceptable solutions to the accommodation of Sikh religious practices.

² The Becket Fund for Religious Liberty is a non-profit, public-interest legal and educational institute with a mission to protect the free expression of all faiths. The Becket Fund has recently obtained landmark religious accommodation victories in the U.S. Supreme Court in *Holt v. Hobbs*, 135 S. Ct. 2751 (2015) (involving a Muslim prisoner seeking accommodation of a religiously-mandated beard) and *Burwell v. Hobby Lobby*, 135 S. Ct. 853 (2014) (involving religious objections to the Department of Health & Human Services’ contraception mandate).

Staff, Army G-1, LTG James McConville. This memorandum is enclosed as a supplement to CPT Singh's personal ETP religious accommodation memorandum.

I. Background on Sikh Service in the U.S. Army

By way of introduction, MWE and the Sikh Coalition have worked cooperatively with the G-1's office and other Pentagon and Army officials since 2009 to ensure that Sikh soldiers in the U.S. Army are permitted to practice their religion—including keeping uncut hair and beards and wearing a turban—while maintaining the highest standards of neat and conservative uniformity, ensuring individual readiness, meeting all safety requirements, and contributing to esprit de corps and unit cohesion. In recent years, the Becket Fund has joined these efforts.

In our great nation, Sikh-Americans, like all other Americans, have First Amendment and, as per the Religious Freedom Restoration Act (“RFRA”), statutory rights to sincerely practice their religion and to serve our nation without violating their religious beliefs. Turbaned and bearded (*i.e.*, observant) Sikh soldiers have a long and storied history of military service, proudly defending the United States and her allies throughout the 20th century.³ Since 2009, we have seen the successful *re-integration* of observant Sikh soldiers into the U.S. Army, starting with MAJ Kamaljeet S. Kalsi and MAJ Tejdeep S. Rattan and continuing with CPL Simranpreet S. Lamba in 2010. As has been extensively reported in both the military and mainstream media, all three of these Sikh soldiers have had exceptional careers in the U.S. Army and have proudly defended our country, including deployments to Afghanistan for MAJ Kalsi and MAJ Rattan. MAJ Kalsi (a Bronze Star Medal recipient) and MAJ Rattan (the recipient of an Army Meritorious Service Medal, Army Commendation Medal, and NATO Medal) were both recognized for their significant contributions to our military's mission while deployed. In addition to advancing our military's mission and promoting unit cohesion—while still practicing their faith—all three Sikh soldiers were able to comply with safety requirements. They successfully passed their fit tests using standard issue Army gas masks, wore helmets over their turbans, and were in a constant state of readiness. In short, their honorable service proves that Sikh articles of faith present no barriers to full and effective military service.

Our efforts for full inclusion of observant Sikhs in the U.S. Armed Forces have been widely supported. On March 10, 2014, 105 bipartisan Members of Congress, including members of the House and Senate Armed Services Committees, sent a letter to former Defense Secretary Chuck Hagel calling for equal opportunity for all Sikhs who wish to serve in the U.S. Armed Forces. See **Exhibit 1** (Letter from Members of Congress, Mar. 10, 2014). On April 2, 2014, over 21 interfaith and national organizations sent a letter to the Department of Defense urging it to close loopholes in its policies that presumptively ban observant Sikh service. See **Exhibit 2** (Letter from Interfaith Organizations, Apr. 2, 2014).

³ Starting with World War I, dozens of Sikhs served in the U.S. Army with turbans, unshorn hair, and beards. In addition, several Sikhs were grandfathered in under the pre-1981 policy and served honorably in the U.S. Army with their Sikh articles of faith intact—some even serving lifetime careers. This latter group includes COL Gopal S. Khalsa, COL Gurbhajan Singh, COL Arjinderpal S. Sekhon, SGT Sevak S. Kroesen, SGT Kirnbir S. Grewal, and MAJ Parbhur S. Brar. They will be discussed in greater detail in Section IV of this letter.

Our hope is to continue to work together with you and U.S. Army leadership to provide the necessary information and resources to efficiently resolve this matter so that CPT Singh can advance his goal of continuing his service in the U.S. Army. We hope you will consider CPT Singh's request for an accommodation in light of his exceptional and honorable service in the U.S. Army and the historical proof of concept that accommodation of Sikh soldiers is reasonable.

II. CPT Simmer Singh

CPT Singh wanted to serve in the U.S. military his entire life. He achieved this goal when he was selected to attend the United States Military Academy at West Point in 2006. At that time CPT Singh wore a turban and maintained his hair and beard uncut in compliance with his Sikh faith—something he had done since childhood.

During the admission process, CPT Singh hoped that the U.S. Army would recognize the importance of his Sikh religious articles of faith. At an event at the Seattle Convention Center, CPT Singh met an Army officer from West Point. They discussed his turban and beard and the officer indicated that he would look into an accommodation. The officer later followed up with a phone call conveying that there was nothing he could do to help. On Reception Day at West Point, CPT Singh separately asked two officers about obtaining a religious accommodation. Both indicated that they would look into whether an accommodation might be possible, but CPT Singh was sent to the barber before he could get a further response. At that point, CPT Singh was forced into the untenable position of having to violate his Sikh religious requirements or lose the opportunity to attend West Point and serve his country. Pressured to comply with the Army's uniform and grooming policies, and believing he had no further options, CPT Singh made the difficult decision to remove his turban, cut his hair, and shave his beard in violation of his Sikh faith. Ever since, he has regretted not having pursued his religious rights more aggressively and has felt great shame and disappointment in himself that he relinquished his Sikh articles of faith. He has always intended to return to his articles of faith whenever the opportunity arose.

Notwithstanding the weight of his decision to compromise his Sikh religious practices, CPT Singh went on to serve his country with a deep commitment to service and excellence. He graduated from West Point in 2010, receiving his B.S. degree in electrical engineering with Honors. See Exhibit 3 (CPT Simratpal Singh Academic Record, United States Military Academy at West Point). After graduation, CPT Singh attended the Officer's Basic Course at FT Leonard Wood (MO). He was assigned to MOS 12A for engineering and was posted to FT Lewis (WA) as Assistant Brigade Engineer on the Brigade Combat Team. During this time, CPT Singh received high praise from his commanders. See Exhibit 4 (CPT Simratpal Singh Officer Evaluation Report for Period of Feb. 15, 2011 through Jan. 3, 2012). In particular, CPT Singh was noted to be "the best lieutenant in the Brigade S3 section and one of the top 3 on the Brigade Staff." *Id.* at 2. While posted at FT Lewis, CPT Singh "seized the opportunity to attend and graduate Ranger School" and his commander noted that "[h]e will be an extraordinary platoon leader" who should be promoted ahead of his peers. *Id.*

Upon successfully completing Ranger School, CPT Singh was assigned as platoon leader for a 24-soldier Route Clearance Platoon within the Stryker Brigade Combat Team. See Exhibit 5 (CPT Simratpal Singh Officer Evaluation Report for Period of Jan. 4, 2012 through Jan. 3,

2013). In that capacity, CPT Singh was forward-deployed to Operation Enduring Freedom in Kandahar Province from April 2012 to January 2013. *Id.* During his deployment, CPT Singh continued to receive the highest evaluations from his commanders:

1 LT Singh is the strongest engineer platoon leader in the battalion. Simmer deployed his Sapper platoon in a route clearance mission during OPERATION ENDURING FREEDOM in support of multiple battlespaces in Regional Command South clearing over 10,000 miles of road. He is an aggressive and meticulous leader who maintained high standards to impressive effect in combat. 1 LT Singh is a solid, unflappable performer who can be counted on in tough positions and arduous missions. . . .

Id. In a subsequent OER, CPT Singh was “ranked number one of out of seven Officers” by his Company Commander, who also noted that as a “top performer, Simratpal makes any team he is on better. I would fight to serve with Simratpal again.” See Exhibit 6 (CPT Simratpal Singh Officer Evaluation Report for Period of Jan. 4, 2013 through Sept. 15, 2013), at 2. His LTC went on to note that CPT Singh’s performance “has been nothing short of superb through this rating period,” noting that his “ability to thrive in a dynamic and fluid situation make him a vital asset to any team.” *Id.*

Upon returning from his deployment, and as a result of his “exceptional and meritorious service,” CPT Singh was awarded a Bronze Star Medal (“BSM”). See Exhibit 7 (Bronze Star Medal Awarded to then-1LT Simratpal Singh). Specifically, CPT Singh was nominated for the BSM for his leadership as patrol leader on “over 170 route clearance patrols throughout Kandahar Province in support of Combined Task Force Lancer,” “defense of FOB Frontenac during a coordinated and sustained enemy attack,” including leading his platoon to “suppress[] and eventually counterattack[] the heavily armed insurgents.” *Id.* at 3. CPT Singh also received an Army Achievement Medal in November 2013 for his performance during a joint training exercise with the South Korean Army. See Exhibit 8 (The Army Achievement Medal Awarded to then-1LT Simratpal Singh (Nov. 5, 2013)).

CPT Singh’s exceptional performance continued following his return stateside, where he served as a Brigade Assistant S-4 for a rapidly deployable 4,100 Soldier Stryker Brigade Combat Team. In this role, he was recognized as “easily the best of four captains” that “has proven himself an invaluable asset to the team.” See Exhibit 9 (CPT Simratpal Singh Officer Evaluation Report for Period of Sept. 15, 2013, through Sept. 14, 2014), at 1. CPT Singh is viewed as “a top 10% officer” who is a “fit, talented leader with unlimited potential and a bright future.” *Id.* at 2. At the same time, CPT Singh received an Army Commendation Medal for his service. See Exhibit 10 (Army Commendation Medal (Nov. 17, 2014)).

In January 2015, CPT Singh attended and completed the Engineer Captain’s Career Course at FT Leonard Wood while simultaneously volunteering to obtain a Master’s Degree in engineering. See Exhibit 11 (Certificate of Achievement, U.S. Army Engineer School, FT Leonard Wood, MO (June 26, 2015)). During this time period, he was noted to be a “highly skilled officer” who “displayed great leadership.” See Exhibit 12 (CPT Simratpal Singh Service School Academic Evaluation Report for Period of Jan. 14, 2015, through June 26, 2015 (June 24, 2015)). It was

also noted that “his presence and intellect greatly influenced his peers” and that he is “ready to command a company and will excel in any position of responsibility.” *Id.*

Earlier this year, CPT Singh attended the Pentagon’s Second Annual Vaisakhi Celebration Event. See **Exhibit 13** (L. Ferdinando, *Pentagon celebrates Sikh new year, Vaisakhi*, Army News Service, May 4, 2015). This event, which celebrated one of the most significant holidays for Sikhs, included Sikh soldiers from various branches of the U.S. military. The Pentagon’s deputy chaplain, LTC Claude Brittian, noted that he “must stand up for the rights of others to celebrate in regards to their faith” and that Sikh soldiers in the U.S. military “who practice their faith should have the opportunity to share their faith.” At the Pentagon event, CPT Singh met several Sikh soldiers who maintain their uncut hair and beards and wear turbans. Further convicted by seeing his fellow U.S. Army soldiers fully practicing their Sikh faith, and for the first time seeing a viable path to obtaining an accommodation, CPT Singh began taking steps towards requesting an ETP through his chain-of-command.

CPT Singh completed his Master’s program just last week and is presently on one-month’s leave with orders to report to the 249th Engineer Battalion Prime Power at FT Belvoir (VA) on November 16. Realizing that he needs to return to being fully observant of his Sikh articles of faith, and after religious consideration and consultation, CPT Singh has concluded that now is the right time. CPT Singh will report for duty on November 16 wearing a turban and beard, in compliance with the requirements of his Sikh faith, and therefore is requesting expedited consideration of his religious accommodation request. He is also seeking assurances from the chain-of-command that he will not face disciplinary action as a result of his decision to maintain the Sikh articles of faith and submit this request.⁴

Due to CPT Singh’s report date of November 16, if the Army is unable to grant him timely interim relief, he may need to quickly seek a preliminary injunction from federal court protecting his right to exercise his religion while continuing his service in the Army.

III. The Sikh Articles of Faith

The Sikh religion is the world’s fifth largest faith tradition. While there are more Sikhs in the world than Jews, the faith is relatively young compared to other major world religions. The founder of the Sikh faith, Guru Nanak, was born in 1469 in Punjab, India. The Sikh religion is monotheistic, believing in one God that is all loving, all pervading, and eternal. This God of love is obtained through grace and sought by service to mankind. Guru Nanak rejected the caste system, and declared all human beings, including women, to be equal in rights and responsibilities and ability to reach God. He taught that God was universal to all—not limited to any religion, nation, race, color, or gender.

Consistent with the teachings of the Sikh gurus, Sikhs wear an external uniform to bind them to the beliefs of the religion. Unlike some other faiths, where only the clergy maintain religious articles on their person, all Sikhs are required to wear external articles of faith. These articles of

⁴ See DoDI 1300.17 (4) (d), which states that “[i]n 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.”

faith, such as unshorn hair (*kesh*) and the turban, distinguish a Sikh and have deep spiritual significance.

Maintaining uncut hair (including a beard) is an essential part of the Sikh way of life—one cannot be a practicing Sikh without abiding by this tenet of faith. Guru Nanak started the practice, regarding it as living in harmony with the will of God. The Sikh Code of Conduct, called the *Rehat Maryada*, outlines the requirements for practicing the Sikh way of life. All Sikhs must follow the guidelines set forth in this document. The *Rehat Maryada* explicitly instructs that if you are a Sikh, you must “[h]ave, on your person, all the time . . . the *keshas* (unshorn hair).” See **Exhibit 14** (excerpt of *Rehat Maryada*). This document prohibits the removal of hair from the body as one of four major taboos. One of the other taboos on this list is adultery. Accordingly, the fact that cutting one’s hair is a moral transgression as serious as committing adultery speaks to the immense significance of uncut hair in the Sikh religion.

The *Rehat Maryada* also mandates that Sikhs wear a turban which must always cover a Sikh’s head. The turban reminds a Sikh of his or her duty to maintain and uphold the core beliefs of the Sikh faith, which include working hard and honestly, sharing with the needy, and promoting equality and justice for all. When a Sikh ties a turban, the turban ceases to be simply a piece of cloth and becomes one and the same with the Sikh’s head.

Historically, uncut hair and turbans have been central features of the Sikh identity. For example, in the 18th century, Sikhs in South Asia were persecuted and forced to convert from their religion by the dominant leaders in the region. The method of forcing conversions was to remove a Sikh’s turban and cut off his hair. As resistance to such forced conversions, many Sikhs chose death over having their turbans removed and hair shorn.

Since then, denying a Sikh the right to wear a turban and maintain unshorn hair has symbolized denying that person the right to belong to the Sikh faith, and is perceived as the most humiliating and hurtful physical injury that can be inflicted upon a Sikh.

Sikh values and the Sikh articles of faith fully complement the values of Americans and the U.S. Army, including our country’s commitment to freedom, justice, and defending the oppressed.

IV. Sikhs’ Service in the U.S. Armed Forces

There are over 26 million Sikhs in the world and approximately 500,000 in the United States. For centuries, Sikh soldiers and officers have served in armies across the globe, fought bravely in wars, and achieved the highest levels of military distinction. As is the case for other American communities, including Irish Americans, Sikhs have an extensive and proud history of military service. Sikhs served as part of the Allied Forces in both World Wars. Sikhs currently serve in the militaries of Great Britain, Canada, Australia, New Zealand, India, the United Nations, and many other countries. In all cases, Sikh soldiers’ turbans, unshorn hair, and beards have never been an impediment to their service. In fact, Sikhs have frequently been renowned for their courageous behavior and military prowess. On December 5, 2013, the United States recognized the extensive service of General Bikram Singh, the Chief of Staff of the Indian Army, and awarded him the prestigious Legion of Merit. See **Exhibit 15** (*Indian Army Chief of Staff Visits with Gen. Ray Odierno*, U.S. Army webpage, December 6, 2013). In 2014, the Canadian

military awarded its highest military honor, the Order of Military Merit, to LTC Harjit S. Sajjan, an Afghanistan war hero and the first Sikh to command a Canadian Army regiment. *See* **Exhibit 16** (LTC Sajjan Awarded Order of Military Merit, June 20, 2014).

As you are no doubt aware, observant Sikh-Americans are markedly absent from the ranks of the U.S. Armed Forces due to a policy that excluded observant Sikhs and members of other minority faiths unless they relinquished the tenets of their faith. Although practicing Sikhs proudly served our country in the U.S. Army without impediment during the Vietnam War and prior conflicts dating back to World War I, military policy was changed around 1981 to prohibit exemptions to the uniform requirements for visible articles of faith. While some exceptions subsequently were made for the Jewish yarmulke, the general rule was that turban-wearing Sikhs maintaining unshorn hair and beards were disallowed from serving. *See* Feb, 3, 1988 Department of Defense Instruction (“DoDI”) of February 3, 1988, § 1330.17 (amended Jan. 2014); Army Regulation 600-20 §§ 5-6 (4)(g) (2009) (“The Army does not accommodate exceptions to personal grooming standards for religious reasons . . .”). This rule has barred practicing Sikhs from entering all branches of the U.S. Armed Forces for the past thirty-four years.

Nevertheless, despite the 1981 policy changes, a number of Sikhs were grandfathered in under the old military policy and have served honorably in the U.S. Army with their Sikh articles of faith intact—some even serving lifetime careers. For example:

- **COL Gopal S. Khalsa** joined the Army as a private in 1976 and continues serving in the Reserves. While on active duty, COL Khalsa served in the Special Forces Unit for 10 years on Parachute Status and as a Battalion Commander overseeing an 800-person intelligence group. He received a Meritorious Service Medal and Silver Oak Leaf Cluster Award, among many other honors. He is a graduate of the Army Officer Candidate School in Georgia, and was inducted into the Officer Candidate School Hall of Fame in 2004.
- **COL Gurbhajan Singh**, a dentist, served from 1979 until 2007. During his 28-year tenure, COL Singh was stationed around the United States, as well as in Korea. He was awarded several honors including the “A” Prefix, the U.S. Army Medical Department’s highest award for professional excellence.
- **COL Arjinderpal Singh Sekhon**, a medical doctor, served from 1984 until 2009. During his 25 years of commissioned service, COL Sekhon was stationed around the country. During the First Persian Gulf War, he was called to active duty and served stateside as a doctor at the United States Army Hospital in California. He rose through the ranks to COL and was given a Battalion Commander position through which he oversaw a unit of 600-700 soldiers. Before the end of his career in the U.S. Army, he was decorated with various awards including a Presidential Unit Citation, Joint Meritorious Unit Award, and an Army Flight Surgeon Badge.
- **Sergeant Sevak Singh Kroesen** enlisted in the U.S. Army reserves in 1976 and was attached to the Signal Company, 11th Special Forces Group after which he successfully completed airborne (paratrooper) and Radio Teletype Transmission Operator training. He then completed his Special Forces Qualification Courses and became a Special Forces

Communications Sergeant. His Sikh articles of faith were not a hindrance to his completion of this rigorous training, nor to his decade-plus of service. Sergeant Kroesen subsequently completed his schooling, training, and missions around the world all with honor and distinction. He was honorably discharged from active duty in 1991.

- **Sergeant Kirnbir Singh Grewal** served in the U.S. Army from 1977 to 1984. He entered the Army as a private and served both domestically and abroad in Germany. Sergeant Grewal, a turban-wearing Sikh, used the same standard-issue gas mask and helmet as other members of the Army. Indeed, his responsibilities included teaching other soldiers to use protective gear to survive nuclear and biological warfare. During his tenure, his Sikh articles of faith were never an impediment. The Army's actions in allowing Sergeant Grewal to serve in this capacity with his articles of faith intact reaffirmed that it accepted his faith as an inseparable part of his identity that was fully compatible with military readiness, unit cohesion, and good order and discipline.
- **MAJ Parbhur Singh Brar** is an ophthalmologist who served in the U.S. Army from December 1978 to October 1981. He was commissioned as a Reserve Officer, but then moved to Active Duty and was stationed at FT Eustis in Newport News, VA. MAJ Brar's Sikh articles of faith never stopped him from performing his duties, nor did they preclude him from creating strong relationships with his unit or supervisors during his tenure with the Army.

All of these men maintained their Sikh articles of faith during the entire length of their service. See **Exhibit 17** (Photographs of Sikh-American soldiers noted above). These Sikh-American soldiers' turbans, unshorn hair, and beards were never an impediment to their honorable service to their country.

In addition, as mentioned previously, over the past six years, McDermott Will & Emery and the Sikh Coalition have represented three Sikh-American men who have received religious accommodations to join the U.S. Army with their Sikh articles of faith intact:

- **CPL Simran Preet S. Lamba**, an enlisted soldier, began active duty in August 2010. Fluent in Punjabi and Hindi, he was recruited through the MAVNI program for his cultural and language skills. He served in a medical battalion as a Soldier Medic. CPL Lamba is known for his dedication, enthusiasm, and self-initiative. One of his superiors noted that he "has been a tremendous Soldier, an invaluable member of my team, and has had an amazing impact on his peers and supervisors." See **Exhibit 18** (CPL Lamba Letters for Commendation). He further noted that CPL Lamba "is not only a great role model for today's Soldiers, [but] his outstanding performance within our ranks can strengthen the bonds not only within the Army, but also between other countries who view this Warrior and see that the Army, and America, accepts all who can and are willing to perform for our Great Nation." *Id.* On June 14, 2014, CPL Lamba received an Army Commendation Medal for his selfless service and dedication to duty. CPL Lamba is currently in the Individual Ready Reserve.
- **MAJ Tejdeep S. Rattan**, a dentist, entered active duty in January 2010 after receiving a religious accommodation. In 2011, he was deployed to Afghanistan where he

volunteered to serve in a remote forward operating base. While deployed, MAJ Rattan performed approximately 25% of all dental procedures performed throughout the 673rd Dental Company. He was awarded an Army Commendation Medal for his “outstanding performance, technical expertise, and unwavering commitment to mission accomplishment in a hostile environment[,]” and a NATO Medal for defusing a tense confrontation with Afghan civilians. His superiors have noted that he “wears the uniform with pride”; has “[m]ilitary bearing” that is “beyond reproach”; is a “charismatic officer who leads from the front” and “serves as a great mentor for less experienced officers”; and “[i]nspires, motivates, and encourages subordinates.” See **Exhibit 19** (MAJ Rattan Officer Evaluation Report from 2014). After his deployment, MAJ Rattan was stationed at FT Bragg, NC, where he completed his active duty service as a General Dentist at the Joel Dental Clinic. On April 27, 2015, the Army awarded him a Meritorious Service Medal for his significant contributions to the U.S. Army DENTAC.

- **MAJ Kamaljeet S. Kalsi** is a physician specializing in emergency and disaster medicine. MAJ Kalsi began active duty in June 2010. He was also deployed to Afghanistan in 2011 and was awarded a Bronze Star Medal upon his return. In support of the award, an official recommendation from MAJ Kalsi’s superiors cited his resuscitation back to life of two patients who were clinically dead on arrival; his “expert” emergency care of over 750 service members and civilians; coordination of five mass casualty exercises; and his general “commitment and leadership above and beyond that of his general duties.” His superiors have noted that he has “consistently demonstrated a strong commitment to improving Army Medicine,” “exceeded all expectations,” and “possesses absolutely unlimited potential as a leader.” See **Exhibit 20** (MAJ Kalsi Officer Evaluation Report from 2011). He is currently in the U.S. Army Reserve Officer Corps.

Again, the Sikh articles of faith of these three recently accommodated U.S. Army soldiers have in no way impeded their service to our country—even while deployed abroad in hostile territory. Instead, all three have promoted unit cohesion, discipline, morale, and individual readiness.

V. The Army Religious Accommodation Process as Applied to Observant Sikhs, Including CPT Singh

On January 22, 2014, the U.S. Department of Defense published revisions to Instruction 1300.17, “Accommodation of Religious Practices Within the Military Services.” See **Exhibit 21**. Section 4(b) provides that the various 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.” Section 4(e) further provides that “[r]equests for religious accommodation . . . 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.”

Under DoDI 1300.17 § 4(e)(1)(a)-(b), religious accommodation requests may be denied only when the “military policy, practice, or duty furthers a compelling governmental interest” and “is the least restrictive means of furthering that compelling governmental interest.” Further, DoDI 1300.17 § 4(f)(1)(b) invites religious accommodation requests from Sikhs and other visibly

religious minorities who require an exception to uniform and grooming policies by providing that, “[g]rooming and appearance practices . . . are subject to consideration for accommodation when the request is based on religious beliefs.” *Id.*

On November 6, 2014, the U.S. Army implemented the revised DoDI and promulgated its own regulations providing guidance for granting religious accommodations. *See* Army Reg. 670-1; Army Reg. 600-20. All religious accommodation requests that would require a waiver to Army uniform, grooming, and personal appearance policies must be submitted to an immediate commander and then forwarded up the chain-of-command to the Deputy Chief of Staff, Army G-1. Army Reg. 600-20, §§ 5-6(i)(1), (2). Each command level that receives the request may neither approve nor deny it, but must make recommendations to the Army G-1 as to whether the request should be granted or denied. *Id.*

In April 2015, the U.S. Army issued USAREC Message 15-032 regarding “Religious Accommodation Exceptions to Policy.” *See Exhibit 22*. Message 15-032 appears to correct the “Catch 22” provision that previously required service members to follow all rules, including ones that violate their religion, while a request for a religious accommodation is pending. While this guidance expressly applies to incoming soldiers and officers, we assume that the U.S. Army will work together with CPT Singh in a consistent manner to ensure that he is granted a temporary accommodation to avoid the imposition of disciplinary action related to uniform and grooming policies. It is further CPT Singh’s understanding that the U.S. Army now recognizes that removing his turban, cutting his hair, and/or shaving his beard—even for a short period of time—is simply not an option for him as a Sikh.

Finally, it is notable that on October 16, 2015, the United States Congress passed the 2016 National Defense Authorization Act. The House Armed Services Committee Report issued in support of the Act urges the Department of Defense to ensure that requests for religious accommodations are resolved “quickly” and “efficiently” and—wherever possible—without burdening the service member’s free exercise “while [the] accommodation request is pending.” H.R. Rep. No. 114-102, at 134 (2015). On October 20, 2015, the Act was sent to President Obama for his signature.

VI. The Religious Freedom Restoration Act and DoD Regulations Compel CPT Singh’s Religious Accommodation

The Religious Freedom Restoration Act (“RFRA”), passed in 1993, applies to the U.S. military. *See Singh v. McHugh*, Case No. 14-1906, 2015 WL 3648682 (D.D.C., June 12, 2015) (applying RFRA to U.S. Army regarding ROTC candidate’s request for religious accommodation to compete for commission) (a copy of Memorandum Opinion is enclosed as **Exhibit 23**); *Rigdon v. Perry*, 962 F. Supp. 150 (D.D.C. 1997) (applying RFRA to DoD and other branches of military on free exercise claim brought by military chaplains); *see also* DoDi 1300.17 (tracking RFRA’s language). RFRA provides that the federal government cannot substantially burden a person’s exercise of religion, even if the burden results from a rule of general applicability. 42 U.S.C. § 2000bb-1(a).

The only recognized exception requires the government to show that burdening the individual's religious exercise (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. § 2000bb-1(b).

The "compelling interest" prong must be met "to the person." *Id.* This means that the government cannot rely upon "broadly formulated interests" as the basis for restricting an individual's religious exercise. *See Holt v. Hobbs*, 135 S. Ct. 853, 863 (2015) (interest in "prison safety and security" deemed overly broad for prohibiting individual Muslim prisoner's beard); *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751, 2779 (2014) (interest in "public health" and "gender equality" deemed overly broad for requiring specific family business to provide contraception to employees); *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418 (2006) (concerns over "high potential for abuse" and "a lack of accepted safety" deemed overly broad for prohibiting sacramental use of a controlled substance). Rather, the government must show that its "*marginal* interest" in enforcing the asserted restriction against the "particular religious claimant" in "that particular context" rises to the level of "compelling." *Holt*, 135 S. Ct. at 863 (emphasis added).

The "least restrictive means" prong is similarly "exceptionally demanding" and requires the government "to show that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion by the objecting party." *Id.* at 864. "If a less restrictive means is available for the Government to achieve its goals, the Government must use it." *Id.*

There is no question that refusal to accommodate CPT Singh's Sikh articles of faith would constitute a substantial burden on his religious exercise. If denied an accommodation, CPT Singh would be forced to choose between his religious convictions and the benefit of pursuing a career in the U.S. Army to serve his country. *See, e.g., Autor v. Pritzker*, 740 F.3d 176, 182, (D.C. Cir. 2014) (finding a viable claim when lobbyists were forced to choose between their First Amendment right to petition the government and the benefit of serving on a federal advisory committee). Being put to such a choice unquestionably imposes a substantial burden on CPT Singh's religious exercise. *Holt*, 135 S. Ct. at 862 (grooming policy that subjected prisoner to "serious disciplinary action" for growing beard constituted a substantial burden); *Singh*, 2015 WL 3648682, at *11 (Army's refusal to grant Sikh soldier an "accommodation that would enable him to enroll in ROTC while maintaining his religious practice" constituted a substantial burden). Thus, under DoDI 1300.17, CPT Singh is entitled to an exception absent a showing that granting one would impair a compelling government interest that cannot be satisfied via a less restrictive means.

For several reasons, this standard cannot be met. As set forth in DoDI 1300.17, the only valid reason for denying a religious accommodation is if it would "adversely affect mission accomplishment such as military readiness, unit cohesion, good order, discipline, health and safety." DoDI 1300.17(4)(e). Alone, however, these "broadly formulated interests" are insufficient and must be considered in the specific context of CPT Singh's request. We are not aware of anything in CPT Singh's anticipated duties at FT Belvoir that would be compromised in any way by granting him a religious accommodation.

Moreover, as earlier outlined in great detail, many Sikhs have served honorably in the U.S. Armed Forces with their articles of faith intact—posing no threat to military readiness, unit cohesion, good order, discipline, or health and safety. Indeed, in *Singh v. McHugh*, the court relied on extensive evidence concerning the four most recent Sikh service members, concluding that “the praise heaped on each man’s service” in their military records stood “in stark contrast” to any assertion that the Sikh articles of faith would “undermine the quality of his training, unit cohesion and morale, military readiness, and the credibility of the officer corps.” *Singh*, 2015 WL 3648682, at *22. Relying on the military’s own research, the court concluded that Sikh soldiers should have “the chance to prove themselves” like anyone else, without having to abandon their articles of faith. *Id.*

Further, it is our understanding that the Army has issued more than 300,000 waivers to its uniform and grooming policies, including for medical beards and tattoos, on both a permanent and temporary basis. In fact, earlier this year the U.S. Army announced revisions to its tattoo policy that will remove the limit on the number and size of soldiers’ tattoos.⁵ Given that other Sikhs have served with religious accommodations and given the numerous waivers to uniform and grooming standards granted to service members for both religious and secular reasons, the U.S. Army cannot show that denying CPT Singh’s religious accommodation (1) furthers a compelling governmental interest; or (2) is the least restrictive means of furthering such an interest. *See Singh*, 2015 WL 3648682, at *19 (“The fact that the Army is able to tolerate so many idiosyncratic deviations from its grooming regulations further undermines [its] assertion that ‘the even handed enforcement of grooming standards’ is critical to ‘instill[] the self-discipline necessary for the military member to perform effectively.’”)⁶

Outside of complying with the law, there are many other compelling reasons why the U.S. Army should allow CPT Singh to serve with his articles of faith intact. Religious freedom and respect for religious pluralism are bedrock principles of this country, principles that the U.S. Army is bound to protect and promote. As one of the country’s largest employers, we urge the Army to vigorously promote and embrace religious liberty and to send a clear message rejecting discriminatory policies and practices against religious individuals, just as it has done for African-Americans, women, gays and lesbians, and other minority communities. As our world becomes more complex and interconnected, our military leadership must reflect different cultural and religious backgrounds.

Finally, given Sikh-Americans’ long and distinguished military history in the United States and around the world, Sikhs would certainly embrace the opportunity to continue to enlist and serve as dedicated service members in the U.S. Army.

* * * * *

For the reasons stated above, CPT Singh respectfully requests that the U.S. Army accommodate his Sikh articles of faith and allow him to continue his service to our country while complying

⁵ See Kathleen Curthoys, *Army announces big changes to the tattoo policy*, Army Times (Apr. 1, 2015), available at <http://www.armytimes.com/story/military/careers/army/2015/04/01/army-tattoo-policy-change/70783186/>.

⁶ The *Singh v. McHugh* litigation revealed that hundreds of thousands of soldiers have received accommodations for facial hair and tattoos in recent years.

with the tenets of his faith. Please be reminded that, pursuant to DoDI 1300.17 § 5(b)(2) and Army Regulation 600-20, § 5-6(i)(10), a decision must be made within 30 days after the G-1 is in receipt of CPT Singh's request. However, in light of CPT Singh's order to report to FT Belvoir on November 16, we respectfully request that the review of this request be expedited and given urgent attention from the G-1.

We thank you for your consideration in this regard and look forward to continuing our cordial working relationship with you. Please do not hesitate to contact us via email or phone if you have any questions:

- Amandeep S. Sidhu, Esq., McDermott Will & Emery LLP, asidhu@mwe.com, 202-756-8380;
- Harsimran Kaur, Esq., The Sikh Coalition, harsimran@sikhcoalition.org, 510-565-7908; or
- Eric Baxter, Esq., The Becket Fund for Religious Liberty, ebaxter@becketfund.org, 202-349-7221.

cc (w/ enclosures):

CPT Simratpal Singh, U.S. Army (via email at simratpal.singh.mil@mail.mil)

EXHIBIT 1

Congress of the United States
Washington, DC 20515

March 10, 2014

The Honorable Charles Hagel
Secretary of Defense
Department of Defense
Washington, DC 20301

Dear Secretary Hagel:

We respectfully request that the United States Armed Forces modernize their appearance regulations so that patriotic Sikh Americans can serve the country they love while abiding by their articles of faith.

As you know, three devout Sikh Americans have been granted individualized accommodations to serve in the U.S. Army. These patriotic soldiers wear turbans and maintain beards in a neat and conservative manner, both in accordance with operational requirements and their Sikh religious beliefs. They are also able to wear protective equipment, including helmets and gas masks, in conformity with safety requirements.

These Sikh soldiers have given their all in service of their country. Maj. Kamaljeet Singh Kalsi earned a Bronze Star Medal for his service in Afghanistan, which included treating multiple combat injuries and reviving two clinically dead patients back to life; Capt. Tejdeep Singh Rattan earned a NATO Medal for his service in Afghanistan; and Corporal Simran Preet Singh Lamba successfully graduated from the Military Accessions Vital to National Interest (MAVNI) program for his proficiency in Punjabi and Hindi.

Given the achievements of these soldiers and their demonstrated ability to comply with operational requirements while practicing their faith, we believe it is time for our military to make inclusion of practicing Sikh Americans the rule, not the exception.

Devout Sikhs have served in the U.S. Army since World War I, and they are presumptively permitted to serve in the armed forces of Canada, India, and the United Kingdom, among others. Notably, the current Chief of Army Staff of the Indian Army is a turbaned and bearded Sikh, even though Sikhs constitute less than two percent of India's population. Throughout the world, and now in the U.S. Army, Sikh soldiers are clearly able to maintain their religious commitments while serving capably and honorably.

We look forward to working with you to end the presumptive ban on Sikh Americans in the U.S. military and extend opportunity to Sikh Americans who wish to serve and defend our nation.


Sincerely,



Joseph Crowley
Member of Congress



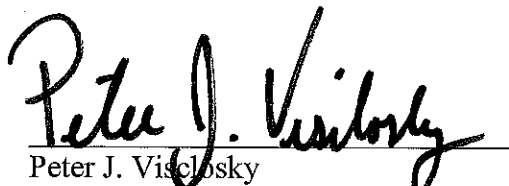
R. Frelinghuysen
Rodney P. Frelinghuysen
Member of Congress



David G. Valadao
Member of Congress




Judy Chu
Member of Congress



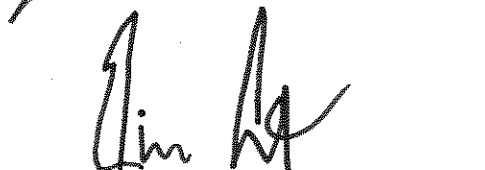
Peter J. Visclosky
Member of Congress




Joseph J. Heck
Member of Congress



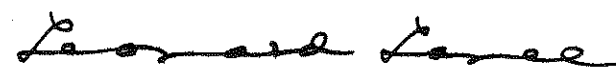
Paul Ryan
Member of Congress



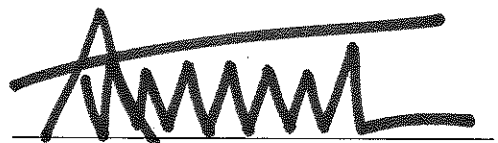
Jim Costa
Member of Congress



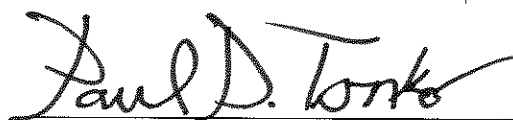
John Garamendi
Member of Congress



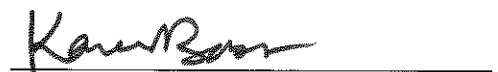
Leonard Lance
Member of Congress



Ted Poe
Member of Congress



Paul Tonko
Member of Congress



Karen Bass
Member of Congress



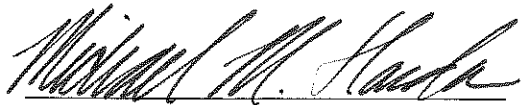
Kerry L. Bentivolio
Member of Congress



Frank R. Wolf
Member of Congress



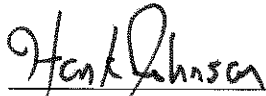
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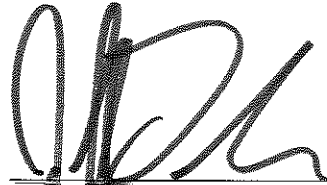
Michael M. Honda
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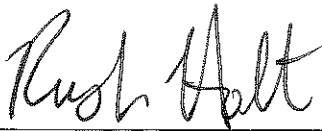
Charles W. Dent
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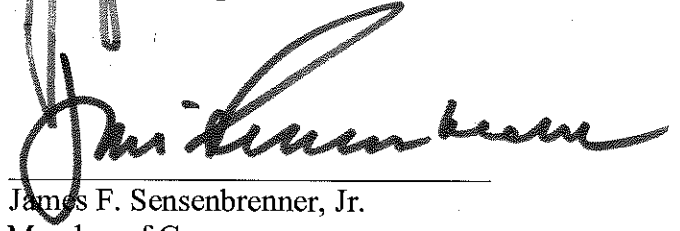
Henry C. "Hank" Johnson, Jr.
Member of Congress



Jeff Denham
Member of Congress



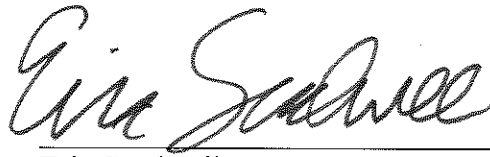
Rush Holt
Member of Congress



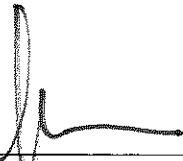
James F. Sensenbrenner, Jr.
Member of Congress



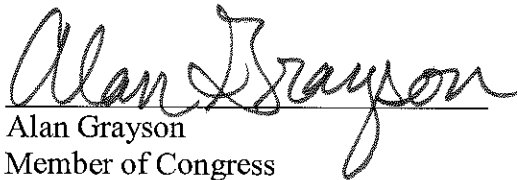
Pete Olson
Member of Congress



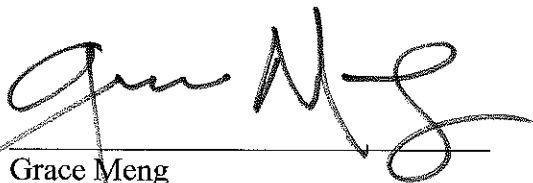
Eric Swalwell
Member of Congress




Ami Bera
Member of Congress



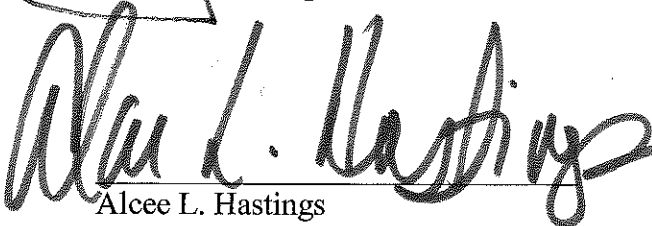
Alan Grayson
Member of Congress



Grace Meng
Member of Congress



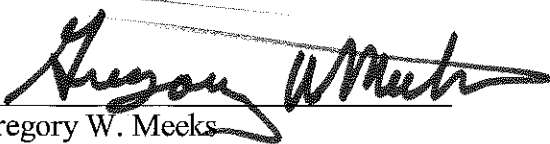
William R. Keating
Member of Congress

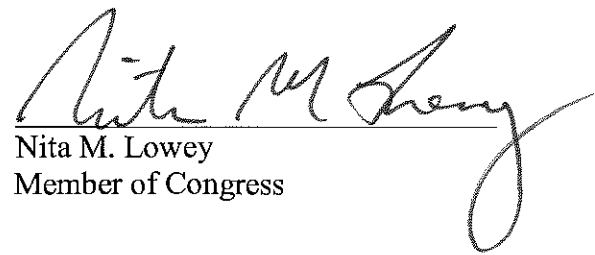



Alcee L. Hastings
Member of Congress




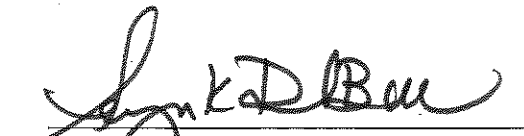
Niki Tsongas
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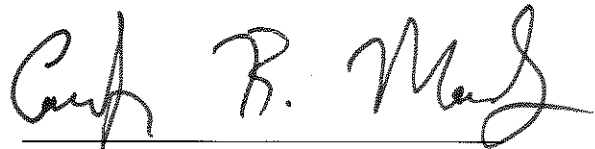

Gregory W. Meeks
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Nita M. Lowey
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Bobby L. Rush
Member of Congress



Gloria Negrete McLeod
Member of Congress



Suzan K. DelBene
Member of Congress

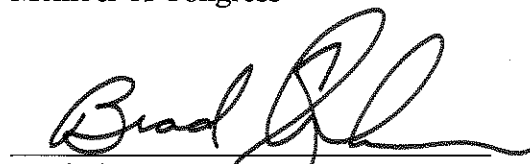

Carolyn B. Maloney
Member of Congress


Ben Ray Luján
Member of Congress



Barbara Lee
Member of Congress

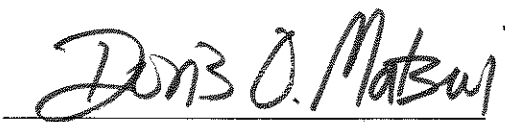

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Brad Sherman
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Chris Van Hollen
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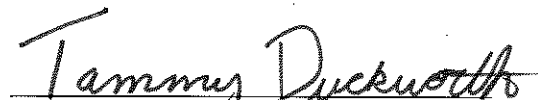

Ed Pastor
Member of Congress

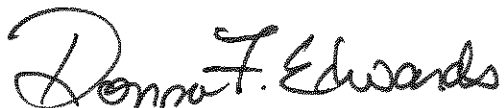

Doris O. Matsui
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Lucille Roybal-Allard
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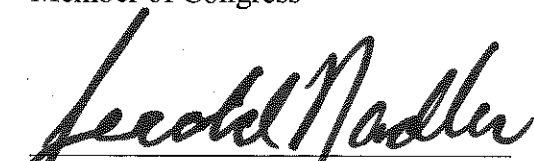

Mark Takano
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John Lewis
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Tammy Duckworth
Member of Congress

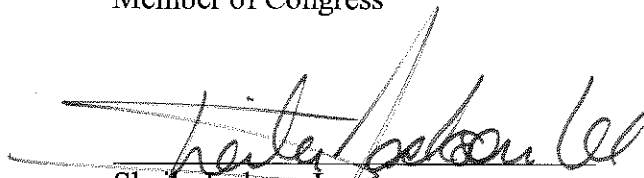

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Wm. Lacy Clay
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Errol Nadler
Member of Congress

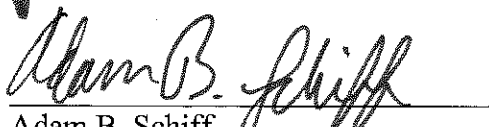

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Earl Blumenauer
Member of Congress

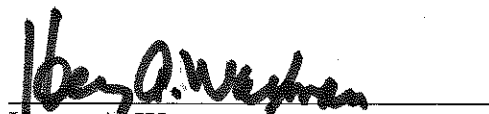

Sheila Jackson Lee
Member of Congress


James P. Moran
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Gwen Moore
Member of Congress


Adam B. Schiff
Member of Congress


Anna G. Eshoo
Member of Congress


Henry A. Waxman
Member of Congress

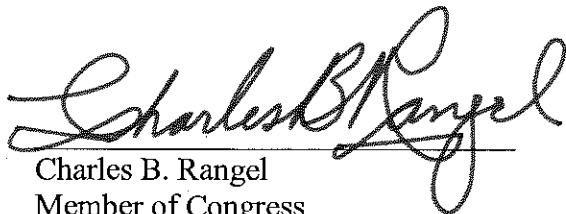

Jackie Speier
Member of Congress



Eleanor Holmes Norton
Member of Congress



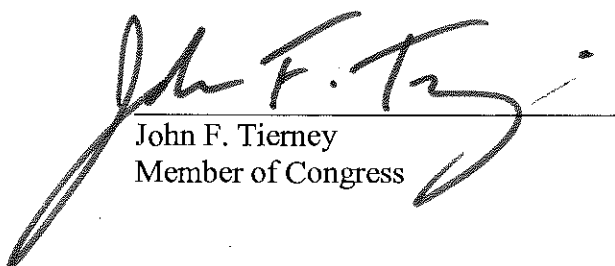
Danny K. Davis
Member of Congress



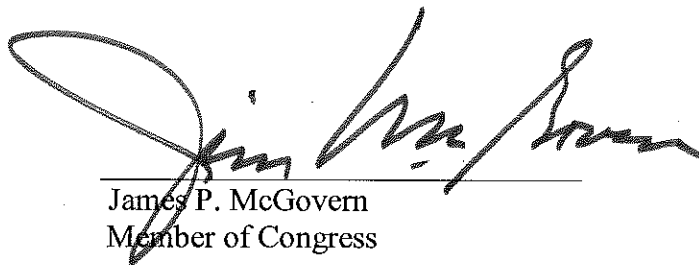
Charles B. Rangel
Member of Congress



Zoe Lofgren
Member of Congress



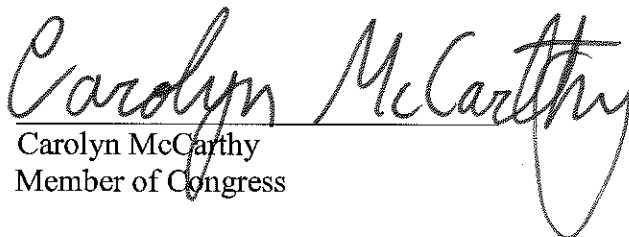
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James P. McGovern
Member of Congress



Gary C. Peters
Member of Congress



Carolyn McCarthy
Member of Congress



Tim Ryan
Member of Congress



Pedro R. Pierluisi
Member of Congress



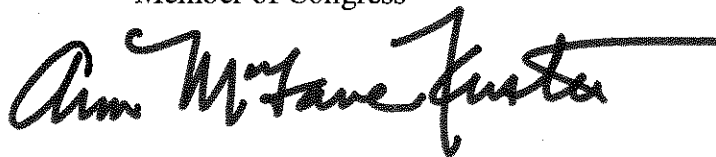
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Member of Congress



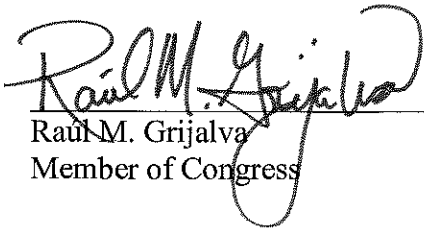
Luis V. Gutierrez
Member of Congress

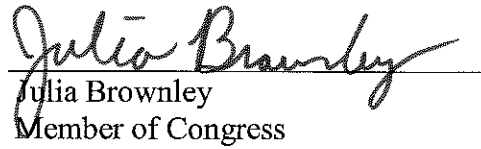


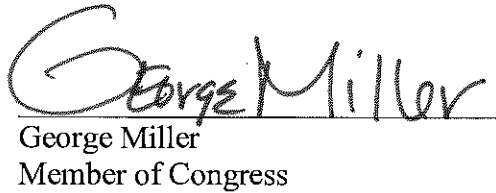
Bill Pascrell, Jr.
Member of Congress



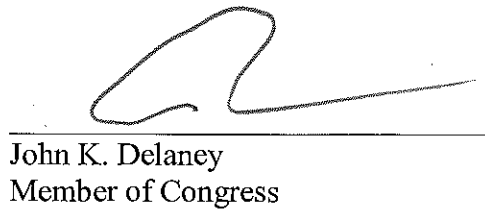
Ann McLane Kuster
Member of Congress

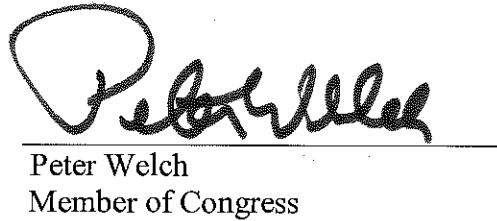

Raul M. Grijalva
Member of Congress

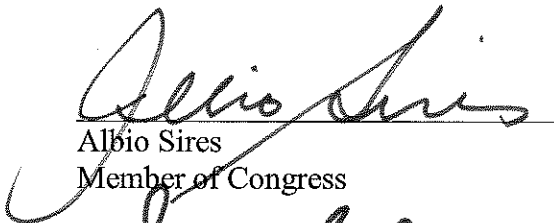

Julia Brownley
Member of Congress


George Miller
Member of Congress

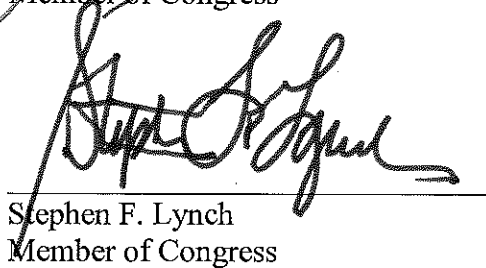

Rosa L. DeLauro
Member of Congress

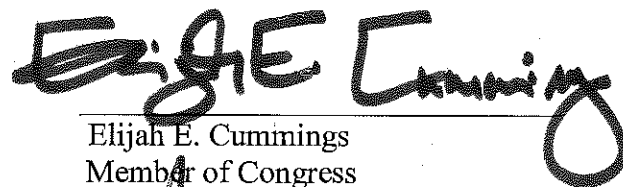

John K. Delaney
Member of Congress

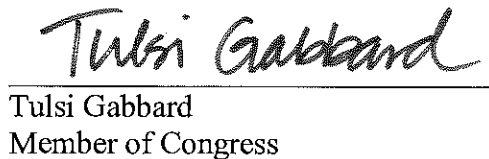

Peter Welch
Member of Congress

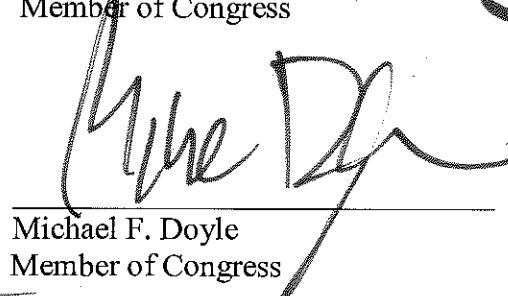

Albio Sires
Member of Congress

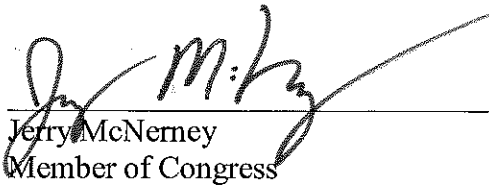

Theodore E. Deutch
Member of Congress

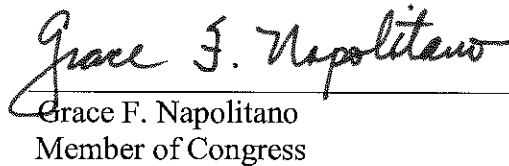

Stephen F. Lynch
Member of Congress

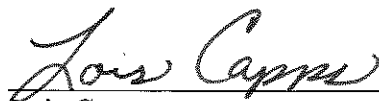

Elijah E. Cummings
Member of Congress


Tulsi Gabbard
Member of Congress


Michael F. Doyle
Member of Congress


Jerry McNerney
Member of Congress

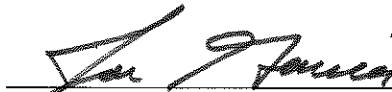

Grace F. Napolitano
Member of Congress



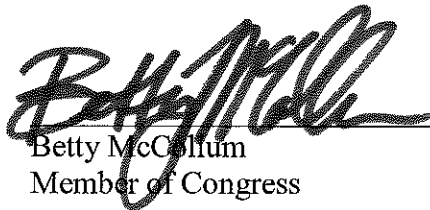
Lois Capps
Member of Congress



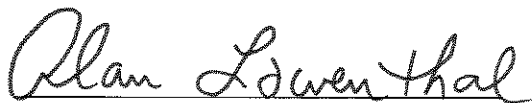
Robert C. "Bobby" Scott
Member of Congress




Joe Garcia
Member of Congress



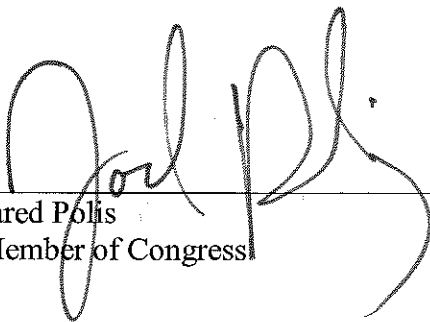
Betty McCollum
Member of Congress



Alan S. Lowenthal
Member of Congress



Mark Pocan
Member of Congress



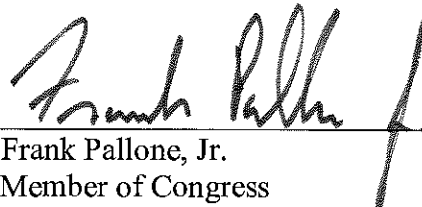
Jared Polis
Member of Congress



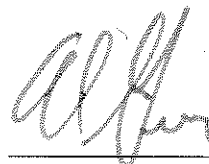
Yvette D. Clarke
Member of Congress



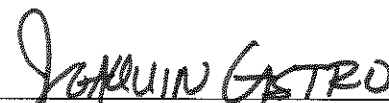
André Carson
Member of Congress



Frank Pallone, Jr.
Member of Congress



Al Green
Member of Congress



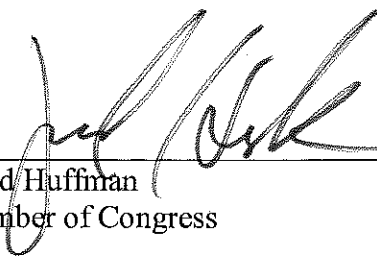
Joaquin Castro
Member of Congress



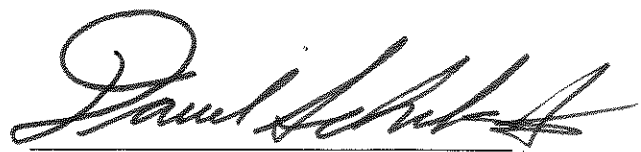
Eliot L. Engel
Member of Congress




Janice D. Schakowsky
Member of Congress



Jared Huffman
Member of Congress



David Schweikert
Member of Congress



Susan Brooks
Member of Congress

EXHIBIT 2

April 2, 2014

The Honorable Jessica L. Wright
Acting Under Secretary of Defense for Personnel and Readiness
4000 Defense Pentagon
Washington, DC 20301-4000

Dear Acting Under Secretary Wright:

On January 22, 2014, the Department of Defense released a revised version of its Instruction 1300.17 – *Accommodation of Religious Practices Within the Military Services*. We appreciate the fact that these revisions establish, for the first time, a formal process for requesting and granting accommodations for our men and women in uniform who seek to abide by the requirements of their faith – wearing, for instance, head coverings or neat beards. However, we are writing to express our concerns that these provisions still needlessly infringe on the rights of these religiously observant service members and prospective service members. As written, the revised Instructions will have the effect of limiting diversity in the ranks and preventing talented and patriotic Americans from serving in our nation's military because of their religion.

As currently drafted, section 4(g) of the revised Instruction would require religiously observant service members and prospective service members to remove their head coverings, cut their hair, or shave their beards – a violation of their religious obligations – while their request to accommodate these same religious practices is pending. This is so, even if they are otherwise qualified to serve and an accommodation is unlikely to undermine safety or other necessary objectives. We urge you to reconsider this provision, which has the effect of forcing some religiously observant service members to make an impossible choice between their faith and their chosen profession.

Further, under Section 4(j) of the revised Instruction, even if an original accommodation request is approved, religiously observant service members would be required to submit a new request for the same accommodation every time they receive a new assignment, "transfer of duty station, or other significant change in circumstances." The uncertainty associated with this requirement to repeatedly request an accommodation for the very same religious practices is stifling, and may needlessly limit career opportunities – or, in some cases, end careers.

Without further revisions, Instruction 1300.17 will have an unwelcome and unnecessary chilling effect on religious liberty – and will limit opportunities for talented individuals of faith to serve in our nation's military. If service members can successfully perform their military duties, their religious practices, such as wearing head coverings or beards, should not be an obstacle to service.

We urge you to consider fine-tuning the revised Instruction to better accommodate these kinds of religious practices. We would be pleased to meet with you and members of your staff to discuss this matter further.

Thank you for your consideration of this important request.

Sincerely,

**American Civil Liberties Union
American Jewish Committee (AJC)
Americans United for Separation of Church and State
Anti-Defamation League
Baptist Joint Committee for Religious Liberty
Becket Fund for Religious Liberty
Chaplain Alliance for Religious Liberty
Christian Legal Society
The Church of Jesus Christ of Latter-day Saints
The Episcopal Church
Forum on the Military Chaplaincy
General Conference of Seventh-day Adventists
Interfaith Alliance
Muslim Advocates**

National Council of Jewish Women

Sikh American Legal Defense and Education Fund (SALDEF)

Sikh Coalition

South Asian Americans Leading Together (SAALT)

United Methodist Church, General Board of Church and Society

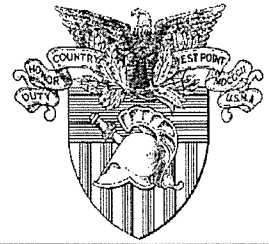
Union of Orthodox Jewish Congregations of America

Union for Reform Judaism

EXHIBIT 3

CLASS OF: 2010

ENTERED: 26 JUN 06



COURSE NUMBER	COURSE TITLE	CREDIT HOURS	LETTER GRADE	COURSE NUMBER	COURSE TITLE	CREDIT HOURS	LETTER GRADE
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SUMMER TERM 2006-2007

MD100	CADET BASIC TRAINING	0.00	B
QPA	CUR 0.00 CUM 0.00		

3RD TERM 2007-2008

SS307	INTERNATIONAL RELATIONS	3.50	A-
QPA	CUR 3.67 CUM 3.50		

1ST TERM 2006-2007 DEAN'S LIST

CH101	GENERAL CHEMISTRY I	3.00	B
EN101	COMPOSITION	3.00	B+
HI107	WESTERN CIVILIZATION	3.00	B-
IT105	INTRO TO COMPUTING & INFO TECH	3.00	B
MA103	MATH MODELING/INTRO CALCULUS	4.00	A
MD101	4TH CLASS MILITARY DEV I	0.00	A
MS101	INTRODUCTION TO THE U.S. ARMY	0.50	B-
PE109	FUNDAMENTALS OF AQUATICS	0.50	C-
PE110	SURVIVAL SWIMMING - ELEMENTARY	0.50	C-
QPA	CUR 3.14 CUM 3.14		

SUMMER TERM 2008-2009

MD400	WEST POINT DETAIL & CTLT	0.00	P
QPA	CUR 0.00 CUM 3.50		

1ST TERM 2008-2009 DEAN'S LIST

EE362	INTRODUCTION TO ELECTRONICS	3.50	B
EE375	INTRO TO COMPUTER ARCHITECTURE	3.00	B+
EE381	SIGNALS AND SYSTEMS	3.50	B+
MA364	ENGINEERING MATHEMATICS	3.00	B
MD301	2ND CLASS MILITARY PERF I	0.00	A
MS300	COMBINED ARMS OPERATIONS	1.50	B
PE350	ARMY FITNESS DEVELOPMENT	1.50	B-
PL300	MILITARY LEADERSHIP	3.00	B
QPA	CUR 3.09 CUM 3.42		

2ND TERM 2008-2009 DEAN'S LIST

EE383	ELECTROMAGN FIELDS & WAVES	3.50	A
EE462	ELECTRONIC DESIGN	3.50	A
EE477	COMMUNICATION SYSTEMS	3.00	A
EE478	DIGITAL COMMUNICATION NETWORKS	3.00	A
EN302	ADVANCED COMPOSITION	3.00	C+
MD302	2ND CLASS MILITARY PERF II	0.00	B+
QPA	CUR 3.69 CUM 3.46		

2ND TERM 2006-2007 DEAN'S LIST

CH102	GENERAL CHEMISTRY II	3.00	B
EN102	LITERATURE	3.00	B
HI108	REGIONAL STUDIES IN WORLD HIST	3.00	B
MA104	CALCULUS I	4.50	A-
MD102	4TH CLASS MILITARY DEV II	0.00	B-
MS103	INTRODUCTION TO WARFIGHTING	0.50	A
PE116	BOXING	0.50	B
PE117	MILITARY MOVEMENT - GYMNASTICS	0.50	C
PL100	GENERAL PSYCHOLOGY	3.00	B+
QPA	CUR 3.22 CUM 3.18		

3RD TERM 2006-2007

EV203	PHYSICAL GEOGRAPHY	3.00	A
QPA	CUR 4.00 CUM 3.25		

SUMMER TERM 2007-2008

MD200	CADET FIELD TRAINING	0.00	B+
QPA	CUR 0.00 CUM 3.25		

1ST TERM 2007-2008 DEAN'S LIST

LF361	INTERMEDIATE FRENCH I	3.00	A-
MA205	CALCULUS II	4.50	A
MD201	3RD CLASS MILITARY PERF I	0.00	A-
MS200	FUNDAMENTALS: ARMY OPERATIONS	1.50	A
PE211	FITNESS LEADER I	1.50	A-
PE414	AEROBIC FITNESS	0.50	B+
PH201	PHYSICS I	3.50	A-
SS201	ECONOMICS-PRINCIPLES/PROBLEMS	3.50	A
SS202	AMERICAN POLITICS	3.50	B
QPA	CUR 3.70 CUM 3.41		

2ND TERM 2007-2008 DEAN'S LIST/DISTINGUISHED CADET

EE302	INTRO ELECTRICAL ENGIN	3.50	A
EE360	DIGITAL COMPUTER LOGIC	3.50	A-
LF362	INTERMEDIATE FRENCH II	3.00	A-
MA206	PROBABILITY & STATISTICS	3.00	A
MD202	3RD CLASS MILITARY PERF II	0.00	A-
PH202	PHYSICS II	3.50	A
PY201	PHILOSOPHY	3.00	B
QPA	CUR 3.74 CUM 3.49		

SUMMER TERM 2009-2010

MD300	WEST POINT DETAIL CHAIN OF CMD	0.00	A
QPA	CUR 0.00 CUM 3.46		

1ST TERM 2009-2010 DEAN'S LIST

EE377	ELECTRICAL POWER ENGNRNG	3.00	B
EE401	ELECTRONIC SYSTEM DESIGN I	3.50	B+
EE482	WIRELESS COMM SYS ENGINEERING	3.00	B
HI301	HISTORY OF THE MILITARY ART	3.00	B
MD401	1ST CLASS MILITARY PERF I	0.00	A
ME311	THERMAL-FLUID SYSTEMS I	3.50	B
MX400	OFFICERSHIP	2.00	B-
QPA	CUR 3.03 CUM 3.40		

2ND TERM 2009-2010 DEAN'S LIST

CE302	STATICS & DYNAMICS	3.00	B
EE400	ELECTRICAL ENGINEERING SEM	1.00	A
EE402	ELECTRONIC SYSTEM DESIGN II	3.50	A-
EE489	ADV IND STUDY IN ELECT ENGR	3.00	A
HI302	HISTORY OF THE MILITARY ART	3.00	B
LW403	CONSTITUTIONAL/MILITARY LAW	3.50	B+
MD402	1ST CLASS MILITARY PERF II	0.00	B
PE460	COMBAT APPLICATIONS	0.50	B+
QPA	CUR 3.44 CUM 3.40		

**GRADUATED 22 MAY 10 WITH BACHELOR OF SCIENCE DEGREE
ELECTRICAL ENGINEERING W/ HONORS**

natasha.pretty@usma.edu

Digitally signed by
natasha.pretty@usma.edu
DN: cn=natasha.pretty@usma.edu
Date: 2013.04.02 11:51:19 -04'00'

EXHIBIT 4

OFFICER EVALUATION REPORT For use of this form, see AR 623-3; the proponent agency is DCS, G-1.						FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3.	
PART I - ADMINISTRATIVE DATA							
a. NAME (Last, First, Middle Initial) SINGH, SIMRATPAL			b. SSN [REDACTED]	c. RANK 2LT	d. DATE OF RANK (YYYYMMDD) 20100522	e. BRANCH EN	f. DESIGNATED SPECIALTIES / PMOS (WO) 12A
g.1. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND HHC BDE, 2-2ID (SBCT), JBLM, WA, 98433, FORSCOM				g.2. STATUS CODE 03 Change of Rater			
i. PERIOD COVERED FROM (YYYYMMDD) THRU (YYYYMMDD) 20110215 20120103		j. RATED MONTHS 11	k. NONRATED CODES	l. NO. OF ENCL 0	m. RATED OFFICER'S APO EMAIL ADDRESS (.gov or .mil) simratpal.singh@us.army.mil		n. UIC WJMK90
					o. CMD CODE FC		p. PSB CODE
PART II - AUTHENTICATION (Rated officer's signature verifies officer has seen completed OER Parts I-VII and the admin data is correct)							
a. NAME OF RATER (Last, First, MI) HAYNES, JOSHUA M.		SSN [REDACTED]	RANK CPT	POSITION BDE ENG Planner	SIGNATURE HAYNES, JOSHUA M. [REDACTED]		DATE (YYYYMMDD) 20111220
b. NAME OF INTERMEDIATE RATER (Last, First, MI)		SSN	RANK	POSITION	SIGNATURE		DATE (YYYYMMDD)
c. NAME OF SENIOR RATER (Last, First, MI) O'CONNOR, RYAN P.		SSN [REDACTED]	RANK MAJ	POSITION Executive Officer	SIGNATURE O'CONNOR, RYAN P. [REDACTED]		DATE (YYYYMMDD) 20120406
SENIOR RATER'S ORGANIZATION HHC BDE, 2-2ID (SBCT), JBLM, WA 98433			BRANCH IN	SENIOR RATER TELEPHONE NUMBER 253-967-6443	E-MAIL ADDRESS (.gov or .mil) ryan.p.oconnor		
d. This is a referred report, do you wish to make comments? <input type="checkbox"/> Yes, comments are attached <input type="checkbox"/> No				e. SIGNATURE OF RATED OFFICER SINGH, SIMRATPAL [REDACTED]		DATE (YYYYMMDD) 20120409	
PART III - DUTY DESCRIPTION							
a. PRINCIPAL DUTY TITLE Assistant Brigade Engineer					b. POSITION AOC/BR 12A		
c. SIGNIFICANT DUTIES AND RESPONSIBILITIES. REFER TO PART IVa, DA FORM 67-9-1. Serve as an Assistant Brigade Engineer for 2-2 ID (SBCT), consisting of three Infantry Battalions, a Cavalry Squadron, a Field Artillery Battalion, a Brigade Support Battalion, and five separate companies. Assists the Brigade Engineer in the Brigade's Maneuver Support Cell consisting of the Engineer Staff Section and Terrain Team. Responsible for the Engineer Cell's daily operations and assists in trend analysis for the Brigade Engineer. Provide combined arms and maneuver support with Engineer capabilities and necessary organization for brigade operations. Assists as an advisor to the commander in integrating all aspects of maneuver support in SBCT operations. Additional duties include future construction planning, DPW coordination, and operations staff officer.							
PART IV - PERFORMANCE EVALUATION - PROFESSIONALISM (Rater)							
CHARACTER Disposition of the leader: combination of values, attributes, and skills affecting leader actions							
a. ARMY VALUES (Comments mandatory for all "NO" entries. Use PART Vb.)				Yes No			
1. HONOR: Adherence to the Army's publicly declared code of values				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
2. INTEGRITY: Possesses high personal moral standards; honest in word and deed				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3. COURAGE: Manifests physical and moral bravery				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
4. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and the soldier				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
5. RESPECT: Promotes dignity, consideration, fairness, & EO				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
6. SELFLESS-SERVICE: Places Army priorities before self				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
7. DUTY: Fulfills professional, legal, and moral obligations				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
b. LEADER ATTRIBUTES / SKILLS / ACTIONS: First, mark "YES" or "NO" for each block. Second, choose a total of six that best describe the rated officer. Select one from ATTRIBUTES, two from SKILLS (Competence), and three from ACTIONS (LEADERSHIP). Place an "X" in the appropriate numbered box with optional comments in PART Vb. Comments are mandatory in Part Vb for all "No" entries.							
b.1. ATTRIBUTES (Select 1) Fundamental qualities and characteristics		<input type="checkbox"/> 1. MENTAL Possesses desire, will, initiative, and discipline <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> 2. PHYSICAL Maintains appropriate level of physical fitness and military bearing <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 3. EMOTIONAL Displays self-control; calm under pressure <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
b.2 SKILLS (Competence) (Select 2) Skill development is part of self-development; prerequisite to action		<input checked="" type="checkbox"/> 1. CONCEPTUAL Demonstrates sound judgment, critical/creative thinking, moral reasoning <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 2. INTERPERSONAL Shows skill with people: coaching, teaching, counseling, motivating and empowering <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> 3. TECHNICAL Possesses the necessary expertise to accomplish all tasks and functions <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
		<input type="checkbox"/> 4. TACTICAL Demonstrates proficiency in required professional knowledge, judgment, and warfighting <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
b.3. ACTIONS (LEADERSHIP) (Select 3) Major activities leaders perform: influencing, operating, and improving							
INFLUENCING Method of reaching goals while operating / improving		<input checked="" type="checkbox"/> 1. COMMUNICATING Displays good oral, written, and listening skills for individuals / groups <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 2. DECISION-MAKING Employs sound judgment, logical reasoning and uses resources wisely <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 3. MOTIVATING Inspires, motivates, and guides others toward mission accomplishment <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
OPERATING Short-term mission accomplishment		<input type="checkbox"/> 4. PLANNING Develops detailed, executable plans that are feasible, acceptable, and suitable <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> 5. EXECUTING Shows tactical proficiency, meets mission standards, and takes care of people/resources <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 6. ASSESSING Uses after-action and evaluation tools to facilitate consistent improvement <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IMPROVING Long-term improvement in the Army its people and organizations		<input type="checkbox"/> 7. DEVELOPING Invests adequate time and effort to develop individual subordinates as leaders <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 8. BUILDING Spends time and resources improving teams, groups and units; fosters ethical climate <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> 9. LEARNING Seeks self-improvement and organizational growth; envisioning, adapting and leading change <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
c. APFT: PASS		DATE: 20110610		HEIGHT: 66		WEIGHT: 155 YES	
d. OFFICER DEVELOPMENT - MANDATORY YES OR NO ENTRY FOR RATERS OF CPTs, LTs, CW2s, AND WO1s.						<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
WERE DEVELOPMENTAL TASKS RECORDED ON DA FORM 67-9-1a AND QUARTERLY FOLLOW-UP COUNSELINGS CONDUCTED?							

NAME SINGH, SIMRATPAL	SSN [REDACTED]	PERIOD COVERED 20110215	20120103
PART V - PERFORMANCE AND POTENTIAL EVALUATION (Rater)			
a. EVALUATE THE RATED OFFICER'S PERFORMANCE DURING THE RATING PERIOD AND HIS/HER POTENTIAL FOR PROMOTION			
<input checked="" type="checkbox"/> OUTSTANDING PERFORMANCE, MUST PROMOTE <input type="checkbox"/> SATISFACTORY PERFORMANCE, PROMOTE <input type="checkbox"/> UNSATISFACTORY PERFORMANCE, DO NOT PROMOTE <input type="checkbox"/> OTHER (Explain)			
b. COMMENT ON SPECIFIC ASPECTS OF THE PERFORMANCE, REFER TO PART III, DA FORM 67-9 AND PART IVa, b, AND PART Vb, DA FORM 67-9-1.			
<p>Lieutenant Singh is an excellent officer and a superb asset to the Lancer Brigade. He successfully took the initiative on numerous occasions to coordinate training and resources for the Brigade, that improved the combat readiness. Specifically he spearheaded the planning of four Brigade level New Equipment Training fieldings including: the SPIDER Mine System, Double V-Hull Stryker, M3201A1 Grenade Launcher, and the XM2010 Enhanced Sniper Rifle. Lieutenant Singh also assisted in the planning of a Brigade level Urban Mobility Breaching Course (UMBC) and coordinated the Engineer Company's Pre-Deployment Training Equipment draw which resulted in 36 Lancer Soldiers effectively trained in UMBC techniques and licensed on all deployment vehicles. He was instrumental in planning the Engineer Company's Combined Arms Breaching training for the Brigade's Combined Arms Live Fire Exercise (CALFEX) and then served as the mortar firing point OIC supervising mortar fires for 12 maneuver companies' successful CALFEX iterations. Lieutenant Singh's capacity to conceptualize and formulate a plan with little guidance is an important skill for a junior officer to possess and will benefit him greatly as a platoon leader.</p>			
c. COMMENT ON POTENTIAL FOR PROMOTION.			
Promote to 1LT and assign as platoon leader; he will excel.			
d. IDENTIFY ANY UNIQUE PROFESSIONAL SKILLS OR AREAS OF EXPERTISE OF VALUE TO THE ARMY THAT THIS OFFICER POSSESSES. FOR ARMY COMPETITIVE CATEGORY CPT ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.			
Foreign Language - Fluent in Punjabi/Hindi			
PART VI - INTERMEDIATE RATER			
PART VII -SENIOR RATER			
a. EVALUATE THE RATED OFFICER'S PROMOTION POTENTIAL TO THE NEXT HIGHER GRADE			
<input checked="" type="checkbox"/> BEST QUALIFIED <input type="checkbox"/> FULLY QUALIFIED <input type="checkbox"/> DO NOT PROMOTE <input type="checkbox"/> OTHER (Explain below)		I currently senior rate <u>7</u> officer(s) in this grade A completed DA Form 67-9-1 was received with this report and considered in my evaluation and review <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Explain in c)	
b. POTENTIAL COMPARED WITH OFFICERS SENIOR RATED IN SAME GRADE (OVERPRINTED BY DA)		c. COMMENT ON PERFORMANCE/POTENTIAL	
HQDA COMPARISON OF THE SENIOR RATER'S PROFILE AND BOX CHECK AT THE TIME THIS REPORT PROCESSED <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px 0;"> ABOVE CENTER OF MASS </div> RO: 2LT SINGH SIMRATPAL [REDACTED] SR: MAJ O'CONNOR RYAN P [REDACTED] DATE: 2012 04 10 TOTAL RATINGS: 2 RATINGS THIS OFFICER: 1		<p>LT Simratpal Singh is the best lieutenant in the Brigade S3 section and one of the top 3 on the Brigade Staff. Smart, resourceful, and filled with initiative, Simr's work ethic and competence ensured he was entrusted with work well above his paygrade. He particularly excelled planning, coordinating, and executing multiple brigade-wide training events, including mounted and dismounted live-fires and demolitions. Simr also seized the opportunity to attend and graduate Ranger School. He will be an extraordinary platoon leader. LT Singh's potential is unlimited. Promote him ahead of his peers and send him to the Captain's Career Course after specialty platoon and company executive officer positions. Return this talented leader to an MTOE unit immediately.</p>	
		d. LIST THREE FUTURE ASSIGNMENTS FOR WHICH THIS OFFICER IS BEST SUITED. FOR ARMY COMPETITIVE CATEGORY CPT, ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.	
		Platoon Leader, Specialty Platoon Leader, Company Executive Officer	

EXHIBIT 5

OFFICER EVALUATION REPORT For use of this form, see AR 623-3; the proponent agency is DCS, G-1.						FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3.	
PART I - ADMINISTRATIVE DATA							
a. NAME (Last, First, Middle Initial) SINGH, SIMRATPAL			b. SSN [REDACTED]	c. RANK 1LT	d. DATE OF RANK (YYYYMMDD) 2011122	e. BRANCH EN	f. DESIGNATED SPECIALTIES / PMOS (WO) 12A
g.1. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND 562nd EN Co. 1st Battalion 17th Infantry REGT APO AE 09370 CENTCOM				g.2. STATUS CODE 02		h. REASON FOR SUBMISSION Annual	
i. PERIOD COVERED FROM (YYYYMMDD) THRU (YYYYMMDD) 20120104 20130103		j. RATED MONTHS 12	k. NONRATED CODES	l. NO. OF ENCL 0	m. RATED OFFICER'S APO EMAIL ADDRESS (.gov or .mil) simratpal.singh@us.army.mil		n. UIC WJMKAA
					o. CMD CODE CT		p. PSB CODE UB20
PART II - AUTHENTICATION (Rated officer's signature verifies officer has seen completed OER Parts I-VII and the admin data is correct)							
a. NAME OF RATER (Last, First, MI) CORDOVA, NOAH R.		SSN [REDACTED]	RANK CPT	POSITION Company Commander	SIGNATURE CORDOVA, NOAH R. [REDACTED]		DATE (YYYYMMDD) 20130228
b. NAME OF INTERMEDIATE RATER (Last, First, MI)		SSN	RANK	POSITION	SIGNATURE		DATE (YYYYMMDD)
c. NAME OF SENIOR RATER (Last, First, MI) DAVIS, TIMOTHY C.		SSN [REDACTED]	RANK LTC	POSITION Battalion Commander	SIGNATURE DAVIS, TIMOTHY CARLTON [REDACTED]		DATE (YYYYMMDD) 20130228
SENIOR RATER'S ORGANIZATION 1-17 IN REGT, 2-2 ID (SBCT) APO, AE 09370			BRANCH AR	SENIOR RATER TELEPHONE NUMBER 253 312 9099	E-MAIL ADDRESS (.gov or .mil) timothy.carlton.davis@us.army.mil		
				d. This is a referred report, do you wish to make comments? <input type="checkbox"/> Yes, comments are attached <input type="checkbox"/> No		e. SIGNATURE OF RATED OFFICER SINGH, SIMRATPAL [REDACTED]	
						DATE (YYYYMMDD) 20130301	
PART III - DUTY DESCRIPTION							
a. PRINCIPAL DUTY TITLE PLATOON LEADER				b. POSITION AOC/BR 12B/EN			
c. SIGNIFICANT DUTIES AND RESPONSIBILITIES. REFER TO PART IVa, DA FORM 67-9-1. Platoon Leader for a 24 Soldier, Route Clearance Platoon within a Stryker Brigade Combat Team (SBCT) forward deployed to Operation Enduring Freedom; responsible for the planning and execution of combat operations in support of CTF Lancer; responsible for the good order, discipline, morale, health and welfare of the Platoon; provides assured mobility, force protection, limited countermobility, survivability, sustainment engineering to the SBCT; maintains and cares for all organizational and theatre specific property to include 11 wheeled vehicles and numerous sets, kits and outfits valued in excess of \$5.6 million.							
PART IV - PERFORMANCE EVALUATION - PROFESSIONALISM (Rater)							
CHARACTER Disposition of the leader: combination of values, attributes, and skills affecting leader actions							
a. ARMY VALUES (Comments mandatory for all "NO" entries. Use PART Vb.)				Yes No			
1. HONOR: Adherence to the Army's publicly declared code of values				<input checked="" type="checkbox"/> <input type="checkbox"/>			
2. INTEGRITY: Possesses high personal moral standards; honest in word and deed				<input checked="" type="checkbox"/> <input type="checkbox"/>			
3. COURAGE: Manifests physical and moral bravery				<input checked="" type="checkbox"/> <input type="checkbox"/>			
4. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and the soldier				<input checked="" type="checkbox"/> <input type="checkbox"/>			
5. RESPECT: Promotes dignity, consideration, fairness, & EO				<input checked="" type="checkbox"/> <input type="checkbox"/>			
6. SELFLESS-SERVICE: Places Army priorities before self				<input checked="" type="checkbox"/> <input type="checkbox"/>			
7. DUTY: Fulfills professional, legal, and moral obligations				<input checked="" type="checkbox"/> <input type="checkbox"/>			
b. LEADER ATTRIBUTES / SKILLS / ACTIONS: First, mark "YES" or "NO" for each block. Second, choose a total of six that best describe the rated officer. Select one from ATTRIBUTES, two from SKILLS (Competence), and three from ACTIONS (LEADERSHIP). Place an "X" in the appropriate numbered box with optional comments in PART Vb. Comments are mandatory in Part Vb for all "No" entries.							
b.1. ATTRIBUTES (Select 1) Fundamental qualities and characteristics		<input type="checkbox"/> 1. MENTAL Possesses desire, will, initiative, and discipline <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> 2. PHYSICAL Maintains appropriate level of physical fitness and military bearing <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 3. EMOTIONAL Displays self-control; calm under pressure <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
b.2 SKILLS (Competence) (Select 2) Skill development is part of self-development; prerequisite to action		<input type="checkbox"/> 1. CONCEPTUAL Demonstrates sound judgment, critical/creative thinking, moral reasoning <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> 2. INTERPERSONAL Shows skill with people: coaching, teaching, counseling, motivating and empowering <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 3. TECHNICAL Possesses the necessary expertise to accomplish all tasks and functions <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
		<input checked="" type="checkbox"/> 4. TACTICAL Demonstrates proficiency in required professional knowledge, judgment, and warfighting <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
b.3. ACTIONS (LEADERSHIP) (Select 3) Major activities leaders perform: influencing, operating, and improving							
INFLUENCING Method of reaching goals while operating / improving		<input type="checkbox"/> 1. COMMUNICATING Displays good oral, written, and listening skills for individuals / groups <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 2. DECISION-MAKING Employs sound judgment, logical reasoning and uses resources wisely <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> 3. MOTIVATING Inspires, motivates, and guides others toward mission accomplishment <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
OPERATING Short-term mission accomplishment		<input type="checkbox"/> 4. PLANNING Develops detailed, executable plans that are feasible, acceptable, and suitable <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> 5. EXECUTING Shows tactical proficiency, meets mission standards, and takes care of people/resources <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 6. ASSESSING Uses after-action and evaluation tools to facilitate consistent improvement <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IMPROVING Long-term improvement in the Army its people and organizations		<input type="checkbox"/> 7. DEVELOPING Invests adequate time and effort to develop individual subordinates as leaders <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> 8. BUILDING Spends time and resources improving teams, groups and units; fosters ethical climate <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> 9. LEARNING Seeks self-improvement and organizational growth; envisioning, adapting and leading change <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
c. APFT: PASS		DATE: 20120322		HEIGHT: 66		WEIGHT: 160 YES	
d. OFFICER DEVELOPMENT - MANDATORY YES OR NO ENTRY FOR RATERS OF CPTs, LTs, CW2s, AND WO1s.							
WERE DEVELOPMENTAL TASKS RECORDED ON DA FORM 67-9-1a AND QUARTERLY FOLLOW-UP COUNSELINGS CONDUCTED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA							

NAME SINGH, SIMRATPAL	SSN [REDACTED]	PERIOD COVERED 20120104	20130103
PART V - PERFORMANCE AND POTENTIAL EVALUATION (Rater)			
a. EVALUATE THE RATED OFFICER'S PERFORMANCE DURING THE RATING PERIOD AND HIS/HER POTENTIAL FOR PROMOTION			
<input checked="" type="checkbox"/> OUTSTANDING PERFORMANCE, MUST PROMOTE <input type="checkbox"/> SATISFACTORY PERFORMANCE, PROMOTE <input type="checkbox"/> UNSATISFACTORY PERFORMANCE, DO NOT PROMOTE <input type="checkbox"/> OTHER (Explain)			
b. COMMENT ON SPECIFIC ASPECTS OF THE PERFORMANCE, REFER TO PART III, DA FORM 67-9 AND PART IVa, b, AND PART Vb, DA FORM 67-9-1. Stellar performance by the best platoon leader in the company. 1LT Singh is a dedicated and active leader, who expertly led his platoon on numerous route clearance missions. Due to his leadership, his platoon remained motivated and effective despite a grueling pace of operations. Simmer built an excellent team that set the company standards for professionalism and continuously improved over time. He earned the respect of his Soldiers and leaders through calm and effective leadership while in contact with enemy forces. 1LT Singh consistently supported the company team, and volunteered to lead the company combatives certification program. He is an outstanding leader who will be demanded for the most challenging assignments, and will continue to bring great credit to the Engineer Regiment. The rated officer has initiated an Army Multi-Source Assessment and Feedback/360 as required by AR 350-1.			
c. COMMENT ON POTENTIAL FOR PROMOTION. 1LT Singh has unlimited potential; promote immediately and send to the Engineer Captains Career Course after redeployment.			
d. IDENTIFY ANY UNIQUE PROFESSIONAL SKILLS OR AREAS OF EXPERTISE OF VALUE TO THE ARMY THAT THIS OFFICER POSSESSES. FOR ARMY COMPETITIVE CATEGORY CPT ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE. Ranger; Degreed electrical engineer; Maintain this officer in MFE 12; will command a company with distinction.			
PART VI - INTERMEDIATE RATER			
PART VII -SENIOR RATER			
a. EVALUATE THE RATED OFFICER'S PROMOTION POTENTIAL TO THE NEXT HIGHER GRADE			
<input checked="" type="checkbox"/> BEST QUALIFIED <input type="checkbox"/> FULLY QUALIFIED <input type="checkbox"/> DO NOT PROMOTE <input type="checkbox"/> OTHER (Explain below)		I currently senior rate <u>29</u> officer(s) in this grade A completed DA Form 67-9-1 was received with this report and considered in my evaluation and review <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Explain in c)	
b. POTENTIAL COMPARED WITH OFFICERS SENIOR RATED IN SAME GRADE (OVERPRINTED BY DA) HQDA COMPARISON OF THE SENIOR RATER'S PROFILE AND BOX CHECK AT THE TIME THIS REPORT PROCESSED <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px 0;"> ABOVE CENTER OF MASS </div> RO: 1LT SINGH SIMRATPAL [REDACTED] SR: LTC DAVIS TIMOTHY C [REDACTED] DATE: 2013 03 22 TOTAL RATINGS: 51 RATINGS THIS OFFICER: 1	c. COMMENT ON PERFORMANCE/POTENTIAL 1LT Singh is the strongest engineer platoon leader in the battalion. Simmer deployed his Sapper platoon in a route clearance mission during OPERATION ENDURING FREEDOM in support of multiple battlespaces in Regional Command South clearing over 10,000 miles of road. He is an aggressive and meticulous leader who maintained high standards to impressive effect in combat. 1LT Singh is a solid, unflappable performer who can be counted on in tough positions and arduous missions. Promote to Captain, send to the Captain's Career Course as soon as available, and place in nominative and command positions.		
d. LIST THREE FUTURE ASSIGNMENTS FOR WHICH THIS OFFICER IS BEST SUITED. FOR ARMY COMPETITIVE CATEGORY CPT, ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE. Battalion S-4, Company Executive Officer, Assistant Brigade Engineer			

EXHIBIT 6

OFFICER EVALUATION REPORT

For use of this form, see AR 623-3; the proponent agency is DCS, G-1.

FOR OFFICIAL USE ONLY (FOUO)
SEE PRIVACY ACT STATEMENT IN AR 623-3.

PART I - ADMINISTRATIVE DATA

a. NAME (Last, First, Middle Initial) SINGH, SIMRATPAL		b. SSN [REDACTED]	c. RANK 1LT	d. DATE OF RANK (YYYYMMDD) 2011122	e. BRANCH EN	f. DESIGNATED SPECIALTIES / PMOS (WO) 12A
g. 1. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND 562ND EN CO., 1-17 IN, 2-2 ID (SBCT), JBLM, WA 98433 FORSCOM			g. 2. STATUS CODE 03		h. REASON FOR SUBMISSION Change of Rater	
i. PERIOD COVERED FROM (YYYYMMDD) 20130104 THRU (YYYYMMDD) 20130915		j. RATED MONTHS 9	k. NONRATED CODES	l. NO. OF ENCL 0	m. RATED OFFICER'S APO EMAIL ADDRESS (.gov or .mil) simratpal.singh@us.army.mil	n. UIC WJMTAA
					o. CMD CODE FC	p. PSB CODE UB20

PART II - AUTHENTICATION (Rated officer's signature verifies officer has seen completed OER Parts I-VII and the admin data is correct)

a. NAME OF RATER (Last, First, MI) HAYNES, JOSHUA M	SSN [REDACTED]	RANK CPT	POSITION Company Commander	SIGNATURE HAYNES, JOSHUA MILES [REDACTED]	DATE (YYYYMMDD) 20131210
b. NAME OF INTERMEDIATE RATER (Last, First, MI)	SSN	RANK	POSITION	SIGNATURE	DATE (YYYYMMDD)
c. NAME OF SENIOR RATER (Last, First, MI) NIELSEN, SHANNON E.	SSN [REDACTED]	RANK LTC	POSITION Battalion Commander	SIGNATURE NIELSEN, SHANNON EDWARD [REDACTED]	DATE (YYYYMMDD) 20131210
SENIOR RATER'S ORGANIZATION HQ, 1-17 IN, 2-2 ID (SBCT) JBLM, WA 98433		BRANCH IN	SENIOR RATER TELEPHONE NUMBER 253-968-6855	E-MAIL ADDRESS (.gov or .mil) shannon.e.nielsen.mil@mail.mil	
d. This is a referred report, do you wish to make comments? <input type="checkbox"/> Yes, comments are attached <input type="checkbox"/> No				e. SIGNATURE OF RATED OFFICER SINGH, SIMRATPAL [REDACTED]	DATE (YYYYMMDD) 20131210

PART III - DUTY DESCRIPTION

a. PRINCIPAL DUTY TITLE PLATOON LEADER	b. POSITION AOC/BR 12B/EN
c. SIGNIFICANT DUTIES AND RESPONSIBILITIES. REFER TO PART IVa, DA FORM 67-9-1. Platoon Leader for a 28 Soldier, Route Clearance Platoon within a Stryker Brigade Combat Team (SBCT) forward deployed to Operation Enduring Freedom; responsible for the planning and execution of combat operations in support of CTF Lancer; responsible for the good order, discipline, morale, health and welfare of the Platoon; provides assured mobility, force protection, limited countermobility, survivability, sustainment engineering to the SBCT; maintains and cares for all organizational and theatre specific property to include 11 wheeled vehicles and numerous sets, kits and outfits valued in excess of \$15.6 million.	

PART IV - PERFORMANCE EVALUATION - PROFESSIONALISM (Rater)

CHARACTER Disposition of the leader: combination of values, attributes, and skills affecting leader actions

a. ARMY VALUES (Comments mandatory for all "NO" entries. Use PART Vb.)		Yes	No	Yes		No
1. HONOR: Adherence to the Army's publicly declared code of values	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. RESPECT: Promotes dignity, consideration, fairness, & EO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. INTEGRITY: Possesses high personal moral standards; honest in word and deed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. SELFLESS-SERVICE: Places Army priorities before self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. COURAGE: Manifests physical and moral bravery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7. DUTY: Fulfills professional, legal, and moral obligations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and the soldier	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

b. LEADER ATTRIBUTES / SKILLS / ACTIONS: First, mark "YES" or "NO" for each block. Second, choose a total of six that best describe the rated officer. Select one from ATTRIBUTES, two from SKILLS (Competence), and three from ACTIONS (LEADERSHIP). Place an "X" in the appropriate numbered box with optional comments in PART Vb.

Comments are mandatory in Part Vb for all "No" entries.

b.1. ATTRIBUTES (Select 1) Fundamental qualities and characteristics	<input type="checkbox"/> 1. MENTAL Possesses desire, will, initiative, and discipline	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> 2. PHYSICAL Maintains appropriate level of physical fitness and military bearing	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 3. EMOTIONAL Displays self-control; calm under pressure	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
b.2 SKILLS (Competence) (Select 2) Skill development is part of self-development; prerequisite to action	<input type="checkbox"/> 1. CONCEPTUAL Demonstrates sound judgment, critical/creative thinking, moral reasoning	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> 2. INTERPERSONAL Shows skill with people: coaching, teaching, counseling, motivating and empowering	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 3. TECHNICAL Possesses the necessary expertise to accomplish all tasks and functions	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<input checked="" type="checkbox"/> 4. TACTICAL Demonstrates proficiency in required professional knowledge, judgment, and warfighting <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						
b.3. ACTIONS (LEADERSHIP) (Select 3) Major activities leaders perform: influencing, operating, and improving						
INFLUENCING Method of reaching goals while operating / improving	<input type="checkbox"/> 1. COMMUNICATING Displays good oral, written, and listening skills for individuals / groups	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 2. DECISION-MAKING Employs sound judgment, logical reasoning and uses resources wisely	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> 3. MOTIVATING Inspires, motivates, and guides others toward mission accomplishment	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
OPERATING Short-term mission accomplishment	<input type="checkbox"/> 4. PLANNING Develops detailed, executable plans that are feasible, acceptable, and suitable	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> 5. EXECUTING Shows tactical proficiency, meets mission standards, and takes care of people/resources	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 6. ASSESSING Uses after-action and evaluation tools to facilitate consistent improvement	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
IMPROVING Long-term improvement in the Army its people and organizations	<input type="checkbox"/> 7. DEVELOPING Invests adequate time and effort to develop individual subordinates as leaders	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> 8. BUILDING Spends time and resources improving teams, groups and units; fosters ethical climate	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 9. LEARNING Seeks self-improvement and organizational growth; envisioning, adapting and leading change	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

c. APFT: PASS DATE: 20130506 HEIGHT: 66 WEIGHT: 163 YES

d. OFFICER DEVELOPMENT - MANDATORY YES OR NO ENTRY FOR RATERS OF CPTs, LTs, CW2s, AND WO1s.

WERE DEVELOPMENTAL TASKS RECORDED ON DA FORM 67-9-1a AND QUARTERLY FOLLOW-UP COUNSELINGS CONDUCTED?

YES NO ☒

NAME SINGH, SIMRATPAL	SSN [REDACTED]	PERIOD COVERED 20130104	20130915
PART V - PERFORMANCE AND POTENTIAL EVALUATION (Rater)			
a. EVALUATE THE RATED OFFICER'S PERFORMANCE DURING THE RATING PERIOD AND HIS/HER POTENTIAL FOR PROMOTION			
<input checked="" type="checkbox"/> OUTSTANDING PERFORMANCE, MUST PROMOTE <input type="checkbox"/> SATISFACTORY PERFORMANCE, PROMOTE <input type="checkbox"/> UNSATISFACTORY PERFORMANCE, DO NOT PROMOTE <input type="checkbox"/> OTHER (Explain)			
b. COMMENT ON SPECIFIC ASPECTS OF THE PERFORMANCE, REFER TO PART III, DA FORM 67-9 AND PART IVa, b, AND PART Vb, DA FORM 67-9-1.			
<p>1LT (P) Simratpal Singh is ranked number one of seven Officers that have worked with while in Company Command. As a Platoon Leader of a 28-man Sapper Platoon, Simratpal redeployed his platoon from a remote Combat Outpost in Afghanistan with little assistance and without any incident. He accounted for 100% of his property and seamlessly reintegrated his platoon back to a garrison environment. Simratpal planned and executed a demolitions range trained ten Infantrymen and 85 Engineers on basic demolition fundamentals to build a platform for future ranges. As the senior PL, Simratpal took the initiative to cultivate his peers to be better and gain confidence. Simratpal was selected as the Company Executive Officer for a time period while the XO took leave, he completed all his tasks with no loss of continuity or turbulence. Simratpal was in charge of supervising the area support task which consisted of providing sustenance to seven different sites that housed over 6,500 ROTC Cadets. He was responsible for ensuring all materials and supplies were present to accomplish training as well as mock Forward Operating Bases were established. A top performer, Simratpal makes any team he is on better. I would fight to serve with Simratpal again. The rated officer has initiated an Army Multit-Source Assessment and Feedback/360 as required by AR 350-1.</p>			
c. COMMENT ON POTENTIAL FOR PROMOTION.			
Absolutely unlimited potential; promote ahead of peers; attend Captain's Career Course now, select for Company Command immediately			
d. IDENTIFY ANY UNIQUE PROFESSIONAL SKILLS OR AREAS OF EXPERTISE OF VALUE TO THE ARMY THAT THIS OFFICER POSSESSES. FOR ARMY COMPETITIVE CATEGORY CPT ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.			
Ranger Qualified, Electrical Engineer Undergraduate Degree, Proficient in reading/writing/speaking Punjabi and Hindi, Intermediate proficiency in reading/speaking French			
PART VI - INTERMEDIATE RATER			
PART VII -SENIOR RATER			
a. EVALUATE THE RATED OFFICER'S PROMOTION POTENTIAL TO THE NEXT HIGHER GRADE			
<input checked="" type="checkbox"/> BEST QUALIFIED <input type="checkbox"/> FULLY QUALIFIED <input type="checkbox"/> DO NOT PROMOTE <input type="checkbox"/> OTHER (Explain below)			
b. POTENTIAL COMPARED WITH OFFICERS SENIOR RATED IN SAME GRADE (OVERPRINTED BY DA)		I currently senior rate <u>27</u> officer(s) in this grade A completed DA Form 67-9-1 was received with this report and considered in my evaluation and review <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Explain in c)	
HQDA COMPARISON OF THE SENIOR RATER'S PROFILE AND BOX CHECK AT THE TIME THIS REPORT PROCESSED <div style="border: 1px solid black; padding: 10px; text-align: center; margin: 10px 0;">CENTER OF MASS</div> RO: 1LT SINGH SIMRATPAL [REDACTED] SR: LTC NIELSEN SHANNON E [REDACTED] DATE: 2013 12 11 TOTAL RATINGS: 8 RATINGS THIS OFFICER: 1		c. COMMENT ON PERFORMANCE/POTENTIAL <p>1LT Singh is number 5 of 27 Lieutenants I rate. His performance has been nothing short of superb through this rating period. His talents have been used on numerous high visibility projects and events; and he never fails to produce a tremendous product. His willingness to assist his peers has allowed his team to perform at a higher level of efficiency. 1LT Singh's ability to thrive in a dynamic and fluid situation make him a vital asset to any team. Promote immediately to CPT and send to the Captain Career Course; this Officer has unlimited potential.</p>	
		d. LIST THREE FUTURE ASSIGNMENTS FOR WHICH THIS OFFICER IS BEST SUITED. FOR ARMY COMPETITIVE CATEGORY CPT, ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE. Company Command, Special Forces Team Leader, Brigade Engineer	

EXHIBIT 7

RECOMMENDATION FOR AWARD

For use of this form, see AR 600-8-22; the proponent agency is DCS, G-1.

For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

1. TO CDR, RC-SOUTH APO AE 09355	2. FROM CDR, 562 EN CO, 1-17 IN 2-2 ID (SBCT) APO AE 09370	3. DATE (YYYYMMDD) 20120828
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PART I - SOLDIER DATA

4. NAME (Last, First, Middle Initial) SINGH, SIMRATPAL	5. RANK ILT	6. SSN [REDACTED]
7. ORGANIZATION 562 EN CO, 1-17 IN 2-2 ID (SBCT) APO AE 09370	8. PREVIOUS AWARDS NO AWARDS	
9. BRANCH OF SERVICE	10. RECOMMENDED AWARD BSM	11. PERIOD OF AWARD a. FROM 20120424 b. TO 20130125

12. REASON FOR AWARD

12a. INDICATE REASON SVC	12b. INTERIM AWARD IF YES, STATE AWARD GIVEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	12c. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	13. PROPOSED PRESENTATION DATE (YYYYMMDD) 20130107
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PART II - RECOMMENDER DATA

14. NAME (Last, First, Middle Initial) CORDOVA, NOAH R.	15. ADDRESS 562 EN CO, 1-17 IN 2-2 ID (SBCT) APO AE 09370
16. TITLE/POSITION COMPANY COMMANDER	17. RANK CPT
18. RELATIONSHIP TO AWARDEE COMMANDER	19. SIGNATURE CORDOVA, NOAH, R. [REDACTED]

PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)

20. ACHIEVEMENTS
ACHIEVEMENT #1 SEE ATTACHED NARRATIVE
ACHIEVEMENT #2 SEE ATTACHED NARRATIVE
ACHIEVEMENT #3 SEE ATTACHED NARRATIVE
ACHIEVEMENT #4 SEE ATTACHED NARRATIVE
21. PROPOSED CITATION SEE ATTACHED PROPOSED CITATION

NAME (Last, First, Middle Initial) SINGH, SIMRATPAL		SSN [REDACTED]	
PART IV - RECOMMENDATIONS/APPROVAL/DISAPPROVAL			
22. I certify that this individual is eligible for an award in accordance with AR 600-8-22 and that the information contained in Part I is correct.		22a. SIGNATURE BRUCEMEER ANTHONY JAMES [REDACTED]	
		22b. DATE (YYYYMMDD) 20120827	
23. INTERMEDIATE AUTHORITY	a. TO CDR, 1-17 IN, 2-2 ID (SBCT) APO AE 09370	b. FROM CDR, 562 EN, 2-2 ID (SBCT) APO AE 09370	c. DATE (YYYYMMDD) 20120914
d. RECOMMEND: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) CORDOVA, NOAH R.		f. RANK CPT	
g. TITLE/POSITION COMPANY COMMANDER		h. SIGNATURE CORDOVA, NOAH R. [REDACTED]	
i. COMMENTS Great work by an outstanding sapper platoon leader. He truly brought credit to the engineer corps through leadership in combat.			
24. INTERMEDIATE AUTHORITY	a. TO CDR, TF LANCER, 2-2 ID (SBCT) APO AE 09367	b. FROM CDR, 1-17 IN, 2-2 ID (SBCT) APO AE 09370	c. DATE (YYYYMMDD) 20120914
d. RECOMMEND: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) DAVIS, TIMOTHY C.		f. RANK LTC	
g. TITLE/POSITION BATTALION COMMANDER		h. SIGNATURE DAVIS, TIMOTHY, CARLTON [REDACTED]	
i. COMMENTS Incredible performance as a route clearance platoon leader in a volatile area. He and his platoon performed extremely well defending the attack on FOB Frontnac.			
25. INTERMEDIATE AUTHORITY	a. TO CDR, RC-SOUTH APO AE 09355	b. FROM CDR, TF LANCER, 2-2 ID (SBCT) APO AE 09367	c. DATE (YYYYMMDD) 20121207
d. RECOMMEND: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) HUGGINS, BARRY F.		f. RANK COL	
g. TITLE/POSITION BRIGADE COMMANDER		h. SIGNATURE [Signature]	
i. COMMENTS			
26. APPROVAL AUTHORITY	a. TO ORDERS ISSUING AUTHORITY	b. FROM CDR, RC-SOUTH APO AE 09355	c. DATE (YYYYMMDD) 20121220
d. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/> RECOMMEND UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) ABRAMS, ROBERT B.		f. RANK MG	
g. TITLE/POSITION COMMANDING GENERAL		h. SIGNATURE [Signature]	
i. COMMENTS			
PART V - ORDERS DATA			
27a. ORDERS ISSUING HQ HQs, RC-SOUTH CJ1 APO AE 09355		27b. PERMANENT ORDER NO. 331-088	31. DISTRIBUTION 1-File 1-OMPF 1-Unit 3-Individual
28a. NAME OF ORDERS APPROVAL AUTHORITY JOHNSON, TONYA A.		28b. RANK CW2	
28c. TITLE/POSITION CHIEF, CJI EPS		29. APPROVED AWARD BSM	
28d. SIGNATURE [Signature]		30. DATE (YYYYMMDD) 20121220	

BRONZE STAR MEDAL

TO

FIRST LIEUTENANT SIMRATPAL SINGH

First Lieutenant Simratpal Singh, United States Army, distinguished himself by exceptionally meritorious conduct in the performance of outstanding service as the Platoon Leader in 562d Engineer Company, from 24 April 2012 to 25 January 2012 in support of OPERATION ENDURING FREEDOM 12-13.

1LT Singh performed admirably as the patrol leader on over 170 route clearance patrols throughout Kandahar Province in support of Combined Task Force Lancer. His leadership and personal courage inspired his men to maintain discipline and professionalism as they cleared some of the most dangerous routes in all of Afghanistan. He led his platoon in repeated clearances into the Mya Neshin region of Northern Kandahar, a heavily contested area, where the terrain proved to be as perilous as the threat of enemy attack. His efforts and exemplary leadership resulted in the clearance of numerous improvised explosive devices, and thwarted enemy counter-mobility efforts in Kandahar Province. Additionally, 1LT Singh and his platoon were instrumental in the defense of FOB Frontenac during a coordinated and sustained enemy attack. After enemy forces breached the defenses of the base, 1LT Singh led his platoon in suppressing and eventually counterattacking the heavily armed insurgents. His leadership enabled his platoon to defeat the enemy forces and secure the base without suffering any casualties. During this combat tour, 1LT Singh has set the example as a Combat Leader and a Sapper. He has led a confident, and tactically proficient platoon in a dangerous and difficult mission. His efforts have enabled Combined Task Force Lancer to advance into enemy strongholds and establish security despite the efforts of insurgents who have emplaced numerous devastating improvised explosive devices.



THE UNITED STATES OF AMERICA

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING: THIS IS TO CERTIFY THAT THE PRESIDENT OF THE UNITED STATES OF AMERICA AUTHORIZED BY EXECUTIVE ORDER, 24 AUGUST 1962 HAS AWARDED

THE BRONZE STAR MEDAL

FIRST LIEUTENANT SIMRATPAL SINGH
TASK FORCE LANCER

EXCEPTIONAL AND MERITORIOUS SERVICE DURING OPERATION ENDURING FREEDOM. FIRST LIEUTENANT SINGH'S OUTSTANDING DEDICATION TO DUTY DURING COMBAT OPERATIONS IN AFGHANISTAN CONTRIBUTED TO THE OVERWHELMING SUCCESS OF THE COMMAND'S MISSION. HIS ACTIONS ARE IN KEEPING WITH THE FINEST TRADITIONS OF MILITARY SERVICE AND REFLECT DISTINCT CREDIT UPON HIMSELF, REGIONAL COMMAND SOUTH, AND THE UNITED STATES ARMY.

24 APRIL 2012 TO 25 JANUARY 2013

GIVEN UNDER MY HAND IN THE CITY OF WASHINGTON
THIS 26TH DAY OF NOVEMBER 2012


ROBERT B. ABRAMS
Major General, US ARMY
Commanding
Permanent Order # 331-088



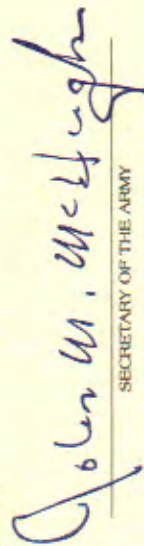

SECRETARY OF THE ARMY

EXHIBIT 8

RECOMMENDATION FOR AWARD

For use of this form, see AR 600-8-22; the proponent agency is DCS, G-1.

For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

1. TO CDR, 1-17 IN, 2-2 ID (SBCT) JBLM, WA 98433	2. FROM CDR, HHC, 1-17 IN, 2-2 ID (SBCT) JBLM, WA 98433	3. DATE (YYYYMMDD) 20131104
--	---	------------------------------------

PART I - SOLDIER DATA

4. NAME (Last, First, Middle Initial) SINGH, SIMRATPAL	5. RANK 1LT	6. SSN [REDACTED]
7. ORGANIZATION HHC, 1-17 IN, 2-2 ID (SBCT) JBLM, WA 98433	8. PREVIOUS AWARDS BSM-1	
9. BRANCH OF SERVICE Army	10. RECOMMENDED AWARD AAM	11. PERIOD OF AWARD a. FROM 20130916 b. TO 20131005
12. REASON FOR AWARD		
12a. INDICATE REASON ACH	12b. INTERIM AWARD IF YES, STATE AWARD GIVEN YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	12c. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
		13. PROPOSED PRESENTATION DATE (YYYYMMDD) 20131028

PART II - RECOMMENDER DATA

14. NAME (Last, First, Middle Initial) KANGAS, LOUIS M	15. ADDRESS HHC, 1-17 IN, 2-2 ID (SBCT) JBLM, WA 98433
16. TITLE/POSITION BATTALION XO	17. RANK MAJ
18. RELATIONSHIP TO AWARDEE BATTALION XO	19. SIGNATURE KANGAS, LOUIS, MICHAEL [REDACTED]

PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)**20. ACHIEVEMENTS****ACHIEVEMENT #1**

From 16 September 13 through 21 September 13, 1LT Singh took control of the ADVON element to the Republic of Korea ensuring all property was accounted for and consolidated. After accounting for the property, 1LT Singh ensured that all necessary supplies were acquired to ensure proper setup of the BN TOC and LNO cell.

ACHIEVEMENT #2

Following the arrival of the main body, 1LT Singh ensured quick and timely integration of senior leadership. 1LT Singh oversaw all daily operations and allowed leadership to develop the overall situation.

ACHIEVEMENT #3

1LT Singh then switched to the Battle Captain and oversaw all reporting and actions as they developed. He worked closely with the Camp Casey Simulation Center to ensure proper movement and reactions to the actions as they developed.

ACHIEVEMENT #4**21. PROPOSED CITATION**

FOR EXCEPTIONALLY MERITORIOUS ACHIEVEMENT AS BATTLE CAPTAIN. 1LT SINGH'S HARD WORK, DEDICATION TO DUTY, AND ATTENTION TO DETAIL GREATLY CONTRIBUTED TO THE OVERWHELMING SUCCESS OF THE UNIT. HIS ACTIONS ARE IN KEEPING WITH THE FINEST TRADITIONS OF MILITARY SERVICE AND REFLECT GREAT CREDIT UPON HIMSELF, HEADQUARTERS AND HEADQUARTERS COMPANY, 1ST BATTALION, 17TH INFANTRY REGIMENT, 2ND STRYKER BRIGADE COMBAT TEAM AND THE UNITED STATES ARMY.

NAME (Last, First, Middle Initial) SINGH, SIMRATPAL		SSN [REDACTED]	
PART IV - RECOMMENDATIONS/APPROVAL/DISAPPROVAL			
22. I certify that this individual is eligible for an award in accordance with AR 600-8-22; and that the information contained in Part I is correct.		22a. SIGNATURE WOLFE, DEISY, ROCIO. [REDACTED]	22b. DATE (YYYYMMDD) 20131104
23. INTERMEDIATE AUTHORITY	a. TO CDR, 1-17 IN, 2-2 ID (SBCT) JBLM, WA 98433	b. FROM CDR, HHC, 1-17 IN, 2-2 ID (SBCT) JBLM, WA 98433	c. DATE (YYYYMMDD) 20131104
d. RECOMMEND: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) RYAN, JOHN G.		f. RANK CPT	
g. TITLE/POSITION COMPANY COMMANDER		h. SIGNATURE RYAN, JOHN, G. [REDACTED]	
i. COMMENTS			
24. INTERMEDIATE AUTHORITY	a. TO	b. FROM	c. DATE (YYYYMMDD)
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial)		f. RANK LTC	
g. TITLE/POSITION		h. SIGNATURE	
i. COMMENTS			
25. INTERMEDIATE AUTHORITY	a. TO	b. FROM	c. DATE (YYYYMMDD)
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial)		f. RANK	
g. TITLE/POSITION		h. SIGNATURE	
i. COMMENTS			
26. APPROVAL AUTHORITY	a. TO ORDERS ISSUING AUTHORITY	b. FROM CDR, 1-17 IN, 2-2 ID (SBCT) JBLM, WA 98433	c. DATE (YYYYMMDD)
d. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/> RECOMMEND UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) NIELSEN, SHANNON E.		f. RANK LTC	
g. TITLE/POSITION BATTALION COMMANDER		h. SIGNATURE 	
i. COMMENTS			
PART V - ORDERS DATA			
27a. ORDERS ISSUING HQ HQ, 1-17 IN, 2-2 ID (SBCT) JBLM, WA 98433		27b. PERMANENT ORDER NO.	31. DISTRIBUTION 1-File 1-OMPF 1-Unit 3-Individual
28a. NAME OF ORDERS APPROVAL AUTHORITY WOLFE, DEISY R.		28b. RANK CPT	
28c. TITLE/POSITION BATTALION ADJUTANT		29. APPROVED AWARD AAM	
28d. SIGNATURE		30. DATE (YYYYMMDD)	



DEPARTMENT OF THE ARMY

THIS IS TO CERTIFY THAT THE SECRETARY OF THE ARMY HAS AWARDED

THE ARMY ACHIEVEMENT MEDAL

FIRST LIEUTENANT SIMRATPAL SINGH
TO HEADQUARTERS AND HEADQUARTERS COMPANY, 1ST BATTALION, 17TH INFANTRY REGIMENT

FOR EXEMPLARY PERFORMANCE DURING THE 2013 REPUBLIC OF KOREA WARFIGHTER EXERCISE. FIRST LIEUTENANT SINGH'S PERFORMANCE AS A BATTLE CAPTAIN GREATLY CONTRIBUTED TO THE SUCCESS OF THE UNIT. HIS ACTIONS ARE IN KEEPING WITH THE FINEST TRADITIONS OF MILITARY SERVICE AND REFLECT GREAT CREDIT UPON HIMSELF, 1ST BATTALION, 17TH INFANTRY REGIMENT, 2ND STRYKER BRIGADE COMBAT TEAM, AND THE UNITED STATES ARMY.

FROM 16 SEPTEMBER 2013 TO 5 OCTOBER 2013

THIS 5TH DAY OF NOVEMBER 2013

PO # 309-05, 5 NOVEMBER 2013
HQ, 1-17 IN REGT, 2ND BDE, 2ND ID
JBLM, WA 98433



SE

SHANNON E. NIELSEN
LTC, IN
Commanding

EXHIBIT 9

COMPANY GRADE PLATE (O1 - O3; WO1 - CW2) OFFICER EVALUATION REPORT

For use of this form, see AR 623-3; the proponent agency is DCS, G-1.

**See Privacy Act
Statement in AR 623-3.****PART I - ADMINISTRATIVE (Rated Officer)**

a. NAME (Last, First, Middle Initial) SINGH, SIMRATPAL		b. SSN [REDACTED]	c. RANK CPT	d. DATE OF RANK (YYYYMMDD) 20140501	e. BRANCH EN	f. COMPONENT (Status Code)
g. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND 2-2 ID (SBCT), JBLM, 98433, FC				h. UIC WJMKAA		i. REASON FOR SUBMISSION 02 Annual
j. PERIOD COVERED FROM (YYYYMMDD) 20130915 THRU (YYYYMMDD) 20140914		k. RATED MONTHS 12	l. NON RATED CODES	m. NO. OF ENCLOSURES 0	n. RATED OFFICER'S EMAIL ADDRESS (.gov or .mil) simratpal.singh.mil@mail.mil	

PART II - AUTHENTICATION (Rated officer's signature verifies officer has seen completed OER Parts I-VI and the administrative data is correct)

a1. NAME OF RATER (Last, First, Middle Initial) HUTCHINSON, LAURA, G		a2. SSN [REDACTED]	a3. RANK MAJ	a4. POSITION Brigade S4
a5. EMAIL ADDRESS (.gov or .mil) laura.g.hutchinson.mil@mail.mil		a6. SIGNATURE HUTCHINSON, LAURA, GRIMES [REDACTED] <small>Digitally signed by HUTCHINSON, LAURA, GRIMES (10482284) DN: cn=HUTCHINSON, LAURA, GRIMES, o=US, ou=Department, cn=US Date: 2014.10.22 16:45:47 -0700</small>		
b1. NAME OF INTERMEDIATE RATER (Last, First, Middle Initial)		b2. SSN (Optional)	b3. RANK	b4. POSITION
b5. EMAIL ADDRESS (.gov or .mil)		b6. SIGNATURE		
b7. DATE (YYYYMMDD)				
c1. NAME OF SENIOR RATER (Last, First, Middle Initial) ZEISMAN, LOUIS, A		c2. SSN [REDACTED]	c3. RANK COL	c4. POSITION Brigade Commander
c5. SENIOR RATER'S ORGANIZATION 2-2 ID (SBCT)	c6. BRANCH IN	c7. COMPONENT RA	c9. EMAIL ADDRESS (.gov or .mil) louis.a.zeisman.mil@mail.mil	
c8. SENIOR RATER PHONE NUMBER (253) 477-2225		c10. SIGNATURE ZEISMAN, LOUIS, ALLEN [REDACTED] <small>Digitally signed by ZEISMAN, LOUIS, ALLEN (10504886) DN: cn=ZEISMAN, LOUIS, ALLEN, o=US, ou=JBLM, cn=US Date: 2014.11.14 16:40:04 -0800</small>		
c11. DATE (YYYYMMDD) 20141114				
d. This is a referred report, do you wish to make comments? <input type="checkbox"/> Referred <input type="checkbox"/> Yes, comments are attached <input type="checkbox"/> No		e1. SIGNATURE SINGH, SIMRATPAL [REDACTED] <small>Digitally signed by SINGH, SIMRATPAL (10504886) DN: cn=SINGH, SIMRATPAL, o=US, ou=JBLM, cn=US Date: 2014.11.14 16:40:04 -0800</small>		
e2. DATE (YYYYMMDD) 20141114				
f1. Supplementary Review Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		f2. NAME OF REVIEWER (Last, First, Middle Initial)		
f3. RANK	f4. POSITION	f5. Comments Enclosed <input type="checkbox"/> Yes <input type="checkbox"/> No		
f6. SIGNATURE		f7. DATE (YYYYMMDD) 20141003		

PART III - DUTY DESCRIPTION

a. PRINCIPAL DUTY TITLE BDE AS4	b. POSITION AOC/BANCH 12A/EN
c. SIGNIFICANT DUTIES AND RESPONSIBILITIES Serves as the Brigade Assistant S-4 for a rapidly deployable 4,100 Soldier Stryker Brigade Combat Team (SBCT). Assists the brigade S-4 as the logistics planner; provides oversight on the planning, coordination, and execution of logistics functions, to include supply, transportation, field services, and management of fiscal resources. Works in conjunction with all members of the brigade staff integrating cells and subordinate battalion staff as required, coordinating logistics support for the full spectrum of brigade operations. Serves as the primary action officer for all brigade sustainment plans and orders, field training exercises, transportation, and logistics synchronization.	

PART IV - PERFORMANCE EVALUATION - PROFESSIONALISM, COMPETENCIES, AND ATTRIBUTES (Rater)

a. APFT Pass/Fail/Profile: <u>PASS</u>	Date: <u>20140529</u>	Height: <u>65</u>	Weight: <u>175</u>	Within Standard? <u>YES</u>
Comments required for "Failed" APFT, or "Profile" when it precludes performance of duty, and "No" for Army Weight Standards?				
b. This Officer's overall Performance is Rated as: (Select one box representing Rated Officer's overall performance compared to others of the same grade whom you have rated in your career. Managed at less than 50% in EXCELS.) A completed DA Form 67-10-1A was received with this report and considered in my evaluation and review: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (explain in comments below)				
HQDA COMPARISON OF THE RATER'S PROFILE AND BOX CHECK AT THE TIME THIS REPORT PROCESSED EXCELS				
RO: SINGH, SIMRATPAL	SSN: [REDACTED]	R: HUTCHINSON, LAURA, G	SSN: [REDACTED]	
DATE: 2014-11-21	TOTAL RATINGS: 4	RATINGS THIS OFFICER: 1	I currently rate <u>3</u>	Army Officers in this grade.

Comments:
Exceptional performance. CPT Singh is easily the best of four captains in the section and he continues to prove his functionality and versatility by serving with extreme competence and proficiency in jobs outside his branch. His diligent planning and oversight throughout the section yielded outstanding results during the SBCTs Decisive Action NTC rotation; executing the SBCTs \$54 million annual spending plan, realizing a \$1.5 million savings for the BCT at NTC alone. CPT Singh has proven himself an invaluable asset to the team.

NAME: SINGH, SIMRATPAL		SSN [REDACTED]	PERIOD COVERED: FROM (YYYYMMDD) 20130915	THRU (YYYYMMDD) 20140914
c. 1) Character: <i>(Adherence to Army Values, Empathy, and Warrior Ethos/ Service Ethos and Discipline. Fully supports SHARP, EO, and EEO.)</i>	CPT Singh protected the commander and the unit from unauthorized financial obligations and funding shortfalls. His oversight of comptroller duties ensured well organized management control measures and repetitive training to supervise 36 Government Purchase Cardholders as well as 7 Contracting Officer Representatives. CPT Singh adamantly supported the Commander's SHARP, EO, EEO programs.			
c. 2) Presence: <i>(Military and Professional Bearing, Fitness, Confident, Resilient)</i>	CPT Singh represents the highest level of military professionalism. His high level of physical fitness was demonstrated as he consistently led the entire platoon during physical training sessions. His can-do attitude enabled him to easily and efficiently build cohesive relationships throughout the Brigade and is attributed to his outstanding reputation amongst his subordinates, peers, and supervisors alike.			
c. 3) Intellect: <i>(Mental Agility, Sound Judgment, Innovation, Interpersonal Tact, Expertise)</i>	CPT Singh's superior level of intelligence enabled him to quickly and effectively master both financial and logistics operations, ensuring flawless support to the Brigade. He mastered the Government Funding Enterprise Business System and the Contractor Performance Assessment Reports System which directly contributed to the SBCT's \$1.5 million savings at NTC Rotation 14-08.			
c. 4) Leads: <i>(Leads Others, Builds Trust, Extends Influence beyond the Chain of Command, Leads by Example, Communicates)</i>	CPT Singh took over three years of unsettled Defense Travel System obligations and over 2000 outstanding supply requisitions and worked side by side with each battalion to reconcile all DTS vouchers and supply requests. Although junior to many other Captains in the Brigade, he set himself apart from his peers and became a subject matter expert sought out by leaders for his keen insight.			
c. 5) Develops: <i>(Creates a positive command/ workplace environment/Fosters Esprit de Corps, Prepares Self, Develops Others, Stewards the Profession)</i>	CPT Singh developed a progressive training program for Contracting Officer Representatives to ensure Operational Contracting support during NTC Rotation 14-08. His team realized a 17% reduction in contract funds awarded with no reduction in services provided. CPT Singh mentored junior Lieutenants in the section, teaching and guiding them through logistics processes, making them an asset to the team.			
c. 6) Achieves: <i>(Gets Results)</i>	While performing the duties of Brigade Comptroller, CPT Singh drafted, defended, and executed a \$54 million annual spending plan for the 2-2 SBCT with no financial violations. He successfully funded NTC rotation 14-08 at \$13.5 million; \$1.5 million less than historical Stryker Brigade costs. CPT Singh spearheaded the Brigade Command Supply Discipline Program; yielding outstanding results.			

PART V - INTERMEDIATE RATER**PART VI - SENIOR RATER****a. POTENTIAL COMPARED WITH OFFICERS SENIOR RATED IN SAME GRADE (OVERPRINTED BY DA)**

HQDA COMPARISON OF THE SENIOR RATER'S PROFILE AND BOX CHECK AT THE TIME THIS REPORT PROCESSED

MOST QUALIFIED

RO: SINGH, SIMRATPAL

SR: ZEISMAN, LOUIS, A

DATE: 2014-11-21

TOTAL RATINGS: 105

RATINGS THIS OFFICER: 1

b. I currently senior rate 57 Army Officers in this grade.

c. COMMENTS ON POTENTIAL:

Phenomenal performance from a top 10% officer. CPT Singh's efforts were critical to the Brigade's success at NTC 14-08. CPT Singh is a fit, talented leader with unlimited potential and a bright future. Select for company command now. Must select for below the zone promotion to major and resident attendance at ILE.

d. List 3 future **SUCCESSIVE** assignments for which this Officer is best suited:

Company Commander, Battalion S3, Battalion XO

EXHIBIT 10

RECOMMENDATION FOR AWARD

For use of this form, see AR 600-8-22; the proponent agency is DCS, G-1.

For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

1. TO CDR, 2-2 ID (SBCT) JBLM, WA 98433	2. FROM CDR, HHC, 2-2 ID (SBCT) JBLM, WA 98433	3. DATE (YYYYMMDD) 20141118
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PART I - SOLDIER DATA

4. NAME (Last, First, Middle Initial) SINGH, SIMRATPAL	5. RANK CPT	6. SSN [REDACTED]
7. ORGANIZATION HHC, 2-2 ID (SBCT) JBLM, WA 98433	8. PREVIOUS AWARDS BSM-1	
9. BRANCH OF SERVICE	10. RECOMMENDED AWARD ARCOM	11. PERIOD OF AWARD a. FROM 20101210 b. TO 20150109
12. REASON FOR AWARD		
12a. INDICATE REASON PCS	12b. INTERIM AWARD IF YES, STATE AWARD GIVEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	12c. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
		13. PROPOSED PRESENTATION DATE (YYYYMMDD) 20141204

PART II - RECOMMENDER DATA

14. NAME (Last, First, Middle Initial) HEBERT, MICHAEL D.	15. ADDRESS HHC, 2-2 ID (SBCT) JBLM, WA 98433
16. TITLE/POSITION COMMANDER	17. RANK CPT
18. RELATIONSHIP TO AWARDEE COMMANDER	19. SIGNATURE PINKSTON,STEPHANIE.MARIE. [REDACTED]

PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)**20. ACHIEVEMENTS****ACHIEVEMENT #1**

As the Brigade Assistant S4, CPT Singh consistently demonstrated a level of competence and proficiency typically found in officers of a much higher rank. He successfully created and implemented a task-tracking system which enabled the section to execute countless tasks simultaneously without interruption in logistics support to the Battalions. His efforts directly contributed to the movement of more than 600 soldiers and 500 pieces of equipment in support of Pacific Pathways.

ACHIEVEMENT #2

CPT Singh continually demonstrated his ability to execute tasks outside of his branch when he stepped in to be the Brigade Comptroller. As the S8, he successfully secured NTC funding of \$13.5 million; consequently saving the Army \$1.5 million as compared to historical data. Additionally, he developed a progressive training program for Contracting Officer Representatives to ensure Operational Contracting support for NTC 14-08. His team realized a 17% decrease in contract funds awarded with no reduction in services provided.

ACHIEVEMENT #3

CPT Singh excelled as the battalion Assistant S-3 for 1-17th IN BN. His maturity and intelligence led to his selection as Acting S3 during the Battalion's deployment to Korea. During this time, CPT Singh was pivotal in the planning of the Battalion's culminating live fire exercise at Yakima Training Center. Additionally, while serving as a guest OC at Ft. Polk in support of 2nd Brigade, 101st Airborne Division's counterinsurgency rotation, he was recognized as the best guest OC for the Delta Training Company.

ACHIEVEMENT #4

As Sapper Platoon Leader, CPT Singh spearheaded crucial training efforts for the company. He planned, resourced, and executed a Combatives Level 1 certification program for the entire company. The training program resulted in over 90% of the participants receiving level 1 certification from JBLM Combatives Academy. Additionally, CPT Singh enhanced the Infantry Battalion's urban maneuver capabilities by hosting an Urban Mobility Breacher Course and trained 12 "train the trainers" in advanced breaching techniques.

21. PROPOSED CITATION

FOR MERITORIOUS SERVICE WHILE SERVING AS THE ASSISTANT BRIGADE S4. CAPTAIN SINGH'S EXEMPLARY PERFORMANCE OF DUTY CONTRIBUTED IMMENSELY TO THE OVERALL SUCCESS OF THE UNIT'S MISSION. HIS ACTIONS REFLECT GREAT CREDIT UPON HIMSELF, HEADQUARTERS AND HEADQUARTERS COMPANY, 2D BRIGADE (STRYKER BRIGADE COMBAT TEAM), 2D INFANTRY DIVISION AND THE UNITED STATES ARMY.

NAME (Last, First, Middle Initial) SINGH, SIMRATPAL		SSN [REDACTED]	
PART IV - RECOMMENDATIONS/APPROVAL/DISAPPROVAL			
22. I certify that this individual is eligible for an award in accordance with AR 600-8-22; and that the information contained in Part I is correct.		22a. SIGNATURE HEBERT, MICHAEL, DRAKE, [REDACTED]	22b. DATE (YYYYMMDD) 20141107
23. INTERMEDIATE AUTHORITY	a. TO CDR, 14 BEB, 2-2 ID (SBCT) JBLM, WA 98433	b. FROM CDR, HHC, 2-2 ID (SBCT) JBLM, WA 98433	c. DATE (YYYYMMDD) 20141107
d. RECOMMEND: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) HEBERT, MICHAEL D.		f. RANK CPT	
g. TITLE/POSITION COMPANY COMMANDER		h. SIGNATURE HEBERT, MICHAEL, DRAKE, [REDACTED]	
i. COMMENTS CPT Singh is an aggressive, physically fit, and mature junior Officer. This award is well deserved.			
24. INTERMEDIATE AUTHORITY	a. TO CDR, 2-2 ID (SBCT) JBLM, WA 98433	b. FROM CDR, 14 BEB, 2-2 ID (SBCT) JBLM, WA 98433	c. DATE (YYYYMMDD) 20141113
d. RECOMMEND: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) BAIM, MICHAEL J.		f. RANK LTC	
g. TITLE/POSITION BATTALION COMMANDER		h. SIGNATURE BAIM, MICHAEL, JOSHUA, [REDACTED]	
i. COMMENTS Impressive performance in service to the Brigade.			
25. INTERMEDIATE AUTHORITY	a. TO	b. FROM	c. DATE (YYYYMMDD)
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial)		f. RANK	
g. TITLE/POSITION		h. SIGNATURE	
i. COMMENTS			
26. APPROVAL AUTHORITY	a. TO ORDERS ISSUING AUTHORITY	b. FROM CDR, 2-2 ID (SBCT) JBLM, WA 98433	c. DATE (YYYYMMDD)
d. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/> RECOMMEND UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) ZEISMAN, LOUIS A.		f. RANK COL	
g. TITLE/POSITION BRIGADE COMMANDER		h. SIGNATURE [Signature]	
i. COMMENTS			
PART V - ORDERS DATA			
27a. ORDERS ISSUING HQ HQ, 2-2 ID (SBCT) JBLM, WA 98433		27b. PERMANENT ORDER NO. 321-1	31. DISTRIBUTION 1-File 1-OMPF 1-Unit 3-Individual
28a. NAME OF ORDERS APPROVAL AUTHORITY BORDEN, ANGELA C.		28b. RANK MAJ	
28c. TITLE/POSITION BRIGADE ADJUTANT		29. APPROVED AWARD ARCOM	
28d. SIGNATURE		30. DATE (YYYYMMDD) 20141117	



DEPARTMENT OF THE ARMY

THIS IS TO CERTIFY THAT THE SECRETARY OF THE ARMY HAS AWARDED
THE ARMY COMMENDATION MEDAL

TO

CAPTAIN SIMRATPAL SINGH

HHC, 2D STRYKER BRIGADE COMBAT TEAM, 2D INFANTRY DIVISION

FOR MERITORIOUS SERVICE WHILE SERVING AS AN ASSISTANT BRIGADE S4. CAPTAIN SINGH'S
EXEMPLARY PERFORMANCE OF DUTY CONTRIBUTED IMMENSELY TO THE OVERALL SUCCESS OF THE
UNIT'S MISSION. HIS ACTIONS REFLECT GREAT CREDIT UPON HIM, HEADQUARTERS AND
HEADQUARTERS COMPANY, 2D BRIGADE (STRYKER BRIGADE COMBAT TEAM), 2D INFANTRY DIVISION
AND THE UNITED STATES ARMY.

FROM 24 OCTOBER 2010 TO 9 JANUARY 2015
THIS 17TH DAY OF NOVEMBER 2014

PERMANENT ORDERS# 321-1
HQ, 2-2 ID (SBCT)
JBLM, WA 98433

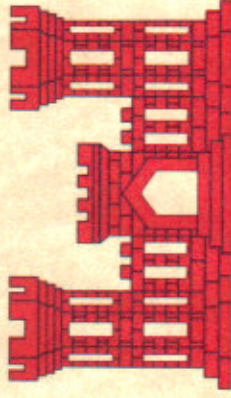



LOUIS A. ZEISMAN
COL, IN
Commanding

EXHIBIT 11

UNITED STATES ARMY ENGINEER SCHOOL

FORT LEONARD WOOD, MISSOURI



CERTIFICATE OF ACHIEVEMENT

Is

Awarded

TO

CPT SIMRATPAL SINGH
DISTINGUISHED GRADUATE
FOR EXCEEDING COURSE STANDARDS
ENGINEER CAPTAIN'S CAREER COURSE RC 004-15

Given this 26th day of June 2015

FLW FORM 1744, JAN 2013

A handwritten signature in black ink, reading "James H. Ray".

BRIGADIER GENERAL, USA
COMMANDANT

EXHIBIT 12

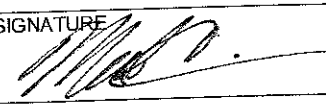
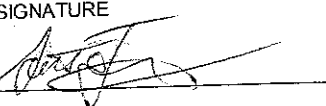
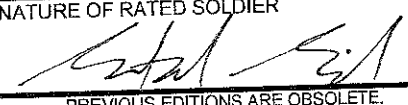

SERVICE SCHOOL ACADEMIC EVALUATION REPORT				DATE (YYYYMMDD)	
For use of this form, see AR 623-3; the proponent agency is DCS, G-1.					
1. LAST NAME - FIRST NAME - MIDDLE INITIAL SINGH, SIMRATPAL		2. SSN [REDACTED]	3. RANK CPT	4. BRANCH EN	5. SPECIALTY/MOSC 12A
6. COURSE TITLE ENGINEER CAPTAINS CAREER COURSE 04-15		7. NAME OF SCHOOL USAES, FORT LEONARD WOOD, MO 65473			8. COMPONENT RA
9. THIS IS A REFERRED REPORT, DO YOU WISH TO MAKE COMMENTS? <input type="checkbox"/> Referred <input type="checkbox"/> Yes, comments are attached <input type="checkbox"/> No		10. DURATION OF COURSE (YYYYMMDD) From: 20150114 Thru: 20150626			
11. PERFORMANCE SUMMARY *a. <input checked="" type="checkbox"/> EXCEEDED COURSE STANDARDS (Limited to 20% of class enrollment) b. <input type="checkbox"/> ACHIEVED COURSE STANDARDS *c. <input type="checkbox"/> MARGINALLY ACHIEVED COURSE STANDARDS *d. <input type="checkbox"/> FAILED TO ACHIEVE COURSE STANDARDS *Rating must be supported by comments in ITEM 14.		12. DEMONSTRATED ABILITIES a. WRITTEN COMMUNICATION <input type="checkbox"/> NOT EVALUATED <input type="checkbox"/> UNSAT <input type="checkbox"/> SAT <input checked="" type="checkbox"/> SUPERIOR b. ORAL COMMUNICATION <input type="checkbox"/> NOT EVALUATED <input type="checkbox"/> UNSAT <input type="checkbox"/> SAT <input checked="" type="checkbox"/> SUPERIOR c. LEADERSHIP SKILLS <input type="checkbox"/> NOT EVALUATED <input type="checkbox"/> UNSAT <input type="checkbox"/> SAT <input checked="" type="checkbox"/> SUPERIOR d. CONTRIBUTION TO GROUP WORK <input type="checkbox"/> NOT EVALUATED <input type="checkbox"/> UNSAT <input checked="" type="checkbox"/> SAT <input type="checkbox"/> SUPERIOR e. EVALUATION OF STUDENT'S RESEARCH ABILITY <input checked="" type="checkbox"/> NOT EVALUATED <input type="checkbox"/> UNSAT <input type="checkbox"/> SAT <input type="checkbox"/> SUPERIOR (SUPERIOR/UNSAT rating must be supported by comments in ITEM 14)			
13. HAS THE STUDENT DEMONSTRATED THE ACADEMIC POTENTIAL FOR SELECTION TO HIGHER LEVEL SCHOOLING/TRAINING? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A (A "NO" response must be supported by comments in ITEM 14)					
14. COMMENTS (This item is intended to obtain a word picture of each student that will accurately and completely portray academic performance, intellectual qualities, and communication skills and abilities. The narrative should also discuss broader aspects of the student's potential, leadership capabilities, moral and overall professional qualities. In particular, comments should be made if the student failed to respond to recommendations for improving academic or personal affairs.) 11. CPT Singh is a highly skilled officer who exceeded Engineer Captain's Career Course standard as a Distinguished Graduate. A physical fit officer, scoring a 290 on the APFT, he completed the course with a academic average of 91%. His superior leadership skill motivated his peers and was instrumental to the overall success of the class. 12a. CPT Singh excelled at writing in and ranks among the top three of his peers, with an average of over 92% on all assignments. His articulate writing conveyed a clear message to the reader and was consistently above the standard. 12b. CPT Singh's effective communication created a shared understanding within the small group. He was able to command the attention of his peers through clearly expressed themes and an engaged speaking style. 12c. CPT Singh displayed great leadership and his presence and intellect greatly influenced his peers, and assisted the team toward the accomplishment of course goals. CPT Singh consistently took charge of group work and led by example in all tasks he undertook. 12d. CPT Singh provided experience and knowledge to his team during group work. He assisted others with their responsibilities, which was instrumental to the group achieving success. 13. CPT Singh is ready to command a company and will excel in any position of responsibility. While attending the ECCC, CPT Singh assisted to promote an environment that fostered dignity and respect. CPT Singh was not the subject of, nor involved in any substantiated act of sexual harassment or sexual assault on or off duty.					
PASS 20150603 66/155 YES					
15. AUTHENTICATION					
a. TYPED NAME, GRADE, BRANCH, AND TITLE OF RATER MICHAEL H. CRAIN, CPT, IN SMALL GROUP LEADER		DATE (YYYYMMDD)	SIGNATURE 		
b. TYPED NAME, GRADE, BRANCH, AND TITLE OF REVIEWING OFFICER SCOTT JAMIESON, MAJ, RAE CHIEF, ECCC DIVISION		DATE (YYYYMMDD) 20150623	SIGNATURE 		
c. DATE (YYYYMMDD) 20150624		SIGNATURE OF RATED SOLDIER 			

EXHIBIT 13

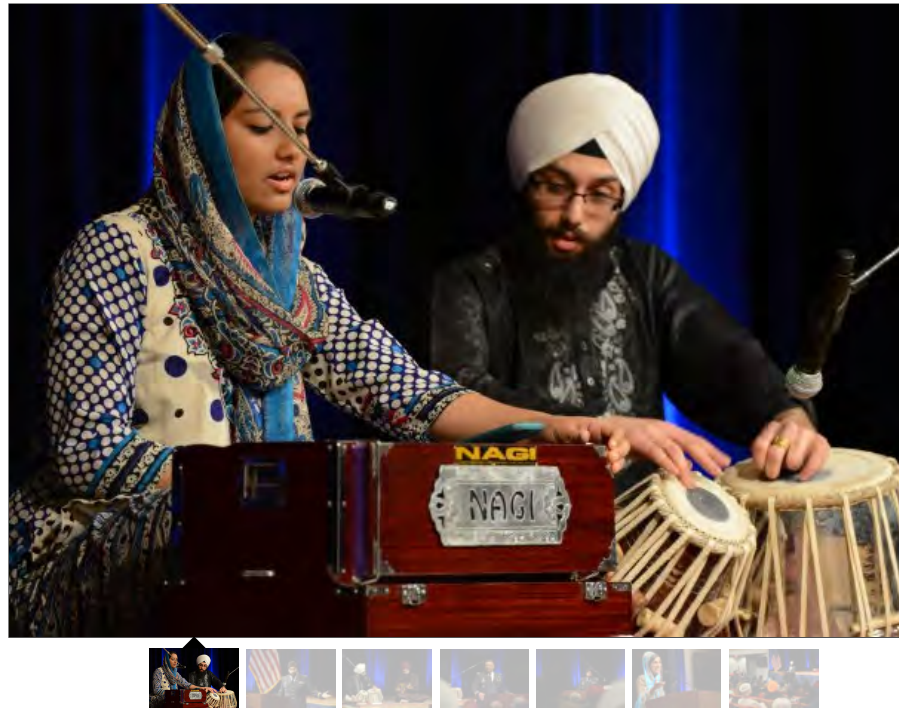
Pentagon celebrates Sikh new year, Vaisakhi

May 4, 2015

By Ms. Lisa Ferdinando (ARNEWS Org Page)

 0

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WASHINGTON (Army News Service, May 4, 2015) -- With music, prayers, and words of faith, Sikhs celebrated Vaisakhi and their new year Friday at the Pentagon.

"Today we are truly blessed," said the Pentagon's deputy chaplain, Lt. Col. Claude Brittian, who led the event. The central theme of the celebration was "seva" or selfless service.

It is important for people of every faith to have the ability to freely celebrate their religion, he said.

"I believe that for me to be able to celebrate as a Christian, then I must stand up for the rights of others to celebrate in regards to their faith," Brittian told the guests, who included Service members, Families, Department of Defense employees, and other members of the Sikh community.

"I am a firm believer that I should not be the one who is explaining Sikhism to the rest of the world," he said. "I believe that those who practice their faith should have the opportunity to share their faith."

This is the second time the Pentagon held a Vaisakhi celebration, the chaplain said, remarking it is a proud and happy occasion to be able to celebrate the event with everyone attending.

The Vaisakhi event at the Pentagon is a "journey long-coming," Maj. Kamal Kalsi said. He noted people traveled from all over the nation and the world to be at the Pentagon to celebrate the event.

"It's to be said over and over and over, but it's such an honor and a privilege to be here today, and we couldn't have done this without the love and support of the chaplain's office," Kalsi said.

SIKHS IN SERVICE TO OTHERS

Sikhs in the armed forces are "never to flinch from stepping in front of the enemy to protect the poor, the weak and needy in this world," Kalsi said.

Related Links
Army.mil: North America News
Office of the Pentagon Chaplain
VIDEO: Pentagon Observes Sikh Vaisakhi Celebration

Shabads, or hymns, are important in the life of a Sikh. He recalled receiving two from his uncle when he told him he would be deploying to Afghanistan in 2011.

"When I shared this news with my uncle in Cleveland, Ohio, he handed me two pieces of paper, which I still keep with me in my wallet every day," Kalsi said.

Valarie Kaur, a media and strategy fellow at the Stanford Center of Internet and Society, paid tribute to all Sikhs past and present who have served in the military, and those who have served in protecting Sikh members of society.

Her grandfather, she said, followed seven generations before him and served in the military, fighting on the frontlines in World War II against Hitler's armies.

His British commander had requested he remove his turban, she said. He refused, saying the turban represented his faith, and he could not serve without faith.

"So he went to war and when German aircraft swooped down and shot his best friend, he did not run," she said. "He wrapped his friend's wounds with the cloth of his turban and brought him home, because seva means leaving no one behind."

COMMITMENT TO SEVA

Vaisakhi marks the spring harvest in Punjab, the Sikh homeland, Simran Jeet Singh said. He is a senior religion fellow for the Sikh Coalition and a doctorate candidate at Columbia University.

"Vaisakhi is also mentioned in some of the earliest Sikh manuscripts, which tell us the founder of the Sikh tradition, Guru Nanak, was born on this day," Singh said.

Additionally, it marks the day the 10th Sikh Guru Gobind Singh formalized and passed on authority to the Sikh community, Singh said.

When looking at the reasons for celebrating Vaisakhi, the strand that holds everything together is a "commitment to engaging with the world around us," best represented in seva, Singh said.

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Page last updated Mon May 4th, 2015 at 19:41

EXHIBIT 14

You, being the sons of one father, are, inter-se yourselves and other baptized Sikhs, spiritual brothers. You have become the pure Khalsa, having renounced your previous lineage, professional background, calling (occupation), beliefs, that is, having given up all connections with your caste, descent, birth, country, religion, etc.. You are to worship none except the One Timeless Being - no god, goddess, incarnation or prophet. You are not to think of anyone except the ten Gurus and anything except their gospel as your savior. You are supposed to know Gurmukhi (Punjabi alphabet). (If you do not, you must learn it). And recite, or listen in to the recitation of, the under mentioned scriptural compositions, the daily repetition of which is ordained, every day:

1. The Japuji Sahib
2. The Jaap Sahib
3. The Ten Sawayyas (Quatrains), beginning "sarawag sudh"
4. The Sodar Rahiras and the Sohila.

Besides, you should read from or listen in to the recitation from the Guru Granth. Have, on your person, all the time, the five K's: **The Keshas** (unshorn hair), **the Kirpan** (sheathed sword) [The length of the sword to be worn is not prescribed.], **the Kachhehra** [The Kachhehra (drawers like garment) may be made from any cloth, but its legs should not reach down to below the shins.], **the Kanga** (comb), **the Karha** (steel bracelet) [The karha should be of pure steel.].

The under mentioned four transgressions (tabooed practices) must be avoided:

1. Dishonoring the hair;
2. Eating the meat of an animal slaughtered the Muslim way;
3. Cohabiting with a person other than one's spouse;
4. Using tobacco.

In the event of the commission of any of these transgressions, the transgressor must get rebaptised. If a transgression is committed unintentionally and unknowingly, the transgressor shall not be liable to punishment. You must not associate with a Sikh who had uncut hair earlier and has cut it or a Sikh who smokes. You must ever be ready for the service of the Panth and of the gurdwaras (Sikh places of worship). You must tender one tenth of your earnings to the Guru. In short, you must act the Guru's way in all spheres of activity.

You must remain fully aligned to the Khalsa brotherhood in accordance with the principles of the Khalsa faith. If you commit transgression of the Khalsa discipline, you must present yourself before the congregation and beg pardon, accepting whatever punishment is awarded. You must also resolve to remain watchful against defaults in the future.

q. The following individuals shall be liable to chastisement involving automatic boycott:

1. Anyone maintaining relations or communion with elements antagonistic to the Panth including the minas (reprobates), the masands (agents once accredited to local Sikh communities as Guru's representatives, sine discredited for their faults and aberrations), followers of Dhirmal or Ram Rai, etc. users of tobacco or killers of female infants.
2. One who eats/drinks leftovers of the unbaptised or the fallen Sikhs
3. One who dyes his beard
4. One who gives off son or daughter in matrimony for a price or reward
5. Users of intoxicant (hemp, opium, liquor, narcotics, cocaine, etc.)
6. One holding, or being a party to, ceremonies or practices contrary to the Guru's way
7. One who defaults in the maintenance of Sikh discipline

r. After this sermon, one from among the five beloved ones should perform the Ardas.

s. Thereafter, the Sikh sitting in attendance of the Guru Granth Sahib should take the Hukam. If anyone from amongst those who have received the ambrosial baptism had not earlier been named in accordance with the Sikh naming ceremony, he should renounce his previous name and be given a new name beginning with the first letter of the Hukam now taken.

t. And finally, the karhah prashad should be distributed. All the newly launched Sikh men and women should eat the karhah prashad together off the same bowl.

EXHIBIT 15

Indian Army Chief of Staff visits with Gen. Ray Odierno

December 6, 2013

By Sgt. Mikki L. Sprenkle

g+1

0

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Page last updated Fri December 6th, 2013 at 00:00



Photo Credit: Sgt. Mikki L. Sprenkle
United States Army Chief of Staff, Gen. Ray Odierno and Gen. Bikram Singh, Indian Army Chief of Staff, stand by for the reading of orders for the Legion Of Merit during a Full Honors Ceremony in honor of Gen. Bikram Singh, Chief of Army Staff of the Indian Army at Joint Base Myer-Henderson Hall, Va., on December 5, 2013. Gen. Bikram Singh helped the Indian Army to become the second largest trainer of Afghan national Security Forces following the United States. (U.S. Army photo by Sgt. Mikki L. Sprenkle/ Released)

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| StumbleUpon | Technorati | | | |



**LEGION OF
MERIT**

EXHIBIT 16



His Excellency presented the Order of Military Merit at the Officer level (O.M.M.) to Lieutenant-Colonel Harjit Sajjan, O.M.M., M.S.M., C.D., The British Columbia Regiment (Duke of Connaught's Own), Vancouver, British Columbia.

EXHIBIT 17



Sergeant Kirnbir Singh Grewal and fellow soldiers pose after they were selected to participate in advanced nuclear, biological, and chemical training in Maryland in 1977.



Sergeant Kirnbir Singh Grewal dons his gas mask, hood, and full body suit and finishes the physical challenge test as part of the 11th Armored Cavalry Regiment in Germany, 1980. Notably, neither his beard nor his turban served as an impediment during the test.



In this image, Sergeant Kirnbir Singh Grewal is seen patrolling the ammunition dump in Germany, 1981.



Major Parbhur Singh Brar poses proudly in full uniform during his time of service in 1981.



Sergeant Sevak Singh Kroesen (fourth from right) stands with his unit in Portugal, 1984, as part of a special mission to train Portuguese soldiers as the first US soldiers to step foot in Portugal since World War II.



Here, Sergeant Sevak Singh Kroesen, displaying his articles of faith and in full combat uniform, participates in sniper training as part of the Special Forces in 1987.



Here, a dignified Colonel G.B. Singh poses in front of the United States Flag in May 2007 as he is set to deliver a keynote address for Asian and Pacific American Heritage Month.

Colonel Gopal Singh Khalsa receives a Meritorious Service medal from his Commanding general Paul Meok in late 2007 at Los Alamitos Joint Forces Training Base for his outstanding efforts in acting as Executive Agent for a training exercise involving approximately 4000 soldiers.





Colonel Arjinderpal Singh Sekhon took command of the 349th Combat Support Hospital on January 21, 2007 in Los Angeles.



Colonel Sekhon standing with his wife, diploma in hand, at his graduation ceremony from the Army War College at the Carlyle Barracks, Pennsylvania on July 27, 2007.



CPL Simranpreet Singh Lamba graduates from the U.S. Army's Basic Combat Training (BCT) in November 2010, the first observant Sikh to do so in almost 30 years. He had the honor of serving as his platoon's guidon bearer.



CPL Simranpreet Singh Lamba at his U.S. Army Basic Combat Training graduation in November 2010. He enlisted in the U.S. Army in December 2009 under the Military Accessions Vital to the National Interest (MAVNI) program.



CPL Simranpreet Singh Lamba participates in training exercises at Ft. Jackson, SC in fall of 2010. He established life-long friendships with his fellow soldiers and was respected both up and down the chain-of-command.



Simranpreet Singh Lamba is sworn in as a U.S. citizen in November 2010 at Ft. Jackson, SC.



CPT Tejdeep Singh Rattan donning his gasmask and checking the seal during the nuclear, biological and chemical training of his Officer Basic Leader Course at Ft. Sam Houston, TX in March of 2010. His unshorn beard did not prevent him from creating an airtight seal.



CPT Tejdeep Singh Rattan receiving an Army Commendation Medal on September 4, 2011 during his deployment to Afghanistan. He was awarded the medal for outstanding performance, technical expertise and unwavering commitment to mission accomplishment in a hostile environment.



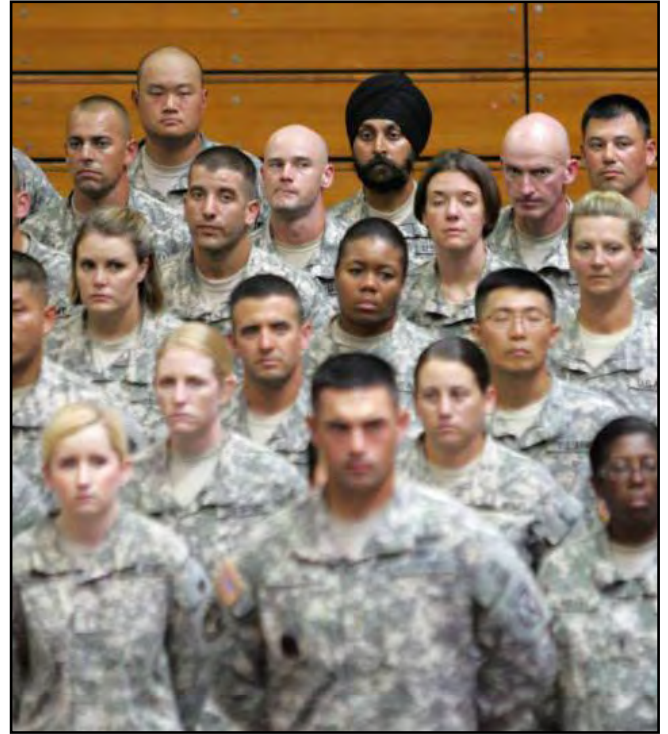
Tejdeep Singh Rattan during his deployment in Afghanistan in 2011. His ability to speak Urdu, Hindi and Punjabi helped to break down communication barriers with the local population.



CPT Tejdeep Singh Rattan proclaims "I am a Sikh warrior!" to the delight of his classmates after exiting the gas chamber during nuclear, biological and chemical training in March of 2010.



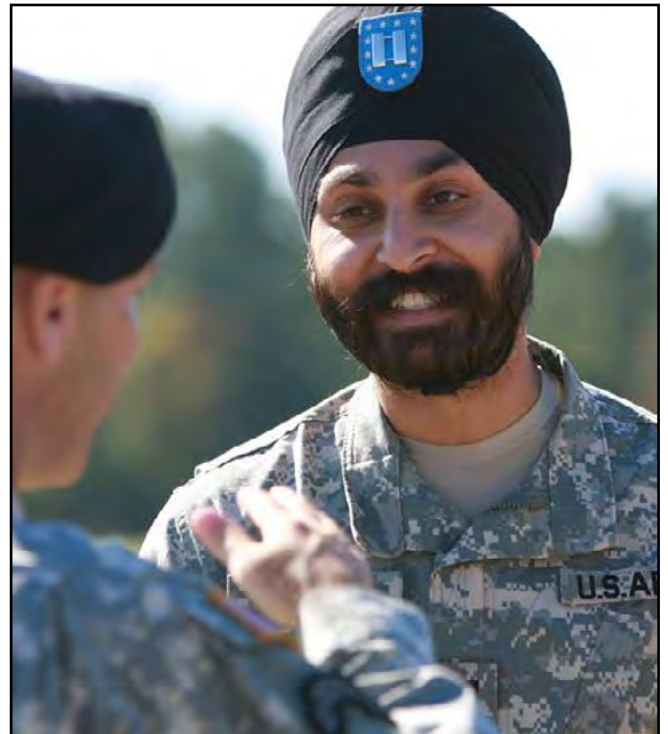
Major Kamaljeet S. Kalsi was deployed to Afghanistan in 2011. He was awarded the Bronze Star Medal for resuscitating two fellow soldiers, declared clinically dead, back to life, among numerous other achievements while deployed.



MAJ Kamaljeet Singh Kalsi graduating with his classmates from Officer Basic Leader Course in September of 2010 at Ft. Sam Houston, TX.



Major Kamaljeet S. Kalsi served as a U.S. Army physician from June 2010, specializing in emergency and disaster medicine. He was stationed at Fort Bragg, NC.



Major Kamaljeet S. Kalsi is deeply respected and well-liked up and down the chain of command, and described by his superiors as "truly exceptional," with "absolutely unlimited potential as a leader, military officer, and physician."

EXHIBIT 18



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
BRIGADE SPECIAL TROOPS BATTALION (PROV)
201st BATTLEFIELD SURVEILLANCE BRIGADE
JOINT BASE LEWIS-McCHORD, WA 98433

AFZH-GJD-H

22 Aug 2011

MEMORANDUM FOR US Army Medical Recruiting Station, Seattle, Washington

SUBJECT: Letter of Recommendation for SPC Simran Lamba, [REDACTED], HHC 201st MI BfSB, Joint Base Lewis McChord, Washington

1. I highly recommend SPC Lamba for the direct commissioning program into the Medical Service Corps for Environmental Engineering. As his battalion commander, I have directly observed him demonstrate the personal attributes and skills vital to the Army officer ranks. SPC Lamba continuously impresses me with his technical knowledge and practical skills as a Health Care Specialist.
2. SPC Lamba's master's degree in Industrial Engineering provides a solid foundation for advancing his military career as an Army officer. I have full confidence that he will continue to outperform his peers within the Service Corps for Environmental Engineering.
3. SPC Lamba's dedication and loyalty to the Army will make him a great addition to the Officer Corps. I would seek him out to serve with me again as an officer in any organization I have the privilege to command.
4. Please contact the undersigned with any questions at [REDACTED] or email at [REDACTED]

Rox A. Robbins
ROX A. ROBBINGS
LTC, MI
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
201ST BATTLEFIELD SURVEILLANCE BRIGADE
JOINT BASE LEWIS MCCORD, WA 98433

REPLY TO
ATTENTION OF

AFZH-BFSB-BS

23 AUG 2011

MEMORANDUM FOR US Army Medical Recruiting Station, Seattle, Washington

SUBJECT: Letter of Recommendation for SPC Simran Lamba, [REDACTED] HHC 201st BfSB, Joint Base Lewis McChord, Washington

1. I strongly recommend SPC Lamba for the direct commissioning program into the Medical Service Corps. I am serving as SPC Lamba's Brigade Surgeon. He is one of the most motivated and dedicated medics in the Brigade.
2. SPC Lamba is an excellent candidate for the Environmental Engineer program. His education consisting of a Bachelor's of Engineering in Mechanical Engineering and Master's of Science in Industrial Engineering provide him with the foundation to build upon in this program.
3. SPC Lamba is an extremely talented individual with diverse talent. He is multi-lingual and the first enlisted Sikh soldier in the Army.
4. SPC Lamba is eager to use his education and talents as an asset to the Medical Service Corps and I fully support and highly recommend selection to enter this direct commissioning program.
5. Point of contact is the undersigned at [REDACTED]

DAVID T. ARMSTRONG
MAJ, MC
BDE SURGEON



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
201ST BATTLEFIELD SURVEILLANCE BRIGADE
JOINT BASE LEWIS MCCORD, WA 98433


AFZH-GJD-H

8 August 2011

MEMORANDUM FOR US Army Medical Recruiting Station, Seattle, Washington

SUBJECT: Letter of Recommendation for SPC Simran Lamba [REDACTED] HHC 201st BfSB,
Joint Base Lewis McChord, Washington

1. I strongly recommend SPC Lamba for the direct commissioning program into the Medical Service Corps. I am currently serving as SPC Lamba's Company Commander and he is easily one of the most impressive Soldiers in the company.
2. SPC Lamba is an ideally suited candidate for this program because of his extensive previous schooling and his current service. SPC Lamba has earned a Bachelor's of Engineering in Mechanical Engineering and a Master's of Science in Industrial Engineering. Despite having many opportunities and the knowledge that his religion would make acceptance difficult, SPC Lamba chose to enlist in the U.S. Army during a time of war. Since arriving to the 201st BfSB, SPC Lamba has been an exemplary Soldier. He has been enthusiastic in training while still balancing the attention that comes with being the first enlisted Sikh Soldier to serve in the U.S. Army. I am certain that he will be just as successful if he is allowed to enter the direct commissioning program.
3. Point of contact is the undersigned at [REDACTED]


JOHN G. WILDT
CPT, MI
Commanding



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
BRIGADE SPECIAL TROOPS BATTALION (PROV)
201st BATTLEFIELD SURVEILLANCE BRIGADE
JOINT BASE LEWIS-McCHORD, WA 98433

AFZH-GJD-H

27 JUN 2011

MEMORANDUM FOR US Army Medical Recruiting Station, Seattle, Washington

SUBJECT: Letter of Recommendation for SPC Simran Lamba [REDACTED] HHC 201st MI BfSB, Joint Base Lewis McChord, Washington

1. SPC Lamba currently serves as part of the medical platoon of Headquarters and Headquarters Company 201st Battlefield Surveillance Brigade. As a junior medic and Soldier, he has proven to be an integral part of the medical section in a very short time.
2. SPC Lamba possesses great values and qualities that are invaluable to the unit's and the Army's overall mission. He always takes initiative and leads his peers in any task at hand. He seemingly completes any tasks meeting and exceeding the standard. He sets the standard for other Soldiers to follow by employing great perseverance and technical skills. He always demonstrates great dedication towards the mission's end state. He also concerns himself with the welfare of his peers. He genuinely cares and looks after his peers and subordinates when appropriate. His peers greatly value him for his caring attitude and kindness.
3. SPC Lamba displays great discipline by surpassing both the APFT and marksmanship score standards. He strives to remain tactically proficient at all times. He never settles for meritocracy which directly reflects in his outstanding performance as a medic and a Soldier.
4. For these reasons and many more, I highly recommend SPC Lamba for the direct commissioning program into the Medical Service Corps for Environmental Engineering. He exemplifies all Army values instinctively, leads from the front and strives for higher standards.
5. Please contact the undersigned with any questions at [REDACTED]
[REDACTED]

FRANK S. SANTIAGO
SGT, USA



DEPARTMENT OF THE ARMY
232d Medical Battalion, 32d Medical Brigade
3250 Koehler Road, Suite 1350
Fort Sam Houston, Texas 78234-6115


MCCS-AC

13 June 2011

MEMORANDUM FOR US Army Medical Recruiting Station, Seattle, Washington

SUBJECT: Letter of Recommendation for SPC Simran Lamba [REDACTED] HHC 201st MI
BfSB, Joint Base Lewis McChord, Washington

1. I strongly recommend SPC Lamba for the direct commissioning program into the Medical Service Corps for Environmental Engineering. As his previous battalion commander and a 20 year Medical Service Corps Officer, I can certify that he is an exceptional Soldier and possess all the attributes and qualities I look for and are required to be an outstanding Army Officer.
2. SPC Lamba has proven to a true professional and driven to succeed in everything he attempts. He is completed the entire 68W program with a dedicated strong performance, he possesses impeccable bearing, embodies the Army Values and is a gifted communicator. I have every confidence he will do exceptionally well as an officer. SPC Lamba already posses the technical skills needed, proven through earning his masters degree in Industrial Engineering from New York University in January 2009.
3. The Army needs to fully utilize SPC Lamba by commissioning him as an officer and totally utilizing his Soldiering and technical skills. I totally endorse SPC Lamba for the direct commissioning program into the Medical Service Corps for Environmental Engineering.
4. Please contact the undersigned with any questions at [REDACTED]
[REDACTED]


PETER A. LEHNING
LTC, MS
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
3rd BATTALION, 34th INFANTRY REGIMENT,
FORT JACKSON, SOUTH CAROLINA 29207

07 JUN 2011

MEMORANDUM FOR US ARMY MEDICAL RECRUITING STATION, SEATTLE,
WASHINGTON

SUBJECT: Letter of Recommendation for Specialist Simran Lamba

1. I give my strongest recommendation for selection of Specialist Simran Lamba into the Army Officer Engineer Program.
2. SPC Lamba is an outstanding Soldier that clearly possesses the academic and intellectual rigor to succeed as a military officer and engineer. As his former Battalion Commander during Basic Combat Training, I had the opportunity to get to interact with SPC Lamba daily, and I was deeply impressed by his maturity and leadership. I can absolutely assure the Army that SPC Lamba will exceed in the Army Officer Engineer Program.
3. SPC Lamba's application to become an Army Officer is indicative of his great promise and his selection will make our Army stronger.
4. POC for this memorandum is the undersigned at [REDACTED]


BRYAN P. HERNANDEZ
LTC, IN
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
COMPANY B, 232D MEDICAL BATTALION, 32D MEDICAL BRIGADE
U.S. ARMY MEDICAL DEPARTMENT CENTER AND SCHOOL
2950 KOEHLER ROAD
FORT SAM HOUSTON, TEXAS 78234-6115

MCCS-ACB

24 May 2011

MEMORANDUM FOR The US Army Medical Recruiting Station, Seattle, WA.

SUBJECT: Letter of Recommendation for SPC Lamba, Simran P.

1. SPC Lamba, while in Bravo Company 232nd Medical Battalion, served and trained as a Soldier Medic, peer teacher, and junior leader. He has been a tremendous Soldier, an invaluable member of my team, and has had an amazing impact on his peers and supervisors.
2. SPC Lamba is a dedicated subordinate and has immeasurable potential as a leader. As a Soldier, he has proven to be a take-charge person who is able to successfully develop plans and implement them with little or no guidance. I have no doubt that he will continue to strive for this same excellence as an officer as he did as an enlisted Soldier.
3. SPC Lamba is able to successfully complete multiple tasks with favorable results despite deadline pressure. When given a task, regardless of its difficulty, he ensured its success by demonstrating leadership abilities that his peers both admired and respected. SPC Lamba is highly respected by his peers not only for his leadership abilities, but for his willingness to help anyone anytime he can. He has been instrumental in helping others to accomplish their own personal and professional goals by setting the example for others to emulate.
4. It is for these reasons that I offer high recommendations for SPC Lamba to continue to serve the United States Army as an Officer. His drive, dedication, and abilities will truly be an asset to any Army Unit he may be assigned to or eventually take command of. If you have any questions regarding this recommendation, please do not hesitate to contact me.
5. Point of Contact for this memorandum is SFC Amanda E. Dodd at [REDACTED]

AMANDA E. DODD
SFC, USA
AIT Platoon Sergeant

DEPARTMENT OF THE ARMY
BRAVO COMPANY 3rd, BATTALION, 34TH INFANTRY REGIMENT
FORT JACKSON, SOUTH CAROLINA 29207



REPLY TO
ATTENTION OF

ATZJ-C-T-B

15 June 2011

MEMORANDUM FOR Commander, United States Army, Medical Recruiting Command,
Seattle, Washington 98513

SUBJECT: Letter of Recommendation for SPC Simran P. Lamba,

1. I strongly recommend that SPC Lamba be immediately accepted into the Environmental Engineer Direct Commission Program.
2. During Basic Combat Training at Fort Jackson, South Carolina, as SPC Lamba's Drill Sergeant, I have witnessed firsthand the potential that this Soldier has to serve our Country as a Commissioned Officer. Despite any spoken or unspoken stereotypes surrounding his enlistment into the United States Army, SPC Lamba displayed the intelligence, courage, and inner strength; enabling him to push forward with his training in a manner that would make seasoned Soldiers proud to have him on their team. He also possesses a natural leadership ability, maturity and wisdom that make him an excellent choice for the future of our Army's Officer Corps.
3. In addition, SPC Lamba is not only a great role model for today's Soldiers, his outstanding performance within our ranks can strengthen the bond not only with in the Army, but also between other countries who view this Warrior and see that the Army, and America, accepts all who can and are willing to perform for our Great Nation.
4. Point of contact is the undersigned at [REDACTED]

A handwritten signature in cursive script, reading "Michael J. Hildebrand", is positioned above the printed name.

MICHAEL J. HILDEBRAND
SFC, USA
First Sergeant

EXHIBIT 19

COMPANY GRADE PLATE (O1 - O3; WO1 - CW2) OFFICER EVALUATION REPORT

For use of this form, see AR 623-3; the proponent agency is DCS, G-1.

**See Privacy Act
Statement in AR 623-3.****PART I - ADMINISTRATIVE (Rated Officer)**

a. NAME (Last, First, Middle Initial) RATTAN, TEJDEEP, S		b. SSN [REDACTED]	c. RANK CPT	d. DATE OF RANK (YYYYMMDD) 20100201	e. BRANCH DC	f. COMPONENT (Status Code)
g. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND USA DENTAC FT BRAGG, FT BRAGG, 28310, MC			h. UIC W3ZS50	i. REASON FOR SUBMISSION 10 Extended Annual		
j. PERIOD COVERED FROM (YYYYMMDD) 20130606 THRU (YYYYMMDD) 20140724		k. RATED MONTHS 12	l. NON RATED CODES Q	m. NO. OF ENCLOSURES 0	n. RATED OFFICER'S EMAIL ADDRESS (.gov or .mil) [REDACTED]	

PART II - AUTHENTICATION (Rated officer's signature verifies officer has seen completed OER Parts I-VI and the administrative data is correct)

a1. NAME OF RATER (Last, First, Middle Initial) BODAI, CONRAD, F		a2. SSN [REDACTED]	a3. RANK GS14	a4. POSITION OIC, JOEL	
a5. EMAIL ADDRESS (.gov or .mil) [REDACTED]		a6. SIGNATURE BODAI.CONRAD.FRANK [REDACTED] <small>Digitally signed by BODAI CONRAD FRANK 117330509 DN: cn=BODAI CONRAD FRANK 117330509, ou=USA, ou=PM, ou=DCS, ou=S. Government, cn=US Date: 2014.07.25 12:13:58 -0400</small>			a7. DATE (YYYYMMDD) 20140721
b1. NAME OF INTERMEDIATE RATER (Last, First, Middle Initial)		b2. SSN (Optional)	b3. RANK	b4. POSITION	
b5. EMAIL ADDRESS (.gov or .mil)		b6. SIGNATURE			b7. DATE (YYYYMMDD)
c1. NAME OF SENIOR RATER (Last, First, Middle Initial) APICELLA, MICHAEL, J		c2. SSN [REDACTED]	c3. RANK COL	c4. POSITION Deputy CDR	
c5. SENIOR RATER'S ORGANIZATION DENTAC FT BRAGG NC 28310	c6. BRANCH DC	c7. COMPONENT RA	c9. EMAIL ADDRESS (.gov or .mil) [REDACTED]		c11. DATE (YYYYMMDD) 20140725
c8. SENIOR RATER PHONE NUMBER [REDACTED]		c10. SIGNATURE APICELLA.MICHAEL.JOHN [REDACTED] <small>Digitally signed by APICELLA MICHAEL JOHN 104175005 DN: cn=APICELLA MICHAEL JOHN 104175005, ou=USA, ou=PM, ou=DCS, ou=S. Government, cn=US Date: 2014.07.25 12:14:21 -0400</small>			
d. This is a referred report, do you wish to make comments? <input type="checkbox"/> Referred <input type="checkbox"/> Yes, comments are attached <input type="checkbox"/> No		e1. SIGNATURE RATTAN.TEJDEEP.SINGH [REDACTED] <small>Digitally signed by RATTAN TEJDEEP SINGH 1287361840 DN: cn=RATTAN TEJDEEP SINGH 1287361840, ou=USA, ou=PM, ou=DCS, ou=S. Government, cn=US Date: 2014.07.25 11:40:58 -0400</small>			e2. DATE (YYYYMMDD) 20140728
f1. Supplementary Review Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		f2. NAME OF REVIEWER (Last, First, Middle Initial)			
f3. RANK	f4. POSITION		f5. Comments Enclosed <input type="checkbox"/> Yes <input type="checkbox"/> No		
f6. SIGNATURE		f7. DATE (YYYYMMDD)	g. MSAF Date (YYYYMMDD) 20140618		

PART III - DUTY DESCRIPTION

a. PRINCIPAL DUTY TITLE GENERAL DENTIST	b. POSITION AOC/BANCH 63A00/DC
c. SIGNIFICANT DUTIES AND RESPONSIBILITIES General dental officer serving in a 26 chair Dental Treatment Facility with responsibility for providing direct dental support to the over 7,600 active duty Soldiers of the 1st Sustainment Command (Theater), 44th MEDCOM, 82nd Combat Aviation Brigade, 82nd Sustainment Brigade, 189th Infantry Brigade, 406th Brigade Support, and the 900th Contracting Battalion. Dental support focuses on the dual mission of readiness, as reported in MEDPROS, and wellness as described in DENCOM's "Go First Class" initiative. Dental support also includes examinations, emergency and routine treatment, and specialty referral. Additional duties include serving as "Dental Officer of the Day" (managing after hours dental emergencies) on a rotating basis. Responsible for running 2 surgical suites both with capability for extracting simple, partial and full bony impacted third molars. Additional duties include medical emergency officer and laboratory officer.	

PART IV - PERFORMANCE EVALUATION - PROFESSIONALISM, COMPETENCIES, AND ATTRIBUTES (Rater)

a. APFT Pass/Fail/Profile: <u>PASS</u>	Date: <u>20140428</u>	Height: <u>71</u>	Weight: <u>204</u>	Within Standard? <u>YES</u>
Comments required for "Failed" APFT, or "Profile" when it precludes performance of duty, and "No" for Army Weight Standards?				

**HQDA COMPARISON OF THE RATER'S PROFILE AND BOX CHECK AT THE TIME THIS REPORT PROCESSED
EXCELS**

RO: RATTAN, TEJDEEP, S

SSN: [REDACTED]

DATE: 2014-07-28

R: BODAI, CONRAD, F

SSN: [REDACTED]

TOTAL RATINGS: 6

Comments:

RATINGS THIS OFFICER: 1

I currently rate 5 Army Officers in this grade.

Very impressive performance during the rating period; CPT Rattan is consistently the top producer in our clinic. Extremely talented clinician who possesses advanced skills in oral surgery. Hard worker with a verve for Army dentistry. Totally supports DENCOM's Go First Class initiative; always focused on Soldier Readiness.

NAME: RATTAN, TEJDEEP, S		SSN [REDACTED]	PERIOD COVERED: FROM (YYYYMMDD) 20130606	THRU (YYYYMMDD) 20140724
c. 1) Character: (Adherence to Army Values, Empathy, and Warrior Ethos/ Service Ethos and Discipline. Fully supports SHARP, EO, and EEO.)	Possesses in full measure all of the Army values and conducts himself with integrity both on and off duty. Lives the warrior ethos; serves as an example for others. Sets and enforces high standards for himself and others; a seasoned and disciplined professional. Fully supports SHARP, EO and EEO.			
c. 2) Presence: (Military and Professional Bearing, Fitness, Confident, Resilient)	Immediately impressive when he enters a room. Military bearing is beyond reproach; wears the uniform with pride. An effective communicator/speaker; has the "command voice".			
c. 3) Intellect: (Mental Agility, Sound Judgment, Innovation, Interpersonal Tact, Expertise)	Extremely intelligent officer who readily understands complex situations; a critical thinker. Possesses expertise on many fronts; an extremely well rounded individual with a wealth of information to share with superiors, peers and subordinates.			
c. 4) Leads: (Leads Others, Builds Trust, Extends Influence beyond the Chain of Command, Leads by Example, Communicates)	A charismatic officer who leads from the front; serves as a great mentor for less experienced officers about clinical and military matters. Thrives on challenges; a risk taker open to diverse ideas on how to advance the organization.			
c. 5) Develops: (Creates a positive command/ workplace environment/Fosters Esprit de Corps, Prepares Self, Develops Others, Stewards the Profession)	Inspires, motivates, and encourages subordinates in self improvement and personal advancement. Provides a positive workplace environment by allowing subordinates to exercise initiative and contribute to decisions affecting clinical operations.			
c. 6) Achieves: (Gets Results)	A mission focused "hard charger". Top producer in the clinic providing over \$440,000 worth of dentistry to Soldiers at Fort Bragg during the rating period. Improving access to care is his number one priority.			

PART V - INTERMEDIATE RATER

PART VI - SENIOR RATER

a. POTENTIAL COMPARED WITH OFFICERS SENIOR RATED IN SAME GRADE (OVERPRINTED BY DA) HQDA COMPARISON OF THE SENIOR RATER'S PROFILE AND BOX CHECK AT THE TIME THIS REPORT PROCESSED <div style="border: 1px solid black; padding: 10px; text-align: center; margin: 10px 0;">MOST QUALIFIED</div> RO: RATTAN, TEJDEEP, S SR: APICELLA, MICHAEL, J DATE: 2014-07-28 TOTAL RATINGS: 41 RATINGS THIS OFFICER: 1	b. I currently senior rate <u>25</u> Army Officers in this grade.
	c. COMMENTS ON POTENTIAL: CPT Rattan ranks in the top 10% of junior officers I senior rate. Leadership skills and clinical acumen place him well above his peers. Exceptional potential for advancement in our system. Promote to MAJ immediately.
	d. List 3 future SUCCESSIVE assignments for which this Officer is best suited: Staff Dental Officer, BDE Dental Surgeon, Clinic OIC

EXHIBIT 20

+ OFFICER EVALUATION REPORT For use of this form, see AR 623-3; the proponent agency is DCS, G-1.						FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3. +	
PART I - ADMINISTRATIVE DATA							
a. NAME (Last, First, Middle Initial)		b. SSN	c. RANK	d. DATE OF RANK (YYYYMMDD)	e. BRANCH	f. DESIGNATED SPECIALTIES / PMOS (WO)	
KALSI, KAMALJEET S.		[REDACTED]	CPT	20050607	MC	62A	
g.1. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND				g.2. STATUS CODE		h. REASON FOR SUBMISSION	
B CO, 115TH CSH, CAMP DWYER, AFG FPO AE 09373 CENTCOM				04		Change of Duty	
i. PERIOD COVERED		j. RATED MONTHS	k. NONRATED CODES	l. NO. OF ENCL	m. RATED OFFICER'S APO EMAIL ADDRESS (.gov or .mil)	n. UIC	o. CMD CODE
FROM (YYYYMMDD) THRU (YYYYMMDD)							
20110106 20110717		6		0	[REDACTED]	WBH6B0	JA
							p. PSB CODE
							UB02
PART II - AUTHENTICATION (Rated officer's signature verifies officer has seen completed OER Parts I-VII and the admin data is correct)							
a. NAME OF RATER (Last, First, MI)		SSN	RANK	POSITION	SIGNATURE		DATE (YYYYMMDD)
ZAWACKI, CLORINDA K.		[REDACTED]	COL	TF 115 MED DCCS	ZAWACKI, CLORINDA K. [REDACTED]		20110711
b. NAME OF INTERMEDIATE RATER (Last, First, MI)		SSN	RANK	POSITION	SIGNATURE		DATE (YYYYMMDD)
c. NAME OF SENIOR RATER (Last, First, MI)		SSN	RANK	POSITION	SIGNATURE		DATE (YYYYMMDD)
DARNAUER, PATRICIA		[REDACTED]	COL	TF 115 MED CDR	DARNAUER, PATRICIA [REDACTED]		20110711
SENIOR RATER'S ORGANIZATION			BRANCH	SENIOR RATER TELEPHONE NUMBER	E-MAIL ADDRESS (.gov or .mil)		
TASK FORCE 115 MEDICAL			MS	[REDACTED]	[REDACTED]		
CAMP DWYER, AFG FPO AE 09373			d. This is a referred report, do you wish to make comments?		e. SIGNATURE OF RATED OFFICER		DATE (YYYYMMDD)
			<input type="checkbox"/> Yes, comments are attached <input type="checkbox"/> No		KALSI, KAMALJEET S. [REDACTED]		20110711
PART III - DUTY DESCRIPTION							
a. PRINCIPAL DUTY TITLE Staff Emergency Physician, Emergency Medical Treatment					b. POSITION AOC/BR 62A/MC		
c. SIGNIFICANT DUTIES AND RESPONSIBILITIES. REFER TO PART IVa. DA FORM 67-9-1.							
Deployed in support of Operation Enduring Freedom to provide emergency physician services to a Role 3 expeditionary Combat Support Hospital which has seen over 1,000 casualties since January 15, 2011 deployed far forward in an austere setting. Provides acute resuscitation and critical care for US and coalition military service members, partnered Afghan National Security Forces, and local national patients with devastating combat-related injuries or other serious life or limb-threatening conditions. Functions as part of a trauma team providing damage control resuscitation. Incorporates evidence-based Joint Theater Trauma System clinical practice guidelines into daily practice. Participates actively in ICU rounds, morbidity and mortality conferences, and weekly CME conferences. Provides training and skills sustainment to combat medics.							
PART IV - PERFORMANCE EVALUATION - PROFESSIONALISM (Rater)							
CHARACTER Disposition of the leader: combination of values, attributes, and skills affecting leader actions							
a. ARMY VALUES (Comments mandatory for all "NO" entries. Use PART Vb.)				Yes No			
1. HONOR: Adherence to the Army's publicly declared code of values				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
2. INTEGRITY: Possesses high personal moral standards; honest in word and deed				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3. COURAGE: Manifests physical and moral bravery				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
4. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and the soldier				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
b. LEADER ATTRIBUTES / SKILLS / ACTIONS: First, mark "YES" or "NO" for each block. Second, choose a total of six that best describe the rated officer. Select one from ATTRIBUTES, two from SKILLS (Competence), and three from ACTIONS (LEADERSHIP). Place an "X" in the appropriate numbered box with optional comments in PART Vb. Comments are mandatory in Part Vb for all "No" entries.							
b.1. ATTRIBUTES (Select 1)		<input checked="" type="checkbox"/> 1. MENTAL Possesses desire, will, initiative, and discipline <input type="checkbox"/> 2. PHYSICAL Maintains appropriate level of physical fitness and military bearing <input type="checkbox"/> 3. EMOTIONAL Displays self-control; calm under pressure		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
b.2. SKILLS (Competence) (Select 2)		<input checked="" type="checkbox"/> 1. CONCEPTUAL Demonstrates sound judgment, critical/creative thinking, moral reasoning <input type="checkbox"/> 2. INTERPERSONAL Shows skill with people: coaching, teaching, counseling, motivating and empowering <input type="checkbox"/> 3. TECHNICAL Possesses the necessary expertise to accomplish all tasks and functions <input type="checkbox"/> 4. TACTICAL Demonstrates proficiency in required professional knowledge, judgment, and warfighting		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
b.3. ACTIONS (LEADERSHIP) (Select 3) Major activities leaders perform: influencing, operating, and improving							
INFLUENCING Method of reaching goals while operating / improving		<input type="checkbox"/> 1. COMMUNICATING Displays good oral, written, and listening skills for individuals / groups <input type="checkbox"/> 2. DECISION-MAKING Employs sound judgment, logical reasoning and uses resources wisely <input checked="" type="checkbox"/> 3. MOTIVATING Inspires, motivates, and guides others toward mission accomplishment		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
OPERATING Short-term mission accomplishment		<input type="checkbox"/> 4. PLANNING Develops detailed, executable plans that are feasible, acceptable, and suitable <input checked="" type="checkbox"/> 5. EXECUTING Shows tactical proficiency, meets mission standards, and takes care of people/resources <input checked="" type="checkbox"/> 6. ASSESSING Uses after-action and evaluation tools to facilitate consistent improvement		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IMPROVING Long-term improvement in the Army its people and organizations		<input type="checkbox"/> 7. DEVELOPING Invests adequate time and effort to develop individual subordinates as leaders <input type="checkbox"/> 8. BUILDING Spends time and resources improving teams, groups and units; fosters ethical climate <input type="checkbox"/> 9. LEARNING Seeks self-improvement and organizational growth; envisioning, adapting and leading change		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
c. APFT: PASS		DATE: 20110420		HEIGHT 70		WEIGHT: 170 YES	
d. OFFICER DEVELOPMENT MANDATORY YES OR NO ENTRY FOR RATERS OF CPTs, LTs, CW2s, AND WO1s.							
WERE DEVELOPMENTAL TASKS RECORDED ON DA FORM 67-9-1a AND QUARTERLY FOLLOW-UP COUNSELINGS CONDUCTED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA							

+

PART V - PERFORMANCE AND POTENTIAL EVALUATION (Rater)

a. EVALUATE THE RATED OFFICER'S PERFORMANCE DURING THE RATING PERIOD AND HIS/HER POTENTIAL FOR PROMOTION

OUTSTANDING PERFORMANCE,
MUST PROMOTESATISFACTORY PERFORMANCE,
PROMOTEUNSATISFACTORY PERFORMANCE,
DO NOT PROMOTEOTHER
(Explain)

b. COMMENT ON SPECIFIC ASPECTS OF THE PERFORMANCE, REFER TO PART III, DA FORM 67-9 AND PART IVa, b, AND PART Vb, DA FORM 67-9-1.

CPT Kalsi distinguished himself while serving as an Chief of Emergency Medicine, OIC of Disaster Medicine and a staff physician for Task Force 115 while deployed in support of Operation Enduring Freedom in Afghanistan, providing seamless and comprehensive medical care to over 750 patients and personally saving numerous coalition lives. As Officer-In-Charge of Disaster Medicine, CPT Kalsi conducted five Combat Support Hospital (CSH)-wide mass casualty (MASCAL) exercises which improved the efficiency and superior quality of care provided during several multi-casualty and MASCAL incidents during his deployment. He demonstrated a tireless commitment to providing world-class healthcare through the development and implementation of a CSH-wide initiative to provide critical combat casualty and MASCAL skills to over 200 Soldiers, the creation and presentation of over 20 emergency medical lectures to over 30 Emergency Medical Treatment (EMT) staff, serving as a primary investigator for eight CSH performance improvement projects, and through serving as the primary educator for a weekly trauma simulation exercise. He consistently displays the character, morals, ethics and poise expected of a military officer. CPT Kalsi is an outstanding officer and Emergency Medicine physician with a bright future.

c. COMMENT ON POTENTIAL FOR PROMOTION.

CPT Kalsi is exceptionally ambitious and has unlimited potential. Send to the Captain's Career Course immediately and promote above peers.

d. IDENTIFY ANY UNIQUE PROFESSIONAL SKILLS OR AREAS OF EXPERTISE OF VALUE TO THE ARMY THAT THIS OFFICER POSSESSES. FOR ARMY COMPETITIVE CATEGORY CPT ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.

PART VI - INTERMEDIATE RATER

PART VII - SENIOR RATER

a. EVALUATE THE RATED OFFICER'S PROMOTION POTENTIAL TO THE NEXT HIGHER GRADE



BEST QUALIFIED

FULLY
QUALIFIED

DO NOT PROMOTE



OTHER (Explain below)

I currently senior rate 21 officer(s) in this grade

A completed DA Form 67-9-1 was received with this report and considered in my evaluation and review ☒ YES ☐ NO (Explain in c)b. POTENTIAL COMPARED WITH OFFICERS
SENIOR RATED IN SAME GRADE (OVERPRINTED
BY DA)ABOVE CENTER OF MASS
(Less than 50% in top box; Center of
Mass if 50% or more in top box)

CENTER OF MASS

BELOW CENTER OF MASS
RETAINBELOW CENTER OF MASS
DO NOT RETAIN

+

c. COMMENT ON PERFORMANCE/POTENTIAL

Energetic, engaging, and clinically competent, CPT Kalsi designed and implemented five MASCAL exercises providing invaluable feedback resulting in modifications that improved the efficiency and quality of patient care at this deployed trauma hospital. He consistently demonstrated a strong commitment to improving Army Medicine through the development of a performance improvement project at the 115th CSH and service as an associate investigator for a study on the use of ultrasound in traumatic brain injury patients. CPT Kalsi exceeded all expectations and was elemental to the success of the 115th. He possesses absolutely unlimited potential as a leader, military officer and physician. Select for advanced military schooling of his choice. Promote ahead of peers.

d. LIST THREE FUTURE ASSIGNMENTS FOR WHICH THIS OFFICER IS BEST SUITED.

FOR ARMY COMPETITIVE CATEGORY CPT, ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.

White House Staff Emergency Physician; Division Chief, Department of Emergency Medicine; Brigade Surgeon.

EXHIBIT 21



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.

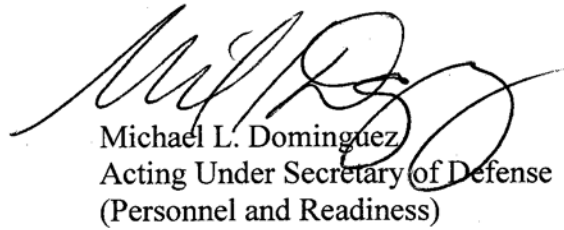
7. RELEASABILITY. **Unlimited.** This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

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.

EXHIBIT 22

15-032 Update.txt

%%
201700 April 2015 (EST) USAREC MESSAGE 15-032
%%
From: Headquarters USAREC
To: All Recruiting Personnel

SUBJECT: Religious Accommodation Exceptions to Policy.

1. The religious practice accommodation language on the enlistment annex has been changed to allow for possible exceptions to policy to the wear and appearance of uniform, personal appearance, and personal grooming practices outlined in AR 670-1.

2. Applicants seeking an exception to policy (ETP) must enter into the DEP/DTP (Future Soldier Training Program-FSTP). The following criteria will be adhered to:

- a. DEP/DTP period will be a minimum of 180 days to allow for ETP processing time.
- b. Future Soldiers (FS) will not be shipped to training and or an assignment if the ETP is pending.
- c. Recruiting personnel will not promise that the ETP will be approved and will not advise applicants that they must ship to training if their ETP is not favorably approved.
- d. If ETP is not favorably approved, the FS has the option to ship as scheduled and agree to comply with AR 670-1 or request discharge from the DEP/DTP.

3. ETPs will contain and be routed as follows:

- a. Handwritten or typed statement from the FS requesting an ETP and their reason for the request.
- b. Company Commander memorandum which will contain the FS's identifying information and the reason the ETP is being requested.
- c. Brigade Chaplain memorandum; the BDE chaplain will talk face to face or via phone with the FS about the exception. The memorandum will address the religious basis and sincerity of the Soldier's request.
- d. Battalion Commander endorsement.
- e. Brigade Commander endorsement.
- f. The completed exception packet will be submitted to HQ USAREC via exception workflow titled "Religious Accommodation Exception".
- g. USAREC Commander will complete an endorsement and submit to TRADOC Commander for an endorsement before being submitted to Army G1 for decision.
- h. workflow approval/disapproval will serve as final proof of the status of the exception

4. Folders in ERM have been established, memorandums will be scanned in under CORE ADMIN as follows:

- a. Future Soldier Statement Religious Accommodation Exception

- b. Company Commander Memo Religious Accommodation Exception
- c. BDE Chaplain Memo Religious Accommodation Exception
- d. BN Commander Endorsement Religious Accommodation Exception
- e. BDE Commander Endorsement Religious Accommodation Exception
- f. USAREC Commander Endorsement Religious Accommodation Exception

6. References:

- a. Department of Defense Directive 1300.17, incorporating change effective 22 January 2014, Accommodation of Religious Practices Within the Military Services.
- b. AR 601-210, Active and Reserve Components Enlistment Program, dated 8 February 2011 with Rapid Action Revision (RAR) dated 12 March 2013.
- c. AR 670-1, wear and Appearance of Army Uniforms and Insignia, dated 20 April 2015.
- d. AR 600-20, Army Command Policy, dated 6 November 2014.
- e. AR 165-1, Army Chaplain Corps Activities, dated December 2009.
- f. UR 601-210, Enlistment and Accessions Processing, dated 01 March 2015.

Jeffrey C. Denius, COL, GS, Assistant Chief of Staff, G-3

[illegible]

EXHIBIT 23

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

In their motion for summary judgment, defendants remind the Court of the doctrine that cautions judges to afford substantial deference to the judgment of military commanders and to decline to interpose their own views in matters involving the composition and training of military officers. In opposing defendants' motion and advancing his own, plaintiff points out that like all government agencies, the Armed Services are governed by the congressional determination – enshrined in RFRA – to tip the scale in favor of individual religious rights. He notes that even the military must be able to demonstrate that a policy that imposes a substantial burden upon an individual's ability to practice his religion furthers a compelling government interest, and is the least restrictive alternative available for furthering that interest. In other words, while the Court must accord the military a great deal of respect, particularly in its identification of the compelling interests involved, the defendants still bear the burden to come forward with sufficient evidence to satisfy the strict scrutiny inquiry: does the specific application of Army policy to this plaintiff further the asserted compelling interest and do so in the least restrictive manner?

The Court finds that defendants have failed to show that the application of the Army's regulations to this plaintiff and the denial of the particular religious accommodation he seeks further a compelling government interest by the least restrictive means. Therefore, and for the additional reasons set forth below, defendants' dispositive motions will be denied and judgment will be entered in favor of the plaintiff. The Court accords substantial deference to the Army's judgments concerning the essential role that uniformity plays in military training and effectiveness. But given the tens of thousands of exceptions the Army has already made to its grooming and uniform policies, its successful accommodation of observant Sikhs in the past, and the fact that, at this time, plaintiff is seeking only to enroll in the ROTC program, the Army's refusal to permit him to do so while adhering to his faith cannot survive the strict scrutiny that RFRA demands.

This decision is limited to the narrow issue presently before the Court – plaintiff’s ability to enroll in ROTC with his turban, unshorn hair, and beard – and it does not address plaintiff’s eventual receipt of a contract or an Army commission.

FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff Iknoor Singh is a rising junior at Hofstra University and an adherent of the Sikh faith. Pl.’s Statement of Undisputed Material Facts in Supp. of Cross-Mot. for Summ. J. [Dkt. # 32-2] (“Pl.’s SOF”) ¶ 8; Defs.’ Resp. to Pl.’s SOF [Dkt. # 37-1] (“Defs.’ SOF Resp.”) ¶ 8. In accordance with his religion, plaintiff does not cut his beard or hair, and he tucks his unshorn hair under a turban. Pl.’s SOF ¶ 8; Defs.’ SOF Resp. ¶ 8. Plaintiff maintains the sincere belief that if he cut his hair, shaved his beard, or abandoned his turban, he would be “dishonoring and offending God.” Pl.’s SOF ¶ 8; Defs.’ SOF Resp. ¶ 8.

The Army operates an ROTC program at Hofstra University that plaintiff has sought to join. Pl.’s SOF ¶¶ 9, 13; Defs.’ SOF Resp. ¶¶ 9, 13. Plaintiff hopes to serve in Military Intelligence, and he speaks Urdu, Hindi, and Punjabi, as well as English. Ex. 7 to Decl. of Pl. in Supp. of Pl.’s Mot. for Prelim. Inj. [Dkt. # 3-2, 27–28]. Plaintiff has participated in ROTC as an auditing student but he has not yet enrolled in the program because the Army demands that he first agree to abide by its grooming and uniform regulations by removing his turban, cutting his hair, and shaving his beard. Pl.’s SOF ¶¶ 9, 13; Defs.’ SOF Resp. ¶¶ 9, 13. Plaintiff requested a religious accommodation that would permit him to enroll with his articles of faith intact, and that request has now been formally denied. Letter from Lieutenant General James C. McConville to Pl. (Dec. 19, 2014) [Dkt. # 18-1] (“McConville Letter”) at 1.

The Army initially took the position that the would-be soldier was bound to comply with the grooming and uniform policies before he could enroll in ROTC and that it could not even

consider a request for an accommodation until he did so. *See* Ex. C to Defs.’ Mot. to Dismiss and for Summ. J. [Dkt. # 21-2, 13–14]. On November 12, 2014, before the Army had agreed to consider plaintiff’s accommodation request, plaintiff filed this action and sought: (1) a preliminary injunction requiring the Army to process the accommodation request and ordering a temporary accommodation and “provisional enlistment” if the request was denied; (2) a declaratory judgment that defendants’ refusal to grant plaintiff a religious exemption to the Army’s grooming and uniform standards would violate RFRA; (3) a permanent injunction enjoining defendants from enforcing the Army’s standards insofar as they would require plaintiff to cut his hair, shave his beard, and remove his turban, and ordering defendants to allow plaintiff “to join” the Hofstra ROTC unit; and (4) attorney’s fees and costs. Compl., Request for Relief ¶¶ a–d. The next day, plaintiff filed a motion for a preliminary injunction seeking the preliminary relief identified in the complaint. Pl.’s Mot. for Prelim. Inj. [Dkt. # 3].

While the motion for a preliminary injunction was pending, defendants notified the Court that the Army had changed its position, and that it would process plaintiff’s accommodation request. Defs.’ Opp. to Pl.’s Mot. for Prelim. Inj. [Dkt. # 16] at 1. On December 19, 2014, the request was denied. Notice of Filing of Agency’s Decision on Pl.’s Accommodation Request [Dkt. # 18] (“Decision Notice”); McConville Letter. In light of defendants’ consideration and denial of plaintiff’s request, the Court consolidated the motion for a preliminary injunction with the merits pursuant to Federal Rule of Civil Procedure 65. Minute Order (Dec. 22, 2014).

Defendants filed a motion to dismiss or, in the alternative, for summary judgment on January 20, 2015. Defs.’ Mot. to Dismiss and for Summ. J. (mistakenly labeled “memorandum in support”) [Dkt. # 21] (“Defs.’ Mot.”); Defs.’ Mem. in Supp. of Defs.’ Mot. [Dkt. # 21] (“Defs.’ Mem.”). They took the position that the complaint should be dismissed under Federal Rule of

Civil Procedure 12(b)(6) because plaintiff, as a civilian, could not establish that the Army's decision substantially burdened his religious practice, and because requests for judicially-ordered enlistments are nonjusticiable.¹ Defs.' Mem. at 1, 3. In the alternative, defendants argued that they were entitled to summary judgment on all of plaintiff's claims. *Id.*

On January 27, 2015, plaintiff responded to defendants' motion with a motion to take discovery pursuant to Federal Rule of Civil Procedure 56(d). Pl.'s Mot. for Disc. [Dkt. # 22]. The matter was fully briefed, and the Court issued an order granting the motion in part and denying it in part. Order (Feb. 3, 2015) [Dkt. # 25]. After the discovery was completed, plaintiff filed an opposition to defendants' motion to dismiss and for summary judgment, combined with a cross-motion for summary judgment, on March 21, 2015. Pl.'s Cross-Mot. for Summ. J. [Dkt. # 33] ("Pl.'s Mot."); *see also* Pl.'s Mem. Opposing Defs.' Mot. and Supporting Pl.'s Mot. [Dkt. # 32]. Defendants filed a reply and cross-opposition on April 10, 2015, Defs.' Opp. to Pl.'s Mot. and Reply in Supp. of Defs.' Mot. [Dkt. # 37] ("Defs.' Reply"), and plaintiff filed a cross-reply on April 17, 2015. Pl.'s Reply Mem. in Supp. of Pl.'s Mot. [Dkt. # 43] ("Pl.'s Reply"). The Court heard argument on the motions on April 29, 2015.

¹ Defendants initially requested that the portion of the complaint they contend is nonjusticiable be dismissed pursuant to Rule 12(b)(1), *see* Defs.' Mot., but noted in their reply brief that a recent opinion from another court in this District indicates that a motion to dismiss for nonjusticiability should be considered under Rule 12(b)(6) instead. *See* Defs.' Opp. to Pl.'s Cross-Mot. for Summ. J. and Reply in Supp. of Defs.' Mot. [Dkt. # 37] at 3 n.2, citing *Saint-Fleur v. McHugh*, No. 1:13-cv-01019 (APM), 2015 WL 1209908, at *3 (D.D.C. Mar. 17, 2015).

REGULATORY BACKGROUND

I. Army Uniform and Grooming Regulations

A. Religious Headgear

The Army's uniform regulations permit soldiers to wear religious apparel while in uniform, including religious "headgear," if the apparel is "neat and conservative" and it will not "interfere with the performance of military duties." Army Regulation ("A.R.") 600-20 (Nov. 6, 2014), Regulatory App'x to Defs.' Mot. [Dkt. # 21-4, 26] ("A.R. 600-20") at A024. Soldiers in uniform may wear religious headgear if:

1. The religious headgear is subdued in color
2. The religious headgear is of a style and size that can be completely covered by standard military headgear.
3. The religious headgear bears no writing, symbols, or pictures.
4. Wear of the religious headgear does not interfere with the wear or proper functioning of protective clothing or equipment.

* * *

6. Religious headgear will not be worn in place of military headgear under circumstances when the wear of military headgear is required (for example, when the Soldier is outside or required to wear headgear indoors for a special purpose).

Id. "Religious headgear that meets these criteria is authorized irrespective of the faith group from which it originates." *Id.*

Soldiers are not authorized to wear religious headgear that does not meet these requirements while in uniform unless they have received a religious accommodation. *See id.* at A022. It is the Army's policy to grant religious accommodation requests related to uniforms "unless accommodation will have an adverse impact on unit readiness, individual readiness, unit

cohesion, morale, good order, discipline, safety, and/or health,” the factors that constitute “military necessity.” *Id.*

B. Hair

Under Army regulations, men’s hair “must present a tapered appearance,” and, when combed, may “not fall over the ears or eyebrows, or touch the collar, except for the closely cut hair at the back of the neck.” A.R. 670-1 (Sept. 15, 2015, revised Sept. 24, 2015), Ex. 5 to Pl.’s Mot. [Dkt. # 34, 105] (“A.R. 670-1”) at 5. “Males are not authorized to wear braids, cornrows, twists, dreadlocks, or locks while in uniform or in civilian clothes on duty,” although they may wear wigs “to cover natural baldness or physical disfiguration.” *Id.* Women are permitted to wear bangs and longer hair, subject to certain requirements, *id.*, and their “hair may be styled with braids, cornrows, or twists.” *Id.* at 6. Women, but not men, are permitted to use cosmetics, “provided they are applied modestly and conservatively.” *Id.*

Men are required to “keep their face[s] clean-shaven when in uniform, or in civilian clothes on duty.” A.R. 670-1 at 5. Sideburns are permitted as long as they do not “extend below the bottom of the opening of the ear” and the length of individual hairs does not exceed one-eighth of an inch. *Id.* Mustaches are permitted as long as they are “neatly trimmed, tapered, and tidy.” *Id.*

The Army makes exceptions to its hair-related grooming rules for medical reasons, *see* A.R. 670-1 at 5, and for “operational necessity.”² Defs.’ Objections and Resps. to Admiss. Propounded by Pl., Ex. 12 to Pl.’s Mot. [Dkt. # 34, 267] (“Defs.’ Admiss.”) at 4. Medical exemptions are usually related to dermatological conditions such as pseudofolliculitis barbae and

² In addition, defendants acknowledge that “[t]he Army has approved religious grooming exceptions to wear beards for three other individuals . . . : an orthopedic surgeon, an anesthesiologist, and a chaplain.” Defs.’ Reply at 22 n.11.

acne keloidalis nuchae. Pl.’s SOF ¶ 41; Defs.’ SOF Resp. ¶ 41; *see also* Technical Bulletin 287, Pseudofolliculitis of the Beard and Acne Keloidalis Nuchae (Dec. 10, 2014), Ex. AA to Defs.’ Reply [Dkt. # 37-2, 38] (“TB MED 287”) at 4. A doctor may authorize a temporary or permanent “shaving profile,” which permits the affected soldier to wear a beard. TB MED 287 at 11–12. Medically authorized beards are generally limited to one-quarter of an inch, although Army regulations permit a physician to specify that a longer beard is necessary. *Id.* at 11.

Army records indicate that at least 49,690 permanent shaving profiles and 57,616 temporary shaving profiles have been authorized since 2007.³ *See* Ex. 9 to Pl.’s Mot. [Dkt. # 34, 226–28]. Defendants state that these shaving profiles are subject to command review. *See* Stipulation in Lieu of R. 30(b)(6) Testimony, Ex. 10 to Pl.’s Mot. [Dkt. # 34, 230] (“Defs.’ Stip.”) at 1. Defendants do not dispute plaintiff’s contention that the Army has deployed soldiers with shaving profiles for operations in foreign countries and has allowed them to continue wearing their beards during deployment. Pl.’s SOF ¶ 54; Defs.’ SOF Resp. ¶ 54.

C. Tattoos

Army regulations authorize soldiers to wear tattoos subject to limitations with respect to their size, placement, number, and content. Ex. 5 to Pl.’s Mot. [Dkt. # 34, 110] at 10. But the Army has granted numerous exceptions and waivers to its tattoo policy. For instance, when the Army tightened its tattoo guidelines on March 31, 2014, it grandfathered in 197,102 soldiers with

³ The shaving profile data comes from the Army’s “e-Profile” system. Pl.’s SOF ¶ 48. The total numbers of temporary and permanent shaving profiles authorized since 2007 is likely higher because e-Profile did not come into widespread use in the Army until 2011, and some temporary profiles may not be reflected in the database even after that time. Decl. of Philip M. Paternella, Ex. 8 to Pl.’s Mot. [Dkt. # 34, 223–24] ¶¶ 3–6.

non-conforming tattoos.⁴ Defs.’ Stip. at 2. In addition, since November 2014, the Army has approved at least 183 exceptions to the tattoo policy, including for tattoos with religious themes (for example, images of crosses, biblical verses, and an image of Jesus Christ); tattoos related to aspects of popular culture, such as movies, cartoon characters, and cars (for example, an image of a vampire Mickey Mouse and a Star Wars caricature); tattoos that reflect cultural or ethnic heritage (a family crest, a grandmother’s surname, and Samoan tribal bands); and tattoos reflecting various personal interests (such as images of dragons, words, and symbols). Pl.’s SOF ¶¶ 63–67; Defs.’ SOF Resp. ¶¶ 63–67. Recipients of these tattoo waivers have included prospective Army enlistees, enlisted soldiers, and ROTC cadets. Pl.’s SOF ¶ 68; Defs.’ SOF Resp. ¶ 68.

II. The Reserve Officers’ Training Corps

The mission of the ROTC “is to produce commissioned officers in the quality, quantity, and academic disciplines necessary to meet active Army and reserve component requirements.” A.R. 145-1, Regulatory App’x to Defs.’ Mot. [Dkt. # 21-4, 39] (“A.R. 145-1”) at A037. At Hofstra University, the ROTC program seeks to “recruit, retain, and ultimately commission Second Lieutenants in the US Army who are mentally, physically, and emotionally prepared to lead American Soldiers in order to deter our enemies and, when necessary, fight and win our Nation[’s] wars.” Decl. of Lieutenant Colonel Daniel Cederman, Ex. B to Defs.’ Mot. [Dkt. # 21-2, 7] (“Cederman Decl.”) ¶ 4.

ROTC classes include “enrolled” cadets and “participating students.” Defs.’ Statement of Material Facts [Dkt. # 21-1] (“Defs.’ SOF”) ¶ 6; Pl.’s Resp. to Defs.’ SOF [Dkt. # 32-14] (“Pl.’s SOF Resp.”) ¶ 6. Enrolled cadets participate in classroom instruction, as well as training outside

⁴ The Army revised and relaxed its tattoo guidelines on April 10, 2015. Notice of Revised Regulation on Grooming and Appearance Standards [Dkt. # 42] at 1.

the classroom. Defs.’ SOF ¶ 6; Pl.’s SOF Resp. ¶ 6. They may wear military uniforms during training, and they are subject to Army grooming standards during ROTC activities. A.R. 145-1 at A067. Participating students are limited to attending ROTC classroom instruction. Cadet Command Pam 145-4, Regulatory App’x to Defs.’ Mot. [Dkt. # 21-4, 111] (“C.C. Pam 145-4”) at A109. They are not authorized to wear uniforms, nor are they subject to Army grooming standards. *See id.*; *see also* Defs.’ SOF ¶ 7; Pl.’s SOF Resp. ¶ 7. Students who are not enrolled in ROTC may only attend Hofstra’s military-science course during their first two years of college. Pl.’s SOF ¶ 7; Defs.’ SOF Resp. ¶ 7.

Enrolled cadets are either “contracted” or “non-contracted.” C.C. Pam 145-4 at A113. Non-contracted cadets are not members of the Army, Defs.’ SOF ¶ 8; Pl.’s SOF Resp. ¶ 8, and they must contract with the Army as cadets before their junior year of college in order to continue participating in ROTC activities and to be eligible for ROTC benefits. Pl.’s SOF ¶ 7; Defs.’ SOF Resp. ¶ 7. To be eligible to contract with the Army, enrolled cadets must either complete the “Basic Course,” or they must attend the Leader’s Training Course, or “Basic Camp,” during the summer before their junior year of college. *See* Army Reg. 145-1 at A069; Cederman Decl. ¶ 5. Enrolled cadets compete for a limited number of contracts. *See* Cederman Decl. ¶ 7; 30(b)(6) Cederman Dep., Feb. 26, 2015, Ex. 1 to Pl.’s Mot. [Dkt. # 34, 31] (“Cederman Dep.”) at 38.

Contracted cadets are members of the Army; they are required to enlist in the Army Reserve, and they agree to accept a commission in the Army if one is offered. Defs.’ SOF ¶¶ 8, 10; Pl.’s SOF Resp. ¶¶ 8, 10. In addition, only contracted cadets may participate in the ROTC “Advanced Course,” which includes the Military Science III and IV classes, and the Leadership Development and Assessment Course, a paid twenty-nine day session that “gives cadets the chance to practice what they have learned in the classroom, and introduces them to Army life ‘in the

field.” Defs.’ SOF ¶ 9; Pl.’s SOF Resp. ¶ 9; *see also* Cederman Decl. ¶¶ 3, 5. Contracted ROTC cadets are also eligible to receive scholarships of up to \$1,200 annually for books and expenses, and a \$300–\$500 per month tax-exempt spending allowance. Pl.’s SOF ¶ 3; Defs.’ SOF Resp. ¶ 3.

III. The Religious Freedom Restoration Act and Department of Defense Instruction 1300.17

“Congress enacted RFRA in 1993 in order to provide very broad protection for religious liberty.” *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751, 2760 (2014). To this end, RFRA provides that the “[g]overnment shall not substantially burden a person’s exercise of religion” unless it can “demonstrate[] that application of the burden to the person – (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” 42 U.S.C. § 2000bb-1(a)–(b).⁵ RFRA further specifies that “the term ‘government’ includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States.” *Id.* § 2000bb-2(1).

Whether a government action substantially burdens a plaintiff’s religious exercise is a question of law for a court to decide. *Priests for Life v. U.S. Dep’t of Health & Human Servs.*, 772 F.3d 229, 247 (D.C. Cir. 2014). “The term ‘religious exercise’ includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” 42 U.S.C. § 2000cc-5(7)(A); *see also id.* § 2000bb-2(4). If a plaintiff demonstrates the substantial burden to his religious belief, then the government bears the burden of showing that its policy furthers a compelling government interest by the least restrictive means. *Id.* §§ 2000bb-1(b), 2000bb-2(3); *Hobby Lobby*, 134 S. Ct. at 2761.

⁵ Although the Supreme Court found RFRA unconstitutional as applied to the states, *City of Boerne v. Flores*, 521 U.S. 507, 533–36 (1997), the statute still applies to the federal government. *Holy Land Found. for Relief & Dev. v. Ashcroft*, 333 F.3d 156, 167 (D.C. Cir. 2003); *Henderson v. Kennedy*, 265 F.3d 1072, 1073 (D.C. Cir. 2001).

The Department of Defense expressly incorporated RFRA into its own regulations effective January 22, 2010. It amended DoD Instruction (“DoDI”) 1300.17, which addresses “Accommodation of Religious Practices Within the Military Services,” as follows:

In accordance 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 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.

DoDI 1300.17, Regulatory App’x to Defs.’ Mot. [Dkt. # 21-4, 6] (“DoDI 1300.17”) at A004.⁶

With respect to the Army, any requests that would require a waiver of grooming and appearance practices must be forwarded to the Secretary of the Army and must be resolved by an official no lower than the Deputy Chief of Staff, G-1. *Id.* at A005. Requests for accommodation of religious practices are to be “assessed on a case-by-case basis” and “considered based on [their] 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.” *Id.*

**THE DECISION AT ISSUE IN THIS CASE:
The Denial of Plaintiff’s Request for a Religious Accommodation**

Plaintiff “has long dreamed of serving his country,” Pl.’s SOF ¶ 9, and he has explained that he wishes to enroll as a cadet in the Hofstra ROTC program so that he may compete for a

⁶ DoDI 1300.17 further provides that “[r]equests for religious accommodation from a military policy, practice, or duty that does **not** substantially burden a Service member’s exercise of religion” are evaluated by balancing “the needs of the requesting Service member . . . against the needs of mission accomplishment.” DoDI 1300.17 at A004. Requests for accommodation that fall under this balancing test may be denied “[o]nly if it is determined that the needs of mission accomplishment outweigh the needs of the Service member.” *Id.*

contract. Pl.’s Reply at 1–2. Plaintiff has participated in ROTC classes at Hofstra as an unenrolled student since his freshman year. Pl.’s SOF ¶ 13; Defs.’ SOF Resp. ¶ 13. In April 2013, plaintiff requested a religious accommodation so that he could fully enroll in ROTC, and complete all of the training necessary to compete for a contract, while maintaining his unshorn hair, beard, and turban. *See* Ex. O to Defs.’ Mot. [Dkt. # 21-2, 62] at 2. The Enrollment Officer of the Hofstra ROTC program denied plaintiff’s request for an accommodation, stating that “[t]he Army whenever possible, makes all attempts to accommodate religious practices and belief but not when it has an adverse impact on readiness, unit cohesion, standards, health, safety or discipline.” *Id.* at 1.

After the initial denial, plaintiff continued to seek an accommodation. In June 2013, the organization UNITED SIKHS sent a letter on plaintiff’s behalf to the ROTC Department Chair at the time, Lieutenant Colonel (“LTC”) David Daniel, urging him to approve a religious exemption for the plaintiff. Ex. N to Defs.’ Mot. [Dkt. # 21-2, 54–59]. LTC Daniel denied the request on August 16, 2013, stating that “the contracting of Cadets into the ROTC program who cannot comply with the wear and appearance and personal grooming standards of Army Regulation (AR) 670-1 is not permitted under AR 145-1,” and that neither he nor U.S. Army Cadet Command had the authority to permit an exception to this policy. Ex. M to Defs.’ Mot. [Dkt. # 21-2, 51] at 1. LTC Daniel further stated that it was “not legally permissible under AR 145-1 to grant religious exceptions to allow a Sikh Cadet to enroll in the ROTC program while maintaining his religious articles.” *Id.* at 1–2.

Plaintiff submitted a letter appealing LTC Daniel’s decision on November 11, 2013. Ex. H to Defs.’ Mot. [Dkt. # 21-2, 34–39]. Plaintiff learned that this request was denied by Major General (“MG”) Jefforey A. Smith in April 2014, Pl.’s SOF ¶ 17; Defs.’ SOF Resp. ¶ 17, after the

amendments to DoDI 1300.17 took effect. MG Smith stated that “ROTC units should not permit a student to enroll (contracted or non-contract) unless the student is willing to comply with Army policies, including AR 670-1.” Ex. F to Defs.’ Mot. [Dkt. # 21-2, 30]. He added that “[s]tudents who are not enrolled as cadets in the program may not apply for a religious accommodation,” and that “[a]ny ROTC Cadet who applies for a religious accommodation must comply with Army policy unless and until the request is approved.” *Id.*

On August 5, 2014, plaintiff’s attorneys wrote again to MG Smith, and to defendants Lieutenant General (“LTG”) James C. McConville and LTC Daniel Cederman. Ex. E to Defs.’ Mot. [Dkt. # 21-2, 18–28]. On October 17, 2014, LTG McConville responded that he was “unable to approve or deny a waiver of Army uniform and grooming policy . . . because prospective cadets, applicants, and enlistees are not subject to the Army’s uniform and grooming policy.” Ex. C to Defs.’ Mot. [Dkt. # 21-2, 13] at 1. In other words, the Army took the position that it was unable to consider plaintiff’s request for a religious accommodation that would enable him to enroll in ROTC because plaintiff was not yet enrolled in ROTC.

After plaintiff filed this lawsuit, the Army decided to process his accommodation request. Defs.’ Opp. to Pl.’s Mot. for Prelim. Inj. at 1. On December 19, 2014, plaintiff received a letter from LTG McConville denying the religious accommodation on substantive grounds. Decision Notice; McConville Letter.

LTG McConville’s letter stated that, after balancing “the facts of [plaintiff’s] individual case” against considerations of “military necessity,” the Army was denying the accommodation request on several grounds. McConville Letter at 1. McConville explained that “Army ROTC is the primary means of generating the officer leaders of the Army,” and so “it is important that Cadets are inculcated into the Army and its values, training methods, and traditions in a way that

is reflective of what their future Soldiers will expect of them.” *Id.* at 1–2. Citing his “over thirty years of experience as a leader and commander of Soldiers,” he determined that “[p]ermitting an obvious deviation from these standards in an officer training program” by granting plaintiff’s requested accommodation “would, in the eyes of the Soldiers whom Cadets are being trained to lead, damage the esteem and credibility of ROTC and the officer corps in general.” *Id.* at 2. In the seven-page letter, McConville further explained that, in his view, granting plaintiff an accommodation would undermine the following critical interests:

- Unit Cohesion and Morale: McConville stated that accommodating plaintiff’s religious practices “will have an adverse impact on unit cohesion and morale because uniformity is central to the development of a bonded and effective fighting force that is capable of meeting the Nation’s ever changing needs.” *Id.* He explained that “[u]niformity is a primary means by which we convert individuals into members of the Army,” especially in ROTC. *Id.* Since “[h]air and clothing are a very visible way that individuals express their identity,” maintaining uniformity helps a soldier or cadet to develop “a willingness to submit his individuality to the larger organization.” *Id.* at 2–3. He further stated that uniformity “promotes cohesive bonds by instilling a common identity, provides visual evidence of mutual experience, and reinforces a sense of tradition.” *Id.* at 3. McConville concluded that granting an accommodation to plaintiff “would undermine the common Army identity we are attempting to develop in ROTC, and adversely impact efforts to develop cohesive teams,” and would also “detract from the heritage that [McConville] view[s] as a vital component of soldierly strength.” *Id.*
- Good Order and Discipline: According to McConville, “[o]ne of the key ways the Army develops disciplined leaders is through ritualistic enforcement of uniform grooming standards.” *Id.* He explained that “[d]iscipline is the backbone of an efficient, cohesive, and effective fighting force,” and that “[e]xperience has shown [him] that the even handed enforcement of grooming standards instills the self-discipline necessary for the military member to perform effectively.” *Id.* at 4. “Uniformity,” he continued, “is a readily available means of instilling the practice of inspection and compliance that not only sharpens Soldiers, but also leaders.” *Id.* “Granting [plaintiff] an exception in a military officer training program would undercut this fundamental component of our program, and dramatically change the nature of how we train officers for the future needs of the Army.” *Id.* McConville warned that “[i]f officer training does not reflect Army training, the credibility of the officer corps will be called into

question.” *Id.* at 5. According to McConville, uniformity also promotes discipline “in a more subtle way because it helps to infuse Soldiers with a code of professional conduct that they will adhere to in combat.” *Id.* at 4. “Uniformity helps to inhibit personal desires and impulses that may be antithetical to mission accomplishment.” *Id.* at 5. For all these reasons, McConville concluded that granting an accommodation to plaintiff “would drive a stark wedge between the officer corps, its training, and the standards and training methods that are employed by the enlisted Army.” *Id.*

- Individual and Unit Readiness: McConville stated that permitting plaintiff to enroll in ROTC with a religious grooming and uniform accommodation “would leave [him] unprepared to advance to the next phase of officer training by failing to emphasize uniformity.” *Id.* He stated that the accommodation “would have a detrimental impact on [plaintiff’s] individual readiness” because “allowing [plaintiff] to continue in officer training without any emphasis on uniformity would leave [him] generally unprepared to lead Soldiers, viewed as an outsider by [his] peers, and trained in a manner that is wholly inconsistent with how we develop strong military officers.” *Id.* In addition, he stated that because plaintiff’s accommodation would weaken “good order, discipline, the credibility of the officer corps, cohesion, and morale,” it would also “undermine the overall readiness of the Army.” *Id.* at 5–6.
- Health and Safety: Referring to research that “shows that facial hair significantly degrades the protection factor of all approved protective masks,” McConville stated that plaintiff’s “degraded ability to seal a protective mask in training would not only subject [him] to risk during training, but, were [he] to enter the military service, leave [him] untrained in the proper wear and function of these potentially life saving measures.” *Id.* at 6. McConville noted that “there are some protective masks that are capable of providing protection to individual[s] who wear beards,” but that those masks “are not standard Army issue.” *Id.* Given that “the Army operates on a premise of interchangeable parts,” he concluded that it “simply is not feasible to provide [plaintiff] a special protective mask without undermining the Army’s need for flexibility to meet operational contingencies.” *Id.* In addition, McConville noted that compliance with Army grooming standards is “[o]ne of the most important mechanisms for managing risk” because it facilitates “the ability to assess a Soldier’s competency and attention to detail.” *Id.* “Disparate grooming standards mean that deficiencies are less capable of being identified, because quick impressions of competency to follow directions cannot be as readily made.” *Id.*

In addition, McConville discussed “a number of individual factors” that were unique to plaintiff’s case. *Id.* First, he considered “the implication of this denial on [plaintiff’s] ability to

practice [his] religion,” and he concluded that since plaintiff was “not a member of the Army,” he was not subject to the Army’s grooming and uniform requirements, and so he “remain[ed] free to maintain [his] articles of faith.” *Id.* Second, McConville distinguished plaintiff’s case from the cases of other Sikhs who have been granted religious accommodations by the Army in the past, noting that “[t]hose exceptions were granted after consideration of the requests on a case by case basis based on the military necessity factors that existed at the time,” and that the exceptions were made for individuals who possessed “unique skills or professional credentials.” *Id.* Although McConville was “empathetic to” plaintiff’s desire to serve in Military Intelligence and was aware of plaintiff’s language skills, he “nonetheless [found] that military necessity in the ROTC training environment would be adversely impacted by permitting an exception based on the specific facts” of this case. *Id.* at 7.

Finally, McConville stated that he did “not view the issuance of temporary medical exceptions to grooming standards as undercutting the Army’s wholesale ability to enforce grooming and appearance policies,” noting that these exceptions are “subject to approval by military commanders” and often limited in duration, and that a soldier with a medical grooming exception is still “required to trim his beard as close to his face as possible.” *Id.* The medical exceptions, he concluded, “are very different from the long term exception” plaintiff “request[ed] for officer training.” *Id.* For all of those reasons, LTG McConville denied plaintiff’s request for a religious accommodation.

STANDARD OF REVIEW

I. Motion to Dismiss

“To survive a [Rule 12(b)(6)] motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*,

556 U.S. 662, 678 (2009) (internal quotation marks omitted); *accord Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). In *Iqbal*, the Supreme Court reiterated the two principles underlying its decision in *Twombly*: “First, the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions.” 556 U.S. at 678. And “[s]econd, only a complaint that states a plausible claim for relief survives a motion to dismiss.” *Id.* at 679.

A claim is facially plausible when the pleaded factual content “allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* A pleading must offer more than “labels and conclusions” or a “formulaic recitation of the elements of a cause of action,” *id.*, quoting *Twombly*, 550 U.S. at 555, and “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.*

When considering a motion to dismiss under Rule 12(b)(6), the complaint is construed liberally in plaintiff’s favor, and the Court should grant plaintiff “the benefit of all inferences that can be derived from the facts alleged.” *Kowal v. MCI Commc’ns Corp.*, 16 F.3d 1271, 1276 (D.C. Cir. 1994). Nevertheless, the Court need not accept inferences drawn by the plaintiff if those inferences are unsupported by facts alleged in the complaint, nor must the Court accept plaintiff’s legal conclusions. *See id.*; *Browning v. Clinton*, 292 F.3d 235, 242 (D.C. Cir. 2002). In ruling upon a motion to dismiss for failure to state a claim, a court may ordinarily consider only “the facts alleged in the complaint, documents attached as exhibits or incorporated by reference in the complaint, and matters about which the Court may take judicial notice.” *Gustave-Schmidt v. Chao*, 226 F. Supp. 2d 191, 196 (D.D.C. 2002) (citations omitted).

II. Summary Judgment

“The rule governing cross-motions for summary judgment . . . is that neither party waives the right to a full trial on the merits by filing its own motion; each side concedes that no material facts are at issue only for the purposes of its own motion.” *Sherwood v. Washington Post*, 871 F.2d 1144, 1147 n.4 (D.C. Cir. 1989), quoting *McKenzie v. Sawyer*, 684 F.2d 62, 68 n.3 (D.C. Cir. 1982). In assessing each party’s motion, “[a]ll underlying facts and inferences are analyzed in the light most favorable to the non-moving party.” *N.S. ex rel. Stein v. District of Columbia*, 709 F. Supp. 2d 57, 65 (D.D.C. 2010), citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247 (1986).

Summary judgment is appropriate “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). The party seeking summary judgment bears the “initial responsibility of informing the district court of the basis for its motion, and identifying those portions of the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, which it believes demonstrate the absence of a genuine issue of material fact.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986) (internal quotation marks omitted). To defeat summary judgment, the non-moving party must “designate specific facts showing there is a genuine issue for trial.” *Id.* at 324 (internal quotation marks omitted). The existence of a factual dispute is insufficient to preclude summary judgment. *Anderson*, 477 U.S. at 247–48. A dispute is “genuine” only if a reasonable fact-finder could find for the non-moving party; a fact is only “material” if it is capable of affecting the outcome of the litigation. *Id.* at 248; *Laningham v. U.S. Navy*, 813 F.2d 1236, 1241 (D.C. Cir. 1987). In assessing a party’s motion, the court must “view the facts and draw reasonable inferences ‘in the light most favorable to the party opposing the summary

judgment motion.” *Scott v. Harris*, 550 U.S. 372, 378 (2007) (alterations omitted), quoting *United States v. Diebold, Inc.*, 369 U.S. 654, 655 (1962) (per curiam).

ANALYSIS

I. Defendants’ partial motion to dismiss on justiciability grounds is moot.

Defendants moved to dismiss the complaint in part, arguing that the Court does not have authority to grant some of the requested relief. Defs.’ Mem. at 1. Plaintiff originally asked the Court to grant him “a temporary accommodation and provisional *enlistment* pending the final outcome of this case” and to issue a permanent injunction “enjoining Defendants from enforcing the Army’s uniform and personal grooming standards” against him in a way that prevents him from “*enlist[ing]* and participat[ing] in ROTC.” See Compl., Request for Relief ¶¶ b–c (emphasis added). Defendants argue that the request for “enlistment” is nonjusticiable because it “extends beyond enrollment as a cadet in ROTC” by seeking to place plaintiff directly in the Army as a contracted cadet.⁷ Defs.’ Mem. at 17–18; *see also* Defs.’ Reply at 3.

But the use of the term “enlistment” was somewhat ambiguous, and, in any event, the landscape of the case has shifted since the complaint was filed. Plaintiff made it clear in his reply brief and at the hearing that he is simply seeking an order requiring defendants to permit him to *enroll* in ROTC with his articles of faith intact. Plaintiff states that he “does not ask this Court to direct his enlistment in the Army or order the Army to make him a commissioned officer”; rather, “[h]e seeks only to compete, on an equal footing, with his peers for a contracted spot in ROTC.”

⁷ In support of this position, defendants cite numerous cases in which courts found that challenges to military decisions relating to the enlisting or commissioning of personnel were nonjusticiable, including *Orloff v. Willoughby*, 345 U.S. 83 (1953), *Khalsa v. Weinberger*, 779 F.2d 1393 (9th Cir. 1986), *West v. Brown*, 558 F.2d 757 (5th Cir. 1977), and *Kreis v. Sec’y of Air Force*, 886 F.2d 1508 (D.C. Cir. 1989). Defs.’ Mem. at 18–21.

Pl.’s Reply at 1; *see also* Motions Hr’g Tr., Apr. 29, 2015 (“Hr’g Tr.”) at 9.⁸ Furthermore, plaintiff concedes that if even he earned an ROTC contract, defendants “would be under no obligation to grant him a commission if his performance showed that he could not serve and lead.” Pl.’s Reply at 4; *see also* Hr’g Tr. at 9.

Given that plaintiff does not seek enlistment in the Army, but only enrollment in ROTC, the Court finds – and defendants agree – that the justiciability objection is moot. *See* Hr’g Tr. at 28–31;⁹ *cf. Larsen v. U.S. Navy*, 346 F. Supp. 2d 122, 127–28 (D.D.C. 2004) (“[T]he plaintiffs seek to compete for a position without the Navy subjecting them to an allegedly unconstitutional hiring practice. And the court is well within its authority to adjudicate that.”). Therefore, defendants’ partial motion to dismiss will be denied.

II. Defendants have conceded that the Army’s denial of plaintiff’s accommodation request substantially burdens plaintiff’s religious exercise.

Defendants also moved to dismiss the complaint in full on the grounds that plaintiff could not carry his burden to show that the Army had imposed a substantial burden on his religious exercise. Defs.’ Mem. at 14.

RFRA applies only to government actions that “substantially burden a person’s exercise of religion.” 42 U.S.C. § 2000bb-1(a); *Priests for Life*, 772 F.3d at 246. A RFRA plaintiff’s “beliefs ‘must be sincere and the practice[] at issue must be of a religious nature.’” *Kaemmerling v. Lappin*, 553 F.3d 669, 678 (D.C. Cir. 2008) (alteration in original), quoting *Levitan v. Ashcroft*, 281 F.3d 1313, 1320 (D.C. Cir. 2002). “A substantial burden exists when government action puts

⁸ Citations to the hearing transcript refer to an unofficial version of the transcript.

⁹ In addition, the Court notes that any challenge by plaintiff relating to an ROTC contract or Army commission would not yet be ripe, and therefore would not be properly presented any event.

‘substantial pressure on an adherent to modify his behavior and to violate his beliefs.’” *Id.*, quoting *Thomas v. Review Bd.*, 450 U.S. 707, 718 (1981); accord *Priests for Life*, 772 F.3d at 246.

There is no dispute that plaintiff’s religious beliefs are sincerely held. But defendants initially argued in response to the complaint that plaintiff’s religious practice was not burdened by any government action because he was still a civilian, and the Army’s regulations did not apply to him. Defs.’ Mem. at 16–17. Defendants further contended that a “substantial burden” is imposed under RFRA “‘only when individuals are forced to choose between following the tenets of their religion and receiving a governmental benefit . . . or coerced to act contrary to their religious beliefs by the threat of civil or criminal sanctions.’” Defs.’ Mem. at 15–16, quoting *Navajo Nation v. U.S. Forest Serv.*, 535 F.3d 1058, 1070 (9th Cir. 2008).

But while this case was pending, the Army decided to process, and then to deny, plaintiff’s request for a religious accommodation. See McConville Letter. Thus, as plaintiff clarified at oral argument, the specific government action that is now at issue in this case is that denial. Hr’g Tr. at 12 (“MS. WEAVER: We’re saying that the denial of the accommodation is a violation of RFRA here.”). Counsel for defendants conceded at the hearing that the Army is a government actor to which RFRA applies, *id.* at 35, and that the Army’s denial of the religious accommodation applies to plaintiff, whether or not the Army’s regulations do. *Id.* at 31–32. And defendants’ counsel also conceded that enrollment in ROTC constitutes a government benefit.¹⁰ *Id.* at 33–34 (“THE COURT: . . . [Do] you agree with me now that the denial of the accommodation has denied [plaintiff] a government benefit . . . ? MR. WILLIAMS: As to enrollment, yes, Your Honor.”).

¹⁰ Moreover, the record reflects numerous benefits that accompany enrollment in ROTC, such as the leadership training courses that are only available to enrolled cadets. See Cederman Decl. ¶ 5. For that reason, and because defendants have conceded the issue, the Court need not analyze this question under the “government benefit” standard that applies in this Circuit. See, e.g., *Autor v. Pritzker*, 740 F.3d 176, 182–83 (D.C. Cir. 2014).

Therefore, there is no dispute that the Army's refusal to grant plaintiff the accommodation that would enable him to enroll in ROTC while maintaining his religious practice was a government action that required plaintiff "to choose between following the tenets of [his] religion and receiving a governmental benefit." *Navajo Nation*, 535 F.3d at 1070. The denial thus constitutes a "substantial burden" under RFRA, *see id.*; *see also Priests for Life*, 772 F.3d at 246, and defendants' motion to dismiss on that basis will be denied.

III. Defendants have not shown that the denial of a religious accommodation to plaintiff furthers the Army's compelling interests by the least restrictive means.

A. RFRA's strict scrutiny standard applies to the Army.

RFRA provides that the government "shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability." 42 U.S.C. § 2000bb-1(a). The government may impose a substantial burden "only if it demonstrates that application of the burden to the person – (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." *Id.* § 2000bb-1(b). Through RFRA, Congress overturned the interpretation of the First Amendment the Supreme Court announced in *Employment Division v. Smith*, 494 U.S. 872 (1990), *see* 42 U.S.C. § 2000bb(a)(4), and it codified and reinstated "the compelling interest test as set forth in *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v. Yoder*, 406 U.S. 205 (1972)."¹¹ *Id.* § 2000bb(b)(1); *see also Priests for Life*, 772 F.3d at 244.

¹¹ In *Sherbert*, the Supreme Court held that, under this test, a state could not deny unemployment benefits to an employee who was fired for refusing to work on her Sabbath. 374 U.S. at 399, 408–09. In *Yoder*, the Court applied the test and upended a state law that required children to attend school until the age of sixteen as it applied to Amish children, whose religion "required them to focus on uniquely Amish values and beliefs during their formative adolescent years." *Hobby Lobby*, 134 S. Ct. at 2760, citing *Yoder*, 406 U.S. at 210–11, 234–36.

RFRA claims must be considered on an individual basis. As the Supreme Court has emphasized, the statute “‘requires the Government to demonstrate that the compelling interest test is satisfied through application of the challenged law to the person – the particular claimant whose sincere exercise of religion is being substantially burdened.’” *Hobby Lobby*, 134 S. Ct. at 2779, quoting *Gonzales v. O Centro Espirita Beneficente Uniao Do Vegetal*, 546 U.S. 418, 430–31 (2006). Accordingly, courts must “‘loo[k] beyond broadly formulated interests’ and . . . ‘scrutiniz[e] the asserted harm of granting specific exemptions to particular religious claimants.’” *Id.* (alterations in original), quoting *O Centro*, 546 U.S. at 431.

RFRA applies to the “government,” which is defined to include “a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States.” 42 U.S.C. § 2000bb-2(1). So, on its face, the statute plainly applies to the U.S. Army. And defendants acknowledge that Congress specifically intended RFRA to apply to the military. Hr’g Tr. at 35; *see also* S. Rep. No. 103-111, at 12 (1993) (“Under the unitary standard set forth in [RFRA], courts will review the free exercise claims of military personnel under the compelling governmental interest test.”); H.R. Rep. No. 103-88 (1993) (“Pursuant to the Religious Freedom Restoration Act, the courts must review the claims of prisoners and military personnel under the compelling governmental interest test.”).

But the statute was enacted against a known backdrop of longstanding precedent involving judicial deference to military authorities charged with the management of military affairs. The Supreme Court has made it clear that “[t]he military constitutes a specialized community governed by a separate discipline from that of the civilian,” *Orloff v. Willoughby*, 345 U.S. 83, 94 (1953), and “[t]he complex, subtle, and professional decisions as to the composition, training, equipping, and control of a military force are essentially professional military judgments.” *Gilligan v.*

Morgan, 413 U.S. 1, 10 (1973). *See also Orloff*, 345 U.S. at 93–94 (“[J]udges are not given the task of running the Army. . . . Orderly government requires that the judiciary be as scrupulous not to interfere with legitimate Army matters as the Army must be scrupulous not to intervene in judicial matters.”); *and Gilligan*, 413 U.S. at 10 (“[I]t is difficult to conceive of an area of governmental activity in which the courts have less competence [than military affairs]. . . . The ultimate responsibility for these decisions is appropriately vested in branches of the government which are periodically subject to electoral accountability.”).

In enacting RFRA, Congress specifically acknowledged the importance of maintaining order and discipline within the military ranks, and it noted its expectation that courts would adhere to the tradition of judicial deference in matters involving both prisons and the armed forces. *See* S. Rep. No. 103-111, at 10, 12.¹² But it also expressed its clear understanding that the heightened standard of review would still apply in both contexts. The House Report stated:

Pursuant to the Religious Freedom Restoration Act, the courts must review the claims of prisoners and military personnel under the compelling governmental interest test. Seemingly reasonable regulations based upon speculation, exaggerated fears or thoughtless policies cannot stand. Officials must show that the relevant regulations are the least restrictive means of protecting a compelling governmental interest. However, examination of such regulations in light of a higher standard does not mean the expertise and authority of military and prison officials will be necessarily undermined. The Committee recognizes that religious liberty claims in the context of prisons and the military present far different problems for the operation of those institutions than they do in civilian settings. Ensuring the safety and orderliness of penological institutions, as

12 “The courts have always recognized the compelling nature of the military’s interest in these objectives in the regulations of our armed services. Likewise, the courts have always extended to military authorities significant deference in effectuating these interests. The committee intends and expects that such deference will continue under this bill.” S. Rep. No. 103-111, at 12. The Senate Report also stated: “[T]he committee expects that the courts will consider the tradition of giving due deference to the experience and expertise of prison and jail administrators in establishing necessary regulations and procedures to maintain good order, security and discipline, consistent with consideration of costs and limited resources.” *Id.* at 10.

well as maintaining discipline in our armed forces, have been recognized as governmental interests of the highest order.

H.R. Rep. No. 103-88. And the Senate Report observed that “[t]he committee is confident that the bill will not adversely impair the ability of the U.S. military to maintain good order, discipline, and security.” S. Rep. No. 103-111, at 12.

This case appears to be the first to squarely present the question of how a court is supposed to incorporate traditional deference to the military into the RFRA strict scrutiny analysis. But recently, the Supreme Court has applied the RFRA test in a situation where a similar sort of deference was due, and that opinion is instructive here.

In *Holt v. Hobbs*, 135 S. Ct. 853 (2015), the Court considered the grooming policy of the Arkansas Department of Corrections as applied to a Muslim inmate. *Id.* at 859. The policy prohibited inmates from growing beards for any reason other than medical necessity, *id.*, and an inmate sought and was denied a religious accommodation to grow a half-inch beard in accordance with his faith. *Id.* at 861. He brought a challenge under the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. § 2000cc *et seq.*, contending that the policy substantially burdened his religious exercise without justification.¹³ *Id.* at 859. The religious exercise provision of RLUIPA “mirrors RFRA,” and “allows prisoners ‘to seek religious accommodations pursuant to the same standard as set forth in RFRA.’” *Id.* at 860, quoting *O Centro*, 546 U.S. at 436.

¹³ RLUIPA is RFRA’s “sister statute.” *Holt*, 135 S. Ct. at 859; *accord Hobby Lobby*, 134 S. Ct. at 2781. It was enacted in response to *City of Boerne v. Flores*, 521 U.S. 507 (1997), where the Supreme Court held that Congress exceeded its powers under Section 5 of the Fourteenth Amendment when it applied RFRA to the states. *Holt*, 135 S. Ct. at 860. Congress enacted RLUIPA pursuant to its authority under the Spending and Commerce Clauses, and the statute governs, among other things, religious exercise by state prison inmates. *Id.*; *see also* 42 U.S.C. § 2000cc-1.

The prison officials did not dispute that growing a beard was “a dictate of [the petitioner’s] religious faith,” and the Court found that the prison grooming policy substantially burdened his religious exercise. *Id.* at 862. Nevertheless, the prison officials contended that the grooming policy was the least restrictive means of furthering a compelling interest in “prison safety and security,” *id.* at 863, because it prevented prisoners from concealing contraband in their beards, and from disguising their identities. *Id.* at 863–64. Citing the deference traditionally accorded to the judgments of prison officials, the District Court and the Eighth Circuit agreed. *Id.* at 861.

The Supreme Court unanimously rejected the prison officials’ contentions, reversing the courts below. *Id.* at 867. The Court noted first that the prison officials had asserted a “‘broadly formulated interest,’” but that “RLUIPA, like RFRA, contemplates a ‘more focused’ inquiry.” *Id.* at 863, quoting *Hobby Lobby*, 134 S. Ct. at 2779. The two statutes require the government “‘to demonstrate that the compelling interest test is satisfied through application of the challenged law to . . . the particular claimant whose sincere exercise of religion is being substantially burdened.’” *Id.*, quoting *Hobby Lobby*, 134 S. Ct. at 2779. Thus, the *Holt* Court reiterated that under RLUIPA and RFRA, a court must “‘scrutiniz[e] the asserted harm of granting specific exemptions to particular religious claimants’ and . . . ‘look to the marginal interest in enforcing’ the challenged government action in that particular context.” *Id.*, quoting *Hobby Lobby*, 134 S. Ct. at 2779 (alteration in original). In accordance with that test, the Department of Corrections needed to show that the grooming policy, as applied specifically to the petitioner, furthered its compelling interests in the least restrictive way. *Id.*

While it acknowledged the need to “respect [the] expertise” of prison officials, the Court concluded that it could not find “that denying petitioner a ½-inch beard actually furthers the Department’s interest in rooting out contraband” without according the prison officials “a degree

of deference that is tantamount to unquestioning acceptance.” *Id.* at 864. The Supreme Court underscored that RLUIPA “does not permit such unquestioning deference,” and that, like RFRA, it ““makes clear that it is the obligation of the courts to consider whether exceptions are required under the test set forth by Congress.”” *Id.*, quoting *O Centro*, 546 U.S. at 434. The Court went on to observe that even if the prison officials could show that the beard policy furthered an interest in curtailing the circulation of contraband, they had “offered no sound reason why hair, clothing, and [medically-authorized] ¼-inch beards can be searched but ½-inch beards cannot.” *Id.*

The *Holt* Court also found that, assuming the grooming policy advanced the assuredly compelling interest in “the quick and reliable identification of prisoners,” it “still violate[d] RLUIPA as applied in the circumstances present[ed]” because there were less restrictive means available. *Id.* at 864–65. The Court agreed with the petitioner that the Department of Corrections could require that inmates be photographed both with and without their beards so that guards could use both images when making an identification. *Id.* at 865. And it noted that the Department of Corrections “already ha[d] a policy of photographing a prisoner both when he enters an institution and when his appearance changes at any time during his incarceration.” *Id.* (citation and internal quotation marks omitted).

In addition, the Court observed that the Department of Corrections had failed to explain adequately why its grooming policy was “substantially underinclusive.” *Id.* at 865. The Court noted that “[a]lthough the Department [of Corrections] denied petitioner’s request to grow a ½-inch beard, it permits prisoners with a dermatological condition to grow ¼-inch beards . . . even though both beards pose similar risks,” and it found that this issue bore on the RLUIPA analysis. *Id.* at 865–66.

Finally, the Court emphasized that the courts below had incorrectly “deferred to these prison officials’ mere say-so that they could not accommodate petitioner’s request,” and that RLUIPA “demands much more.” *Id.* at 866. “Courts must hold prisons to their statutory burden, and they must not ‘assume a plausible, less restrictive alternative would be ineffective.’” *Id.*, quoting *United States v. Playboy Entm’t Grp., Inc.*, 529 U.S. 803, 824 (2000). The Court concluded by noting that while enforcement of RLUIPA “provides substantial protection for the religious exercise of institutionalized persons,” it still “affords prison officials ample ability to maintain security.” *Id.*

In the case before this Court, defendants contend that the heightened deference owed to military judgments requires the Court to grant their motion for summary judgment. *See* Defs.’ Mem. at 22–32; Hr’g Tr. at 36–37. They argue that “[e]ach of the classic areas involving professional military judgments deserving of deference are implicated” in this case, including the composition, training, and equipping of the fighting force. Defs.’ Reply at 14. They also assert that “[t]he Army’s decision here is inherently more complex than the prison official’s decision in *Holt*” because it relates to “a distinctly military matter, for which the Army’s leadership is undeniably in best position, by virtue of its experience and expertise, to decide.” *Id.* at 14–15.

Defendants direct the Court to the long line of cases predating RFRA that describe the nature of the deference that they contend is due here. *See, e.g., Orloff*, 345 U.S. at 93–94; *Gilligan*, 413 U.S. at 10. They point in particular to *Goldman v. Weinberger*, 475 U.S. 503 (1986), in which the Supreme Court declined to apply strict scrutiny in the case of an Orthodox Jewish serviceman who claimed that the Air Force’s prohibition on wearing “headgear,” including yarmulkes, while

in uniform violated his rights under the First Amendment. *Id.* at 504–07. Citing the deference owed to military judgments, the Court rejected his free exercise claim.¹⁴ *Id.* at 507–10.

But all of those cases predate RFRA, and the Court is bound to follow the guidance of *Holt* when seeking to harmonize the necessary respect for military judgment with the dictates of the statutory regime. And here, when defendants urge the Court to look no further than the plain language of LTG McConville’s decision, *see, e.g.*, Defs.’ Mem. at 29, they are asking the Court to accord “a degree of deference that is tantamount to unquestioning acceptance,” *see Holt*, 135 S. Ct. at 864, which is not the proper function of a court in a RFRA case.¹⁵ *See id.*

Defendants also encourage the Court to stay its hand on the grounds that the military will do a better job responding to social change on its own. *See* Defs.’ Reply at 15. They point to the fact that military commanders have been central to important policy changes that the services have implemented in recent years, including the repeal of the ban on openly gay service members, and voluntary changes to the policies on direct ground combat assignments for women. *Id.* at 15–16. “These examples,” they maintain, “counsel against bold judicial intervention, and most

14 Defendants’ pleadings initially suggested that RFRA’s strict scrutiny standard did not even apply to the Army’s decision here. *See, e.g.*, Defs.’ Mem. at 27 (“RFRA was never intended to, and did not in fact, alter the standard of review applied by the Supreme Court . . . to cases involving the military.”); Defs.’ Reply at 12 (“Congress did not displace *Goldman* deference with RFRA.”). But defendants’ counsel acknowledged at the hearing that strict scrutiny does apply in this case. Hr’g Tr. at 35–36.

15 The *Goldman* case does not govern the Court’s analysis here for the additional reason that, in *Goldman*, the Supreme Court expressly declined to apply the strict scrutiny standard articulated in *Sherbert* and *Yoder*, and instead reviewed the petitioner’s Free Exercise claims under a “far more deferential” standard. *Goldman*, 475 U.S. at 506–07. But one of the “purposes” of RFRA is “to restore the compelling interest test as set forth in *Sherbert v. Verner* and *Wisconsin v. Yoder* and to guarantee its application in all cases where free exercise of religion is substantially burdened . . . by government.” 42 U.S.C. § 2000bb(b)(1)–(2) (citations omitted). Thus, unlike the *Goldman* Court, this Court is bound to review defendants’ actions under the strict scrutiny standard.

importantly demonstrate that successful change requires military commanders to be central to the decision-making process.” *Id.* at 16.

But the approach must be different in this case, because even if it involves an important matter of public policy and evolving social norms, Congress has already placed a thumb on the scale in favor of protecting religious exercise, and it has assigned the Court a significant role to play. *See Holt*, 135 S. Ct. at 859–60 (“Congress enacted RFRA in order to provide greater protection for religious exercise than is available under the First Amendment.”), citing *Hobby Lobby*, 134 S. Ct. at 2760–61; *cf. Cutter v. Wilkinson*, 544 U.S. 709, 714 (2005) (“RLUIPA is the latest of long-running congressional efforts to accord religious exercise heightened protection from government-imposed burdens”).

In sum, while the Court must credit the Army’s assertions and give due respect to its articulation of important military interests, the Court may not rely on LTG McConville’s “mere say-so.” *Holt*, 135 S. Ct. at 866. Instead, it must consider whether an exception is required under the strict scrutiny test, and hold defendants to their burden of demonstrating that the denial of the limited accommodation sought in this case is the least restrictive means to advance the Army’s compelling interest. *See Holt*, 135 S. Ct. at 864; *see also* 42 U.S.C. § 2000bb-1(b).

B. Defendants have not demonstrated that denying an accommodation to plaintiff furthers the government’s compelling interests.

Defendants assert that “[t]he Army’s decision to deny Plaintiff’s request for a grooming accommodation while in an officer training program furthers compelling interests in maintaining a credible officer corps and an effective fighting force that is capable of meeting the Nation’s defensive needs.” Defs.’ Mem. at 32; *see also* McConville Letter at 1 (“I am denying your request to wear unshorn hair, a beard, and a turban as an enrolled cadet in Hofstra University Army ROTC because the requested accommodation will adversely impact individual and unit readiness, unit

cohesion, morale, good order, discipline, health and safety within the Army ROTC program.”). According to LTG McConville, “[u]niformity is a primary way the Army builds an effective fighting force” because “[i]t allows a strong team identity to be forged, distinguishes service members from the civilian population, reinforces notions of selfless service, and provides a routine that instills discipline in Soldiers and leaders, while connecting the Army to its past in a visible way.” McConville Letter at 1. Defendants assert that “[t]he interest in maintaining an effective Army by developing a disciplined, well trained, credible, cohesively bonded, and reliable corps of officers in ROTC is undeniably compelling.” Defs.’ Mem. at 32.

There can be no doubt that military readiness and the unit cohesion and discipline of the Army officer corps constitute highly compelling government interests. *See* Hr’g Tr. at 26 (“[MS. WEAVER:] We all agree that unit cohesion is a compelling interest”); *see also* S. Rep. No. 103-111, at 12 (“The committee is confident that [RFRA] will not adversely impair the ability of the U.S. military to maintain good order, discipline, and security. The courts have always recognized the compelling nature of the military’s interest in these objectives in the regulations of our armed services.”); H.R. Rep. No. 103-88 (“[M]aintaining discipline in our armed forces[] [has] been recognized as [a] government[] interest[] of the highest order.”).

But RFRA “requires the Government to demonstrate that the compelling interest test is satisfied through application of the challenged law ‘to the person’ – the particular claimant whose sincere exercise of religion is being substantially burdened.” *O Centro*, 546 U.S. at 430–31, quoting 42 U.S.C. § 2000bb-1(b); *accord Hobby Lobby*, 134 S. Ct. at 2779; *Holt*, 135 S. Ct. at 863. Thus, the Court must determine whether defendants have proven that the decision to deny *this plaintiff* a religious accommodation that would enable him to enroll in ROTC actually furthers the compelling interests defendants have identified. Moreover, “[w]here a regulation already

provides an exception from the law for a particular group, the government will have a higher burden in showing that the law, as applied, furthers the compelling interest.” *McAllen Grace Brethren Church v. Salazar*, 764 F.3d 465, 472–73 (5th Cir. 2014), citing *Hobby Lobby*, 134 S. Ct. at 2781–82.

In this case, there is ample undisputed evidence that soldiers in all corners of the Army are permitted to maintain beards and to wear religious headgear while in uniform, as well as to deviate from the grooming standards in other ways. And the Army has allowed several Sikhs to serve – albeit, in different circumstances than plaintiff – with accommodations for their turbans, beards, and unshorn hair. So defendants cannot simply invoke general principles here – they must make the necessary heightened showing to justify the specific refusal to grant an exception to plaintiff.

The Court finds that defendants have not overcome this hurdle.

1. LTG McConville’s Decision

LTG McConville’s decision to deny an accommodation to plaintiff rested on his conclusion that permitting “an obvious deviation” from the uniform and grooming regulations in an officer training program would undermine:

- “Unit cohesion and morale,” because it would “undermine the common Army identity we are attempting to develop in ROTC, and adversely impact efforts to develop cohesive teams,” McConville Letter at 2–3;
- “Good order and discipline,” because “the even handed enforcement of grooming standards instills the self-discipline necessary for the military member to perform effectively”; “[g]ranting [plaintiff] an exception in a military officer training program would undercut this fundamental component of [the] program, and dramatically change the nature of how we train officers for the future needs of the Army”; and “[i]f officer training does not reflect Army training, the credibility of the officer corps will be called into question,” *id.* at 3–5;
- “Individual and unit readiness,” because “allowing [plaintiff] to continue in officer training without any emphasis on uniformity would leave [him] generally unprepared to lead Soldiers, viewed as an outsider by [his] peers,

and trained in a manner that is wholly inconsistent with how we develop strong military officers,” thereby weakening “good order, discipline, the credibility of the officer corps, cohesion, and morale,” as well as military readiness in general, *id.* at 5–6; and

- Plaintiff’s “health and safety,” based on an Army study that shows that “facial hair significantly degrades the protection factor of all approved protective masks,” and because compliance with Army grooming standards is “[o]ne of the most important mechanisms for managing risk” because it facilitates “the ability to assess a Soldier’s competency and attention to detail,” *id.* at 6.

McConville acknowledged that the Army had granted religious accommodations to Sikh soldiers in the past, but he differentiated those individuals because the exceptions were granted “based on the military necessity factors that existed at the time,” and the soldiers were “selected to serve in positions requiring unique skills or professional credentials to meet the Army’s operational needs.”¹⁶ *Id.* McConville also offered his view that issuing temporary medical exceptions to grooming standards did not undercut the Army’s ability to enforce grooming and appearance policies in general because those exceptions are “subject to approval by military commanders” and often limited in duration, and still they require the recipient to “trim his beard as close to his face as possible.” *Id.* at 7.

Notwithstanding the undeniable importance of uniformity to military discipline, unit cohesion, and safety in general, these justifications for the Army’s decision do not withstand strict scrutiny.

¹⁶ Although plaintiff speaks multiple languages, defendants state that “the Army is not actively using ROTC as a means of aggressively filling the needs Plaintiff perceives it has for the languages he can speak.” Defs.’ Reply at 21; *see also* McConville Letter at 7 (noting that LTG McConville considered plaintiff’s language skills).

2. The Army has permitted numerous exceptions to its grooming and uniform policies.

Defendants' contention that denying plaintiff a religious accommodation furthers the stated compelling interests is undermined by the fact that the Army routinely grants soldiers exceptions to its grooming and uniform regulations. *See Hobby Lobby*, 134 S. Ct. at 2781–82.

First, since 2007, the Army has permitted more than 100,000 service members to grow beards for medical reasons; it has authorized at least 49,690 permanent “shaving profiles,” and at least 57,616 temporary ones.¹⁷ *See* Ex. 9 to Pl.’s Mot. These soldiers with beards include not only enlisted men but officers bound to ensure that the men who serve under them are clean-shaven. *See id.*

Defendants argue that plaintiff’s request for a grooming accommodation for his unshorn beard is different because soldiers with medically-authorized beards are required to trim them as short as an eighth of an inch. Defs.’ Reply at 18 n.4; *see also* Hr’g Tr. at 48–49. Defendants also point out that commanders are empowered to require soldiers with medically-authorized beards to shave for reasons of operational necessity and safety. *See* TB MED 287 at 12 (“[A] unit commander has the authority to require that a Soldier’s beard be shaved if the unit is in, or about to enter, a situation where use of a protective mask is required.”); *see also* Defs.’ Mem. at 37. In addition, defendants note that medical shaving profiles are often temporary, and that soldiers whose skin conditions are “permanent in nature and interfere[] with military duties” may face separation from the Army on that basis. Defs.’ Mem. at 35–37. Finally, defendants argue that the Army’s policy of granting shaving profiles for medical purposes ultimately strengthens the

¹⁷ In addition, “the Army does not always enforce grooming policies pertaining to beards when operational necessity requires.” Defs.’ Admiss. at 4.

Army by increasing its diversity, given that the relevant skin conditions disproportionately affect African Americans. Defs.’ Reply at 18–19.

It is undisputed that there are differences between the religious accommodation plaintiff seeks for his beard and the shaving profiles the Army has granted. But defendants have not carried their burden to show that permitting plaintiff’s unshorn beard would undermine the Army’s compelling interests any more than the medical beard accommodations the Army has provided, especially considering that the Army permits soldiers to grow beards longer than a quarter of an inch “if medically necessary.” *See* Defs.’ Reply at 18 n.4. And although some shaving profiles are classified as temporary, tens of thousands of them are “permanent,” *see* Ex. 9 to Pl.’s Mot., and defendants have offered no evidence that any soldier has been separated on that basis.

Moreover, while soldiers who are granted shaving profiles may be required to shave by their commanders, the Army’s own rules provide that this authority “should not [b]e used to require that a Soldier be clean shaven for maneuvers and other tactical simulations,” but should be invoked only “when there is an actual need to wear the protective mask in a real tactical operation.”¹⁸ TB MED 287 at 12. Therefore, the fact that other shaving exceptions may be revocable does not support the outright denial of the accommodation sought here: as an ROTC enrollee, or even as a contracted cadet, plaintiff would never encounter the “real tactical operation” that would permit a commander to require a soldier with a medically-necessary beard to shave. *See* Hr’g Tr. at 40 (“MR. WILLIAMS: A ROTC cadet would not be able to be called up.”).

¹⁸ The Army Technical Bulletin on this issue also states that “[t]he existence of a beard does not prevent performance of most military duties” and that “the fact that a profile is awarded authorizing the growth of a beard should not ordinarily require any functional limitations requiring a change or limitation in the performance of military duties.” TB MED 287 at 12.

For the same reason, the concern about plaintiff's health and safety is misplaced, at least for the duration of his participation in ROTC.¹⁹

Finally, the Court notes that defendants have not claimed or shown that even one of the more than 100,000 soldiers who have been permitted to grow a beard since 2007 – including many who have served in deployed environments – has been ordered to shave it for any reason.

In sum, it is difficult to see how accommodating plaintiff's religious exercise would do greater damage to the Army's compelling interests in uniformity, discipline, credibility, unit cohesion, and training than the tens of thousands of medical shaving profiles the Army has already granted. *See Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 547 (1993) ("It is established in our strict scrutiny jurisprudence that a law cannot be regarded as protecting an interest of the highest order . . . when it leaves appreciable damage to that supposedly vital interest unprohibited.") (citation and internal quotation marks omitted); *accord O Centro*, 546 U.S. at 433; *cf. Fraternal Order of Police Newark Lodge No. 12 v. City of Newark*, 170 F.3d 359, 366–67 (3d Cir. 1999) (Alito, J.) ("[T]he Department has provided no legitimate explanation as to why the presence of officers who wear beards for medical reasons does not have [the same] effect [as] the presence of officers who wear beards for religious reason would. . . . We are at a loss to understand why religious exemptions threaten important city interests but medical exemptions do not."). Defendants have not claimed or shown that any of the soldiers and officers who have served with beards have been less disciplined, less credible, less socially integrated, or less well-trained than their clean-shaven colleagues. In addition, to the extent that the Army has also asserted an

¹⁹ The Court recognizes, of course, that ROTC is a training program designed to produce Army officers who might face "an actual need to wear the protective mask," TB MED 287 at 12, but, again, the question of whether the Army must accommodate plaintiff at that point is not yet ripe.

interest in diversity, that interest would plainly be furthered by permitting plaintiff's enrollment in ROTC. *See* Defs.' Reply at 18–19; *see also* McConville Dep., Mar. 2, 2015, Ex. FF to Defs.' Reply [Dkt. # 37-3, 276–77] at 124–25 (noting previous statement by LTG McConville that “finding young minority officers now is key to diversi[ty] in the next generation of the Army's leaders”).

Medically-based shaving profiles are not the only large-scale exception the Army makes to its grooming policies. In March of 2014, the Army tightened its policies related to tattoos, but it grandfathered in nearly 200,000 soldiers with non-conforming tattoos – including officers who will be bound to enforce the policy in the future.²⁰ *See* Defs.' Stip. at 2; A.R. 670-1 at 11. The tattoos cover a wide range of personal expression, and they include religious iconography, symbols of cultural or ethnic heritage, images from popular culture, and more. *See* Pl.'s SOF ¶¶ 64–67 (citing examples); Defs.' SOF Resp. ¶¶ 64–67; *see also supra* Regulatory Background Part I(C). The fact that the Army is able to tolerate so many idiosyncratic deviations from its grooming regulations further undermines LTG McConville's assertion that “the even handed enforcement of grooming standards” is critical to “instill[] the self-discipline necessary for the military member to perform effectively.” McConville Letter at 4; *see also Church of the Lukumi Babalu Aye*, 508 U.S. at 547; *O Centro*, 546 U.S. at 433.

Neither LTG McConville's decision nor defendants' pleadings say much about plaintiff's request to maintain his turban and unshorn hair. LTG McConville's letter states that “[h]air and clothing are a very visible way that individuals express their identity,” and that “[b]y eliminating

²⁰ As noted above, *see supra* note 4, the Army relaxed its tattoo guidelines on April 10, 2015, *see* Notice of Revised Regulation on Grooming and Appearance Standards at 1, opening the door to even more variation within the ranks.

the social distinctions that different civilian attire implies, uniforms emphasize the professional equality of all military people.” McConville Letter at 2. But it is undisputed that the Army’s own regulations permit soldiers to wear yarmulkes and other religious headgear, *see* Defs.’ Mem. at 7; A.R. 600-20 at A024; DoDI 1300.17 at A010; *see also supra* Regulatory Background Part I(A), and defendants do not contend that a turban would necessarily fail to satisfy the religious headgear rules.²¹ Moreover, although Army regulations require male soldiers to keep the hair on their heads cut short, defendants do not – and cannot – contend that plaintiff’s unshorn hair, when tucked into a turban in accordance with religious precepts, would “fall over the ears or eyebrows, or touch the collar,” or present an appearance that is anything other than “neat and conservative.” *See* A.R. 670-1 at 5. In view of the vast number of exceptions to the grooming and uniform standards that the Army has granted, the Court finds that defendants have not shown that denying this plaintiff a religious accommodation would make him less credible, disciplined, or ready than the other officers and soldiers who similarly do not meet all of the requirements of uniformity.

Finally, defendants have not carried their burden to show that “the compelling interest test is satisfied through application of the challenged law ‘to the person.’” *See O Centro*, 546 U.S. at 430; *Hobby Lobby*, 134 S. Ct. at 2779; *Holt* 135 S. Ct. at 863. LTG McConville’s decision emphasizes the general importance of uniformity in cultivating and reflecting Army discipline. McConville Letter at 4–5. McConville explains that “[u]niformity is a key component of the learning process” for ROTC cadets because it is “a readily available means of instilling the practice of inspection and compliance that not only sharpens Soldiers, but also leaders.” *Id.* at 4. He insists that “[u]niformity helps to inhibit personal desires and impulses that may be antithetical to mission

²¹ Indeed, the undisputed evidence in the record shows that Sikh servicemen have successfully adapted their turbans to meet the Army’s operational requirements. *See, e.g.*, Kalsi Dep., Mar. 4, 201[5], Ex. 7 to Pl.’s Mot. [Dkt. # 34, 174] at 51–53.

accomplishment,” noting that “[t]he obligations Soldiers undertake, risking life and well-being for the greater good, require[] dedication, selfless service, and discipline.” *Id.* at 5. And he notes that compliance with Army grooming standards facilitates “the ability to assess a Soldier’s competency and attention to detail.” *Id.* at 6.

But the accommodation this plaintiff seeks does not stem from any lack of self-control, dedication, or attention to detail. To the contrary: plaintiff seeks an accommodation because he faithfully adheres to the strict dictates of his religion. So even if, in some cases, a soldier’s failure to follow the Army’s standards might signal a rebellious streak or reflect a lack of impulse control or discipline, LTG McConville’s decision fails to grapple with the fact that any deviation from the rules on plaintiff’s part flows from a very different source. And therefore, the decision lacks the individual assessment that is fundamental under RFRA.

3. The Army has granted religious accommodations to other Sikh soldiers.

Defendants’ contention that denying this plaintiff an accommodation advances the Army’s compelling interests is further undermined by the undisputed fact that at least four Sikh men who served in the Army with tremendous success received similar accommodations.²² Corp. Simran Preet Singh Lamba enlisted in 2009, served as a medic, received a promotion to Corporal, and currently serves in the U.S. Army Individual Ready Reserve. Decl. of Simran Preet Singh Lamba [Dkt. # 32-11] (“Lamba Decl.”) ¶¶ 4, 16, 19, 24. Maj. Kamaljeet Singh Kalsi is an Army doctor who served in Afghanistan, received a promotion to Major, and is currently serving in the Army Active Reserves. Kalsi Dep., Mar. 4, 201[5], Ex. 7 to Pl.’s Mot. [Dkt. # 34, 165, 184, 196] (“Kalsi Dep.”) at 14–15, 91, 138–41. Capt. Tejdeep Singh Rattan is an active duty Army dentist who

²² Defendants acknowledge that “the Army has approved six religiously based uniform, personal appearance, and personal grooming practice exceptions since 2000.” Defs.’ Stip. at 1.

served in Afghanistan. Rattan Dep., Mar. 3, 2015 [Dkt. # 32-7, 197, 208–09] at 43, 89–90, 93. And Col. (Ret.) Gopal Singh Khalsa enlisted in the Army as a private in 1976, served in Military Intelligence, served overseas, received numerous promotions, and eventually retired as a Colonel in 2009. Decl. of Gopal Singh Khalsa [Dkt. # 32-10] (“Khalsa Decl.”) ¶¶ 2, 6, 8, 10–11, 14–16, 18, 20. Each of these soldiers received an accommodation that permitted him to serve while maintaining unshorn hair, an unshorn beard, and a turban. And, notwithstanding the deviation from the uniformity that is undeniably a core aspect of military life, each of them has earned commendations and outstanding reviews:

- Corp. Lamba’s superiors described him as “easily one of the most impressive Soldiers in the company,” “an exceptional Soldier [who] possess[es] all the attributes . . . required to be an outstanding Army Officer,” and “a tremendous Soldier, an invaluable member of [the] team, and [someone who had] an amazing impact on his peers and supervisors.” Lamba Decl. ¶ 19. In addition, one of his Drill Sergeants noted that “[d]espite any spoken or unspoken stereotypes surrounding his enlistment in the United States Army, SPC Lamba displayed . . . intelligence, courage, and inner strength; enabling him to push forward with his training in a manner that would make seasoned Soldiers proud to have him on their team.” Ex. 5 to Lamba Decl. [Dkt. # 32-12, 38] at 8. Lamba also received an Army Commendation Medal in acknowledgment of his “exceptionally meritorious service,” his “selfless service and dedication to duty,” and the fact that “his actions [were in] keeping with the finest traditions of military service.” Lamba Decl. ¶ 23.
- Maj. Kalsi’s superiors described his performance as “[t]ruly exceptional,” stating that he “can be expected to excel in positions of leadership,” and that “[h]e possesses absolutely unlimited potential as a leader, military officer, and physician.” Ex. 33 to Pl.’s Mot. [Dkt. # 32-7, 184]; Ex. 56 to Pl.’s Mot. [Dkt. # 32-8, 80]. Kalsi was awarded a Bronze Star for his service in Afghanistan. Kalsi Dep. at 130.
- Capt. Rattan’s superiors believe that his “potential is unlimited as an Army Dental Officer and leader,” and have described his performance as “exemplary,” “tireless,” “in keeping with the highest traditions of the . . . United States Army,” “outstanding,” and “extraordinary.” Ex. 36 to Pl.’s Mot. [Dkt. # 32-7, 241] at 002405; Ex. 7 to Rattan Dep. [Dkt. # 32-7, 233] at 2. In addition, Rattan’s commander stated that he had “done everything within his power to keep within the [grooming and uniform] regulation” and had “[gone] leaps and bounds beyond what others have had to do.” Defs.’ Admiss. at 6. The

commander further noted that “[t]he only struggle is that when some people get a first look, they are going to stereotype him,” but “[t]hat is the good thing about having Rattan out there, to show that this is a proud individual, he knows what he is doing, and he is doing a phenomenal job.” *Id.* Capt. Rattan has received numerous awards, including a NATO Medal and the Army Commendation Medal for his service. Rattan Dep. at 87–88.

- During more than three decades of Army service, Col. (Ret.) Khalsa received an enormous volume of praise and numerous promotions. In training in 1977, he was selected from among 600 peers as the Outstanding Soldier of the Cycle, Ex. B to Khalsa Decl. [Dkt. # 32-10, 14]; in Officer Candidate School, he was named the Distinguished Leadership Graduate, and was later inducted into the school’s hall of fame, Khalsa Decl. ¶ 7; in 1998, after being promoted to Lieutenant Colonel, Khalsa was appointed Battalion Commander for the Reserves’ 368th Military Intelligence Battalion, a position in which he commanded 700 soldiers, including commissioned officers, warrant officers, and enlisted soldiers, *id.* ¶ 16; he was repeatedly rated “Best Qualified” for promotion, *see, e.g.*, Ex. B to Khalsa Decl. [Dkt. # 32-10, 56, 58]; in 2003, he was promoted to full Colonel and became the Deputy Chief of Staff, G7 for Training for the 63rd Regional Readiness Command, a position that charged him with coordinating and resourcing all individual, unit, and professional development training for all U.S. Army Reserve units in Arizona, California, and Nevada, Khalsa Decl. ¶ 18; and he delayed his retirement at the Army’s request to accept an appointment as Course Director for the Army’s Company Team Leader Development Course, *id.* ¶ 19. Khalsa was praised for being “a total soldier who demonstrates mental and physical readiness and sets the highest example for his troops to follow,” as having “unlimited potential,” as “our best battalion commander, bar none,” for being “held in the highest esteem by his superiors and subordinates alike,” “a highly disciplined officer,” “capable of commanding any brigade,” and the “[b]est of the best.” Ex. B to Khalsa Decl. [Dkt. # 32-10, 40, 50, 54, 56, 58].

Defendants point to undisputed facts that distinguish each of these soldiers from the plaintiff. *See* Defs.’ Reply at 20–22. They note that Maj. Kalsi, Capt. Rattan, and Corp. Lamba each “joined the military in response to specialized programs that actively sought the unique skills these individuals possessed during a time of growing conflict,” and all three served in medical roles in the Special Branches, which “focus on professional technical skills and less on the leadership of large teams of soldiers.” *Id.* at 20–21 & n.5. Plaintiff, by contrast, wishes to become a Military Intelligence officer in the Basic Branches of the Army. *Id.* at 20.

Faced with the fact that Col. (Ret.) Khalsa served in Military Intelligence in the Basic Branches and had a long and distinguished career as an Army officer, defendants note that he was “commissioned and grandfathered under the prior regulatory system” that permitted religious accommodations for Sikhs. *Id.* at 22 n.10; *see also* Khalsa Decl. ¶¶ 3, 9. Also, according to defendants, “[t]he needs of the Army now are also far different than when other exceptions were granted.” *Id.* at 22.

Finally, defendants argue that “[t]he relative professional success” of Corp. Lamba, Maj. Kalsi, Capt. Rattan, and Col. (Ret.) Khalsa “validates the Army’s decision-making process and its decision to grant accommodations in appropriate circumstances.” *Id.*

But despite the differences between plaintiff and Corp. Lamba, Maj. Kalsi, Capt. Rattan, and Col. (Ret.) Khalsa, the undisputed evidence in the record indicates that each of these men served – or are serving – with their articles of faith intact without any of the negative consequences that defendants predict would flow from granting a similar exception in this case. The praise heaped on each man’s service – including, in particular, for their discipline and leadership – stands in stark contrast to LTG McConville’s conclusion that permitting plaintiff to maintain his articles of faith would undermine the quality of his training, unit cohesion and morale, military readiness, and the credibility of the officer corps.

Furthermore, the Army’s own research stands in stark contradiction to LTG McConville’s opinion. The Army conducted an internal examination of the effect of Corp. Lamba’s religious accommodation on his service, and the study concluded that “the Soldier’s religious accommodations did not have a significant impact on unit morale, cohesion, good order, and discipline,” M. Glenn Cobb & Thomas Rhett Graves, *A Case Study of the Impact of Religious Accommodations on Initial Military Training* (Oct. 2011) at 10, Ex. 51 to Pl.’s Mot. [Dkt. # 32-8,

57], and that it “had no significant impact on his own, or any other Soldier’s, health and safety.” *Id.* at vi. The defendants point to no contrary empirical evidence.

Thus, instead of “validat[ing] the Army’s decision-making process,” Defs.’ Reply at 22, the exemplary service records of the four Sikh soldiers with religious accommodations serve to highlight the flaws in the Army’s analysis in this case. Those soldiers had the chance to prove themselves, and that is all plaintiff is seeking here. Defendants have no way of knowing whether plaintiff, too, might be qualified to serve because they have not yet even allowed him to enroll in ROTC.

In conclusion, defendants failed to come forward with any evidence to diminish the force of the evidence produced by plaintiff, as is their burden, *see Celotex*, 477 U.S. at 323–24, and they seem to suggest that LTG McConville’s say-so is sufficient to justify the decision here. *See* Hr’g Tr. at 56. Notwithstanding his thirty-four years of experience in the Army, *see id.*, and his superior judgment about military matters, adopting his conclusion without more would entail abdicating the role that RFRA requires the Court to play. Defendants have failed to sustain the heavy burden that applies when a governmental entity refuses to grant an exception to a policy already riddled with exceptions, and they have failed to satisfy their burden of demonstrating that the compelling government interests they cite are furthered by the unwavering application of Army policies to this plaintiff in this particular context. Under these circumstances, and in light of the evidence presented here, the Court finds that it would require “a degree of deference that is tantamount to unquestioning acceptance,” *Holt*, 135 S. Ct. at 864, to credit defendants’ assertion that denying a religious accommodation to plaintiff while he enrolls in ROTC advances the Army’s asserted compelling interests as applied to him.

C. Defendants have not shown that denying an accommodation to plaintiff is the least restrictive means of furthering their interests.

The Court must next go on to apply the second prong of the RFRA test. While the Court accords defendants a high level of deference in their identification of compelling military interests, it finds that it is well within its purview to hold that the Army's refusal to grant this plaintiff a religious accommodation is not the least restrictive means of advancing those interests.

“‘The least-restrictive-means standard is exceptionally demanding,’ and it requires the government to ‘sho[w] that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion by the objecting part[y].’” *Holt*, 135 S. Ct. at 864 (alterations in original), quoting *Hobby Lobby*, 134 S. Ct. at 2780. “‘[I]f a less restrictive means is available for the Government to achieve its goals, the Government must use it.’” *Id.* (alterations in original), quoting *Playboy Entm’t Grp.*, 529 U.S. at 815. Moreover, “[t]he very existence of a government-sanctioned exception to a regulatory scheme that is purported to be the least restrictive means can, in fact, demonstrate that other, less-restrictive alternatives could exist.” *McAllen Grace*, 764 F.3d at 475–76, citing, *inter alia*, *Hobby Lobby*, 134 S. Ct. at 2781–82.

Defendants contend that “there is no less restrictive means to promote and maintain teamwork, motivation, discipline, esprit de corps and image, within the context of an officer development program,” than to deny a religious accommodation to plaintiff. Defs.’ Mem. at 43, citing *Bitterman v. Sec’y of Defense*, 553 F. Supp. 719, 725 (D.D.C. 1982). Plaintiff’s individual readiness, they argue, would be irretrievably undermined by allowing him “to continue in officer training without any emphasis on uniformity,” because he would be “trained in a manner that is wholly inconsistent with how we develop strong military officers.” McConville Letter at 5. Moreover, defendants point out that plaintiff, if qualified, would not receive a commission until 2017, and that “[t]he Army cannot decide now that it will simply find Plaintiff a branch within the

organization . . . where his accommodation may have some potentially lesser impact on the military necessity factors.” Defs.’ Mem. at 43; *see also* Defs.’ Reply at 23. Finally, according to defendants, “[t]he fact remains Plaintiff would subject himself, his fellow soldiers, and his unit to greater risk by virtue of his wearing a beard in an environment with chemical or biological weapons.” Defs.’ Mem. at 44; *see also* Defs.’ Reply at 23.

But the Court has already found that defendants have failed to show that if plaintiff’s religious exercise were to be accommodated, his individual readiness will be diminished any more than the readiness of the tens of thousands of soldiers and officers who have received grooming and uniform accommodations for other reasons. Nor have defendants demonstrated that plaintiff’s training would be devoid of “*any* emphasis on uniformity” by virtue of his accommodation, *see* McConville Letter at 5 (emphasis added), or that these concerns could not be advanced some other way. For example, the Army’s letter granting an accommodation to Corp. Lamba stated that it was “[then-]SPC Lamba’s responsibility to ensure his beard is well maintained and presents a neat and orderly appearance.” Ex. 8 to Lamba Decl. [Dkt. # 32-13, 32] at 2; *see also id.* (“The current unit commander and all subsequent unit commanders of SPC Lamba will counsel SPC Lamba in writing to ensure he understands expectations. . . . Grooming exceptions to policy will be neat and well maintained at all times, to present a disciplined Soldierly appearance.”).

Furthermore, although the Court does not doubt that the Army cannot anticipate at this time what its needs will be in 2017, that only serves to underscore the fact that a temporary accommodation is a less restrictive means here. As plaintiff points out, a temporary accommodation “would be especially workable” because it would give the Army “ample opportunity to determine whether [plaintiff’s] articles of faith *actually* interfere with his performance,” and would permit defendants to “observe Mr. Singh in action with his

accommodation as he competes with his peers for an ROTC contract.” Pl.’s Reply at 21. It would also permit defendants to troubleshoot any issues that might arise, including with respect to gas masks, as appropriate.²³

Finally, the undisputed evidence shows that, in 2010, the Army granted Corp. Lamba a temporary accommodation that was virtually identical to the one sought by plaintiff here for the purpose of Lamba’s “attendance at basic military training and military occupational school.” Lamba Decl. ¶ 8. Lamba’s temporary accommodation included the proviso that the accommodation could not “be guaranteed at all times” and might “be revoked due to changed conditions,” which no doubt served to protect many of the interests that defendants have asserted in this case.²⁴ *Id.* Defendants have not shown that the less restrictive alternative of a temporary

23 As LTG McConville himself acknowledged, “there are some protective masks that are capable of providing protection to individuals who wear beards,” even though those masks “are not standard Army issue.” McConville Letter at 6. In addition, plaintiff suggests that the Army could address any concerns related to gas masks by making use of the “Hard-to-Fit” program, an Army effort that has “provided masks to more than 1,150 warfighters and civilians (including a brigadier general and a command sergeant major)” who have not otherwise been able to “achieve a satisfactory fit.” Ex. 1 to 30(b)(6) Loudy Dep., Feb. 26, 2015, Ex. 1 to Pl.’s Mot. [Dkt. # 34, 75] (“Loudy Ex. 1”) at 12; *see also* Pl.’s Reply at 21. This program has created special masks for individuals, and in two cases, it obtained special masks from the United Kingdom. Loudy Ex. 1 at 12. Although, as an ROTC cadet, plaintiff would never encounter a real tactical situation in which a protective mask was required for his safety, *see* Hr’g Tr. at 40, LTG McConville’s statement and this evidence further indicate that less restrictive means are available. *See Hobby Lobby*, 134 S. Ct. at 2781 (“We do not doubt that cost may be an important factor in the least-restrictive-means analysis, but . . . [RFRA] may in some circumstances require the Government to expend additional funds to accommodate citizens’ religious beliefs.”).

24 Furthermore, in 2013, the Army converted Corp. Lamba’s temporary accommodation into an “indefinite” one, noting that the accommodation was still subject to revocation if required by military necessity, that Lamba should be prepared to comply with the Army’s uniform and grooming standards “if directed to do so,” and that any overseas deployment would “be scrutinized by [Lamba’s] commander, as the wearing of a beard renders gas masks unsafe.” Ex. 8 to Lamba Decl. [Dkt. # 32-13, 31] at 1.

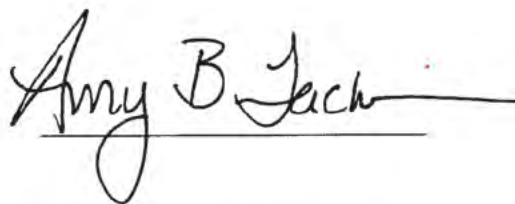
accommodation with similar conditions would be insufficient to protect the Army's interests here.²⁵

In sum, defendants have not carried the “exceptionally demanding” burden to “sho[w] that [the Army] lacks other means of achieving its desired goal without imposing a substantial burden on [plaintiff’s] exercise of religion.” *See Holt*, 135 S. Ct. at 864 (first alteration in original), quoting *Hobby Lobby*, 134 S. Ct. at 2780. The relief plaintiff seeks – an accommodation that would permit him to enroll in ROTC with his articles of faith intact – would not require the Army to guarantee him a commission, or even a contract, and it stops far short of the permanent relief the Army has granted to tens of thousands of soldiers for medical and religious reasons. Moreover, because providing plaintiff with a temporary religious accommodation for the purpose of enrolling in ROTC, which could be revocable if necessary, is an available less restrictive means, the Army must employ that alternative. *See Holt*, 135 S. Ct. at 864 (“[I]f a less restrictive means is available for the Government to achieve its goals, the Government must use it.”) (alteration in original), quoting *Playboy Entm’t Grp.*, 529 U.S. at 815.

²⁵ It is true that, in 2013, the Army stated that Lamba’s initial accommodation was granted “during a period in which the Army insufficiently scrutinized such requests.” Ex. 8 to Lamba Decl. [Dkt. # 32-13, 31] at 1. Nevertheless, Corp. Lamba’s experience, as well as the experiences of the tens of thousands of soldiers with medical grooming accommodations and other religious accommodations, “demonstrate that other, less-restrictive alternatives could exist.” *See McAllen Grace*, 764 F.3d at 475.

CONCLUSION

For the foregoing reasons, the Court will deny defendants' motion to dismiss and for summary judgment, and it will grant plaintiff's cross-motion for summary judgment. A separate order will issue.

A handwritten signature in black ink, reading "Amy B. Jackson", written over a horizontal line.

AMY BERMAN JACKSON
United States District Judge

DATE: June 12, 2015

APPENDIX 2

The Case for Ending the Presumptive Ban on Observant Sikhs in the U.S. Armed Forces

March 10, 2014

McDermott Will & Emery LLP

Washington, D.C.

The Sikh Coalition

New York

Fremont

Washington, D.C.

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The Sikh Coalition is the largest Sikh-American civil rights organization in the United States, with offices in New York, California, and Washington, DC. The Sikh Coalition was constituted on the night of September 11, 2001 in response to a torrent of hate crimes against Sikhs throughout the United States. Since that time, the Sikh Coalition has pursued its mission by: providing direct legal services to persons whose civil or human rights are violated; advocating for laws and policies that are respectful of fundamental rights; promoting appreciation for diversity through education; and fostering civic engagement in order to promote local community empowerment.

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I. Overview and Summary of Position

The objectives of this paper are to set forth a general background of the policies underlying the exclusion of observant Sikh-Americans from the U.S. Armed Forces and describe the Sikh Coalition's advocacy over the past several years to break down these barriers.

Sikh-Americans are markedly absent from the ranks of the U.S. Armed Forces due to a policy that presumptively excludes observant Sikhs (and Muslims and Jews) unless they relinquish the tenets of their faith. Although practicing Sikhs proudly served our country without impediment prior to 1981, (e.g., turban-wearing Sikhs with unshorn hair and beards served in the U.S. Army during the Vietnam War and prior conflicts dating back to World War I), military policy was changed in 1981 to prohibit exemptions to the uniform requirements for visible articles of faith. While some exceptions have been made since then for the Jewish yarmulke, the presumptive rule is that the turban and unshorn hair and beards of devout Sikhs are outside the U.S. military uniform. See DoD Instruction 1300.17 and Army Regulation 600-20. With extremely rare exceptions, this rule of exclusion has barred practicing Sikhs from entering any branch of the U.S. Armed Forces for the past 30 years, even if they are otherwise qualified to serve.

By denying Sikh service members the ability to practice their religion while serving, the military denies itself access to the important talents and abilities of individuals who are willing to fight and die for our nation. Including observant Sikh-Americans will enrich the military's understanding of diverse cultures, languages, and religions, thereby allowing us to fully appreciate not only the rich fabric of our own country but also the lands where we send our service members into harm's way.

II. Widespread Support For Accommodation of *Sikhs* in the U.S. Armed Forces

The Sikh Coalition is leading efforts to persuade the U.S. government to allow observant Sikh-Americans to serve in the U.S. Armed Forces. In 2009, as a result of several months of intense lobbying by the Sikh Coalition and its allies, 43 members of the U.S. House of Representatives and six U.S. Senators wrote a letter to then-Secretary of Defense Robert Gates urging him to permit Sikhs to join the U.S. Armed Forces while maintaining their articles of faith. *See* Exs. 1 and 2. At that time, thousands of supporters around the country reached out to their members of Congress and urged them to support ending the presumptive ban on Sikhs in the U.S. military. On March 10, 2014, 105 members of Congress signed a new letter to Secretary of Defense Chuck Hagel advocating for the right of observant Sikhs to presumptively serve in the U.S. military. *See* Ex. 3. This bipartisan group, which includes the Chairman and Ranking Member of the Defense Appropriations Subcommittee and several members of the House Armed Services Committee, “respectfully request[s] that the U.S. Armed Forces modernize their appearance regulations so that patriotic Sikh-Americans can serve the country they love while abiding by their articles of faith.” *Id.* Their letter also acknowledges the service of three observant Sikh-American service members who were granted historic accommodations to serve in the U.S. Army beginning in 2009:

As you know, three devout Sikh-Americans have been granted individualized accommodations to serve in the U.S. Army. *These patriotic soldiers wear turbans and maintain beards in a neat and conservative manner, both in accordance with operational requirements and their Sikh religious beliefs. They are also able to wear protective equipment, including helmets and gas masks, in conformity with safety requirements . . .* Given the achievements of these soldiers and their demonstrated ability to comply with operational requirements while practicing their faith, we believe it is time for our military to make inclusion of practicing Sikh-Americans the rule, not the exception.

Id. (emphasis added). The Sikh Coalition’s efforts have been bolstered by the U.S. Commission on Civil Rights (USCCR). In 2013, in response to testimony by Major Kamaljeet S. Kalsi, the USCCR wrote a letter to Secretary Hagel requesting his response to Pentagon policies that presumptively exclude Sikh-Americans from serving in the U.S. Armed Forces unless they give up their articles of faith. *See* Ex. 4.

Because we received testimony that Sikh service members can wear their helmets and gas masks properly while maintaining their unshorn hair and beards and wearing their turbans without compromising safety or decorum, the Commission is concerned that the aforementioned policies may result in the unnecessary exclusion of Sikh-Americans and Americans of other religious faiths from military service based on their religious beliefs manifested in their dress and grooming.

Id. The Becket Fund for Religious Liberty – a public interest legal and educational institute with a mission to protect the free expression of all faiths – co-hosted a congressional briefing with the Sikh Coalition in January 2014 in the U.S. House of Representatives to generate awareness about the presumptive ban on Sikh articles of faith.¹ The Sikh Coalition’s efforts have also been extensively covered in the national media, in such diverse outlets as the *New York Times*, the *National Review*, *Stars and Stripes*, and the *Army Times*. See Exs. 5, 6, 7, and 8.²

III. Introduction to the Sikh Articles Of Faith

The Sikh religion is the world’s fifth largest faith tradition. While there are more Sikhs in the world than Jews, the Sikh religion is relatively young compared to other major world religions. The founder of the Sikh faith, Guru Nanak, was born in 1469 in Punjab, India. His teachings, as well as the teachings of nine successive Gurus, form the basis of the Sikh religion. The Sikh religion is monotheistic, believing in one God that is all loving, all pervading, and eternal. This God of love is sought through grace and sought by service to humankind. Guru Nanak rejected the caste system, and declared all human beings, including women, to be equal in rights and responsibilities and their ability to reach God. He taught that God is universal to all – not limited to any religion, nation, race, color, or gender.

Consistent with the teachings of the ten Sikh Gurus, Sikhs wear an external uniform to bind them to their religious beliefs. Unlike some other faiths, where only the clergy maintain religious articles on their person, all Sikhs are *required* to wear external articles of faith *as a uniform*. These articles of faith – such as unshorn hair and the turban – serve as external visual reminders that a Sikh has committed him or herself to the values of truthfulness, courage, and service – values shared with the U.S. Armed Forces.

Maintaining uncut hair (including a beard) is an essential part of the Sikh way of life – one cannot be a practicing Sikh without it. Guru Nanak started the practice of keeping hair unshorn, regarding it as living in harmony with the will of God. The Sikh Code of Conduct, called the *Rehat Maryada*, outlines the requirements for practicing the Sikh way of life. All Sikhs must follow the guidelines set forth in this document. The *Rehat Maryada* explicitly instructs that if you are a Sikh, you must “[h]ave, on your person, all the time . . . the *keshas* (unshorn hair).” This document prohibits the removal of hair from the body as one of four major taboos. One of

¹ *Capitol Hill Briefing: Reflections of a Sikh American Soldier*, The Becket Fund for Religious Liberty, available at <http://www.becketfund.org/sikh-american-soldier/>.

² Despite these efforts, the policies which exclude devout Sikh service members have been further cemented over the last few months. As discussed in further detail herein, the U.S. Department of Defense (DoD) published on January 22, 2014 revisions to DoD Instruction 1300.17, which governs accommodation of religious practices within the military services. Although the revised Instruction provides a framework for service members to request religious accommodations and states a renewed commitment to religious liberty, it retains a presumptive ban on Sikh articles of faith; requires observant Sikhs to violate their religion while accommodation requests are pending; and forces those who receive accommodations to renew them repeatedly throughout their careers, even if they are otherwise qualified to serve. Without further revision, the Instruction will continue to impose needless barriers on Sikh Americans who want a fair opportunity to prove their abilities and serve the country they love while practicing their religion.

the other taboos on this list is adultery. Accordingly, the fact that cutting one's hair is a moral transgression as serious as committing adultery speaks to the immense significance of uncut hair in the Sikh religion.

The *Rehat Maryada* also mandates that Sikhs wear a turban. Unlike a hat, a turban must always cover a Sikh's head. The turban reminds a Sikh of his or her duty to maintain and uphold the core beliefs of the Sikh faith, which include working hard and honestly, sharing with the needy, and promoting equality and justice for all.

Historically, uncut hair and turbans have been central features of the Sikh identity. For example, in the 18th century, Sikhs in South Asia were persecuted by the Muslim rulers of India during the reign of the Mughal Empire. Sikhs were humiliated and pressured to abandon their faith, often by having their turbans removed and hair forcibly cut. As resistance to such forced conversions, many Sikhs chose death over having their turbans removed and hair shorn. Since then, denying a Sikh the right to wear a turban and maintain unshorn hair has symbolized denying that person the right to belong to the Sikh faith, and is perceived as the most humiliating and hurtful physical injury that can be inflicted upon a Sikh.

IV. Sikhs Have a Long and Storied History of Military Service

There are approximately 25 million Sikhs in the world and no more than 500,000 in the United States. For centuries, Sikh soldiers and officers have served in militaries across the globe, fought bravely in wars, and achieved the highest levels of military distinction.

Service in armed forces has always been – and continues to be – a central part of the Sikh identity. Tales of Sikh courage and valor date back at least as far as their defeat of the Afghan Pathans in 1813 at the Battle of Attock.³ Sikh soldiers famously defeated the British at the Battle of Chillianwala in 1849 before being overpowered six weeks later by superior British weapons.⁴ Sikh soldiers soon became “among the sturdiest and trustiest men of the British army,”⁵ with a group of 21 Sikhs famously repulsing an attack by thousands of Afghans for six hours at the Battle of Saragarhi in 1897, *see* Ex. 9,⁶ and with approximately 100,000 Sikhs – a disproportionately high number among Indian volunteer soldiers – fighting for the British in World War I.⁷ More than 83,000 British Sikh soldiers died, and over 109,000 were wounded

³ Pico Iyer, *The Lions of Punjab*, TIME, Nov. 12 1984, at 53, *discussed in* Rajdeep Singh Jolly, *The Application of the Religious Freedom Restoration Act to Appearance Regulations That Presumptively Prohibit Observant Sikh Lawyers From Joining the U.S. Army Judge Advocate General Corps*, 11 CHAPMAN LAW REVIEW 155, 157 n.13 (2008).

⁴ *Id.*

⁵ *Id.*

⁶ *Sikhs Prove Their Valor, Twenty-one Men Hold Sarhargarti Police Post Against 1,000 Orakzais Over Six Hours*, NEW YORK TIMES (Sept. 14, 1897), *available at* <http://query.nytimes.com/mem/archive-free/pdf?res=F60C1EFA355D11738DDDAD0994D1405B8785F0D3>.

⁷ Rajdeep Singh Jolly, *The Application of the Religious Freedom Restoration Act to Appearance Regulations That Presumptively Prohibit Observant Sikh Lawyers From Joining the U.S. Army Judge Advocate General Corps*, 11 CHAPMAN LAW REVIEW 155 (2008).

during both World Wars.⁸ Five Sikhs were awarded the Victoria Cross for their bravery in these wars.⁹ Observant Sikhs still serve with their articles of faith intact in militaries around the world, most notably in India, Canada, and the United Kingdom and as United Nations Peacekeepers – often working closely with American troops in troubled regions. In all cases, Sikh service members’ turbans, unshorn hair, and beards have never been an impediment to their service.

The Canadian Forces allow Sikh service members to practice their faith, stating that their “[h]air and beard shall remain uncut, provided that the operational mission and safety is not jeopardized when it is required that the member wear occupation and operational equipment such as gas masks, oxygen masks, combat/vehicle/flying helmets, hard hats, scuba masks, etc.” *See* Ex. 10. The Canadian Army policy also adds that “in addition to uncut hair, four other symbolic requirements of the Sikh religion are authorized for wear by both male and female members, with all orders of dress,” including turbans which “shall be worn by male members with ceremonial, mess, service, and base dress.” *Id.*

The United Kingdom’s Guide on Religion and Belief in the Ministry of Defence and Armed Forces also allows Sikh service members to wear their articles of faith. *See* Ex. 11. The British policy acknowledges that a ban on headwear would be “indirect discrimination” against Sikh service members: “[a] ‘no headwear’ policy for all personnel may inadvertently impact on Sikh personnel who wish to wear a turban. In the British Armed Forces, Sikh personnel are allowed to wear turbans in all circumstances, except where there is a requirement, for health and safety reasons, for personnel to wear protective headgear, such as a live firing exercise.” *Id.* Sikhs serving in the British Armed Forces are also allowed to maintain uncut hair, including beards. *Id.*

In the United States, a number of Sikhs were grandfathered in under the pre-1981 policy and have served honorably in the U.S. Army with their Sikh articles of faith intact – some even serving lifetime careers. For instance:

- **Colonel Gopal S. Khalsa** joined the Army as a private in 1976 and continues serving in the Reserves. While on active duty, Colonel Khalsa served in the Special Forces Unit for 10 years on Parachute Status and as a Battalion Commander overseeing an 800-person intelligence group. He received a Meritorious Service Medal and Silver Oak Leaf Cluster Award, amongst many other honors. He is a graduate of the Army Officer Candidate School in Georgia, and was inducted into the Officer Candidate School Hall of Fame in 2004.
- **Colonel Gurbhajan Singh**, a dentist, served from 1979 until 2007. During his 28-year tenure, Colonel Singh was stationed around the United States, as well as in Korea. He

⁸ *Id.*

⁹ *Id.*

was awarded several honors including the “A” Prefix, the U.S. Army Medical Department’s highest *award* for professional excellence.

- **Colonel Arjinderpal Singh Sekhon**, a medical doctor, served from 1984 until 2009. During his 25 years of commissioned service, Colonel Sekhon was stationed around the country. During the First Persian Gulf War, he was called to active duty and served stateside as a doctor at the United States Army Hospital in California. He rose through the ranks to Colonel and was given a Battalion Commander position through which he oversaw a unit of 600-700 service members. Before the end of his career in the U.S. Army, he was decorated with various awards, including a Presidential Unit Citation, Joint Meritorious Unit Award, and an Army Flight Surgeon Badge.
- **Sergeant Sevak Singh Kroesen** enlisted in the U.S. Army Reserves in 1976 and was attached to the Signal Company, 11th Special Forces Group after which he successfully completed airborne (paratrooper) and Radio Teletype Transmission Operator training. He then completed his Special Forces Qualification Courses and became a Special Forces Communications Sergeant. He completed this rigorous training, and his Sikh articles of faith were never a hindrance to his service. Sergeant Kroesen subsequently completed schools, trainings, and missions around the world with honor and distinction. He was honorably discharged from active duty in 1991.
- **Sergeant Kirnbir Singh Grewal** served in the U.S. Army from 1977 to 1984. He entered the Army as a private and served both domestically and abroad in Germany. Sergeant Grewal, a turban-wearing Sikh, used the same standard-issue gas mask and helmet as other members of the Army. During his tenure, his Sikh articles of faith were never an impediment. The Army’s actions in allowing Sergeant Grewal to serve with his articles of faith intact reaffirmed that it accepted his faith as an inseparable part of his identity.
- **Major Parbhur Singh Brar** is an ophthalmologist who served in the U.S. Army from December 1978 to October 1981. He was commissioned as a Reserve Officer, but then moved to Active Duty and was stationed at Ft. Eustis in Newport News, VA. Major Brar’s Sikh articles of faith never stopped him from performing his duties, nor did they preclude him from creating strong relationships with his unit or supervisors during his tenure with the Army.

Again, these Sikh-American service members’ turbans and unshorn hair – which they wore during the entire length of their service – never impeded their honorable service to their country. See, e.g, Ex. 12.

V. The Exclusion of Sikhs From the U.S. Armed Services Violates the Law

Prior to the 1980s, the U.S. Armed Forces allowed Sikh-Americans to wear their articles of faith while in uniform. However, in 1981, the Army decided to prohibit Sikhs from serving with their articles of faith, purportedly as a result of “an Army review of appearance exceptions and their impact on the mission, health and safety of the soldier.”¹⁰ See Ex. 13 (Dept. of Army Memorandum re: Review of Present Army Policy Allowing Exceptions to Appearance Standards for Religious Reasons, April 10, 1981). The Army further claimed that its review “found the wearing of beards, unshorn hair, turbans and religious bracelets contrary to Army operational and safety requirements.”¹¹ The Army estimated at that time that 15 Sikh service members were impacted by the policy change, though some were provided grandfathered exemptions that allowed them to continue to serve their country while practicing their faith.

In 1986, the Supreme Court controversially held in *Goldman v. Weinberger* that military policy prohibiting the wearing of a yarmulke was not subject to strict scrutiny, despite the First Amendment issue raised by the prohibition.¹² The Court expressed its concern with overriding the military’s determination of what is necessary to “foster instinctive obedience, unity, commitment, and esprit de corps.”¹³

A. 10 U.S.C.A. § 774

After the Supreme Court’s decision in *Goldman*, in 1987, Congress passed 10 U.S.C.A. § 774 (“Religious Apparel: Wearing While in Uniform”), which permits military service members to wear religious apparel that is “neat and conservative” and that does not “interfere with the performance of the member’s military duties.”¹⁴ Since the passage of this statute, observant Jewish service members have been allowed to wear yarmulkes, but Sikh turbans are still presumptively prohibited. Given that a yarmulke serves as a religious identifier to the same extent that a Sikh turban does, banning turbans while allowing yarmulkes both reflects inconsistency in military policy regarding respect for the religious practices of all service members and indicates that claims of interference with uniformity and unit cohesion are unfounded.

B. DoD Directive 1300.17 and Current Army Regulations

In 1988, the DoD issued Directive 1300.17 to govern accommodation of religious apparel in all branches of the military. While the 1988 Directive and current Army regulations (by way of illustration) allow members of some faiths to practice their religion while in uniform, they do not allow observant Sikhs to serve with their articles of faith intact. Tracking the language of 10

¹⁰ *Religious Exceptions in Army Uniform End*, NEW YORK TIMES (Aug. 22, 1981).

¹¹ *Id.*

¹² See *Goldman v. Weinberger*, 475 U.S. 503, 507 (1986).

¹³ *Id.*

¹⁴ *Pentagon Rescinds Directive Limiting Wearing of Yarmulkes*, JEWISH TELEGRAPHIC AGENCY, (Oct. 5, 1988), available at <http://www.jta.org/1988/10/06/archive/pentagon-rescinds-directive-limiting-wearing-of-yarmulkes>.

U.S.C.A. § 774, the Directive permits service members to “wear visible items of religious apparel while in uniform, except under circumstances in which an item is not neat and conservative or its wearing shall interfere with the performance of the member’s military duties.”¹⁵ The term “religious apparel” was defined as “articles of clothing worn as part of the doctrinal or traditional observance of the religious faith practiced by the member.”¹⁶ However, the Directive did not include “[h]air and grooming practices required or observed by religious groups” in its definition of “religious apparel.”¹⁷ Notably, the Directive was revised soon after it was published because it would have required Jewish service members to violate their religion before being granted permission to practice it again. *See* Ex. 14.¹⁸

Army Regulation 600-20 (by way of illustration) states that “[t]he Army places a high value on the rights of its Soldiers to observe tenets of their respective religious faiths” and “[t]he Army will approve requests for accommodation of religious practices unless accommodation will have an adverse impact on unit readiness, individual readiness, unit cohesion, morale, discipline, safety, and/or health.”¹⁹ The maintenance of unshorn hair, however, is specifically excluded from the Army’s efforts to allow people of all faiths to serve. A.R. 600-20 clearly states that “[r]equests for religious accommodation of wear and appearance of the uniform and personal grooming practices will not be entertained.”²⁰ Additionally, although yarmulkes (and, presumably, Muslim skullcaps) are permitted under uniform headgear, turbans are categorically prohibited because they cannot “be completely covered by standard military headgear,” such as a beret (which has little bearing on safety), and are meant to be worn “in place of military headgear” when protective equipment is not required.

Army Regulation 670-1, “Wear and Appearance of Army Uniforms and Insignia,” also does not allow service members to keep their hair and beards unshorn, nor does it allow them to wear their turbans. Current grooming regulations do, however, allow for moustaches.²¹ The Army also routinely allows exceptions to the facial hair policy for service men with pseudo-folliculitis barbae and other medical conditions that make shaving difficult.²² Accordingly, the presence of facial hair itself cannot be said to be so distracting as to prohibit neat and conservative religious exceptions.

Although observant Sikhs are able to comply with military regulations requiring service members to maintain a neat and conservative appearance, the U.S. military’s religious apparel regulations simply do not include Sikh religious practices within their purview. By default, this

¹⁵ Department of Defense Directive Number 1300.17 (Eff. Feb. 3, 1988).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Pentagon Rescinds Directive Limiting Wearing of Yarmulkes*, JTA (Oct. 6, 1988), available at <http://www.jta.org/1988/10/06/archive/pentagon-rescinds-directive-limiting-wearing-of-yarmulkes>.

¹⁹ Army Regulation 600-20 (Eff. March 18, 2008) (revised: Sept. 20, 2012).

²⁰ *Id.*

²¹ *Id.*

²² Army Regulation 670-1 (Eff. March 3, 2005).

makes it impossible for observant Sikhs to comply with such regulations, even if they are otherwise qualified to serve.

C. Religious Freedom Restoration Act

In 1993, Congress passed the Religious Freedom Restoration Act (“RFRA”). The Act forbids the federal government from substantially burdening a person’s exercise of religion, even if the burden results from a rule of general applicability.²³ The only exception recognized by the statute requires the government to demonstrate that applying the burden to the person is: (1) in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.²⁴

Under RFRA, if any branch of the U.S. military refuses to accommodate an observant Sikh service member, such a refusal would constitute a substantial burden on his exercise of religion. More importantly, it would be impossible for the military branch concerned to show that it has satisfied both prongs of RFRA’s exception, given that a number of Sikhs have served honorably in the U.S. Armed Forces with their articles of faith intact, including, Colonel Khalsa, Colonel Singh, Colonel Sekhon, Sergeant Grewal, Sergeant Kroesen, Major Brar, (*see supra*, Section IV), Major Kalsi, Captain Rattan, and Corporal Lamba (*see, infra*, Section VI).

A concern commonly held by opponents of allowing Sikhs to serve in the U.S. Armed Forces is that allowing Sikhs to wear their articles of faith while in uniform would open the floodgates to fringe religious organizations and other organized entities that seek to make a mockery of the U.S. Armed Forces – the so-called “slippery slope” argument. But the reality is that the framework set forth by the Pentagon is that all service members must meet the “neat and conservative” standard and pass relevant safety tests. The three Sikh service members who have been granted recent accommodations (*see infra*, Section VI) have satisfied the military’s “neat and conservative” policies and passed safety tests. They also made it through basic training and successfully performed their military duties. Because anyone who attempts to join the military must satisfy these standards, fears of a slippery slope are unfounded.

VI. Recent Accommodations of Sikh Service Members

Over the past four years, McDermott and the Sikh Coalition have represented three Sikh-American men who received historic religious accommodations to join the U.S. Army with their Sikh articles of faith intact:

- **Corporal Simran Preet S. Lamba** began active duty in August 2010. Fluent in Punjabi and Hindi, he was recruited through the MAVNI program for his cultural and language skills. He serves in a medical battalion as a Soldier Medic. Corporal Lamba is known for his dedication, enthusiasm, and self-initiative. One of his superiors noted that “[h]e has

²³ *See Gonzales v. O’Centro Espirita Beneficent Uniao Do Vegetal*, 546 U.S. 418, 423 (2006); 42 U. S. C. §2000bb, et seq.

²⁴ § 2000bb.1(b); *see also O’Centro* at 423.

been instrumental in helping others to accomplish their own personal and professional goals by setting the example for others to emulate.” *See* Ex. 15, at 11. He is currently stationed at Fort Lewis, WA.

- **Captain Tejdeep S. Rattan**, a dentist, entered active duty in January 2010 after receiving a religious accommodation. In 2011, he was deployed to Afghanistan where he volunteered to serve in a remote forward operating base. While deployed, Captain Rattan performed approximately 25% of all dental procedures performed throughout the 673rd Dental Company. He was awarded an Army Commendation Medal for his “outstanding performance, technical expertise, and unwavering commitment to mission accomplishment in a hostile environment[,]” and a NATO Medal for defusing a tense confrontation with Afghan civilians. *See* Ex. 16. After his deployment, Captain Rattan was stationed at Fort Bragg, NC where he is a General Dentist at the Joel Dental Clinic.
- **Major Kamaljeet S. Kalsi** is a physician specializing in emergency and disaster medicine. Major Kalsi began active duty in June 2010. He was also deployed to Afghanistan in 2011 and was awarded a Bronze Star Medal upon his return. *See* Ex. 17. In support of the award, an official recommendation from Major Kalsi’s superiors cited his resuscitation back to life of two patients who were clinically dead on arrival; his “expert” emergency care of over 750 service members and civilians; coordination of five mass casualty exercises; and his general “commitment and leadership above and beyond that of his general duties.” He is currently in the U.S. Army Reserve Officer Corps.

As with other observant Sikh-Americans who have served, the Sikh articles of faith of these three Soldiers have in no way impeded their service to our country – even while deployed abroad in hostile territory. While each of these proud members of our Armed Forces received narrowly tailored, individual accommodations that granted exceptions to policy, *see* Exs. 18, 19, and 20, these accommodations were obtained only through extensive advocacy from counsel at McDermott and the Sikh Coalition.

VII. Pending Accommodation Requests

In addition to the three previously successful accommodation requests, McDermott and the Sikh Coalition represent one other Sikh man who is seeking to serve in the U.S. Army:

- **Taranbir Singh**: In April 2013, the Sikh Coalition wrote a letter to Pentagon officials requesting a religious accommodation for Mr. Singh. Mr. Singh immigrated to the United States in 2008 to pursue graduate studies, and obtained a Master’s of Science in Engineering from San Jose State University in San Jose, California. *See* Ex. 21. He is currently employed as a Software Quality Assurance Engineer at Barracuda Networks through an H1-B temporary work visa. In February 2013, Mr. Singh was recruited through the U.S. Army’s Military Accessions Vital to the National Interest (“MAVNI”) Program for foreign nationals after successfully completing the Punjabi and Hindi language skills examination. Mr. Singh was specifically recruited under the program because of his Punjabi language skills and cultural knowledge. While Mr. Singh enjoys his current profession as software engineer, his dream is to proudly serve his adopted country by joining the U.S. Army. Mr. Singh is willing to relinquish a burgeoning and

successful career as a software engineer to give back to the country that he loves; the country that has provided him with significant educational and employment opportunities. Mr. Singh hopes to build a career in the military, and intends to apply for Officer Candidate School as soon as he becomes eligible.

VIII. The Revised Department of Defense Instruction

On January 22, 2014, the DoD published revisions to DoD Instruction 1300.17. The revised Instruction addresses some of the gaps in its predecessor. For instance, under the revised Instruction, service members may now officially request accommodations to religious grooming and appearance practices, including hair, unless the accommodation will “adversely affect military readiness, unit cohesion, good order, discipline, health and safety, individually and on the unit level.” *See* Ex. 22.²⁵

While the amended Instruction indicates a new openness to accommodating religious articles of faith, it nevertheless fails to provide adequate accommodations to Sikh service members and will continue to deter new Sikh recruits. The reasons are enumerated below.

A. Case-by-Case Accommodations Are Not Sufficient

Under the revised Instruction, service members may only receive accommodations to changes in uniform and grooming standards on a strict case-by-case basis from the highest levels of command. Under this highly discretionary policy, Sikh service members continue to lack certainty regarding how their accommodation will be handled and when and on what basis it will be decided. Accommodations may also be rescinded at any time, even a few months before retirement, and a service member is required to submit a new request for an accommodation every time he receives a different assignment. The amended Instruction simply provides no certitude that a service member will not be made to choose between his religion and his career at some point during his military service, and may even subject a service member to disciplinary action and the loss of benefits, such as retirement benefits, if an accommodation is rescinded. By making accommodations the exception instead of the presumptive rule, there is no guarantee that a turbaned and bearded Sikh service member will be granted approval, even though past and current Sikh service members have repeatedly proven that their religious articles of faith do not interfere with their ability to perform their military duties. Under the revised Instruction, Sikh turbans and beards remain presumptively prohibited, which is a significant deterrent for potential Sikh service members. Accordingly, instead of opening the doors of opportunity to Sikhs, the Instruction will continue to deter new Sikh recruits.

B. The New Instruction Needlessly Bans Sikh Turbans and Beards

It is clear that the military’s need for uniformity has in no way been undermined by allowing observant Sikhs to serve with their turbans and unshorn hair and beards intact. Observant Sikhs

²⁵ Department of Defense Instruction Number 1300.17 (Eff. Jan. 22, 2014).

who served in the U.S. Armed Services before 1981 and those who are currently serving with religious accommodations have posed no disruption to troop morale, esprit de corps, unit cohesion and discipline. To the contrary, they have served alongside their fellow Americans and encouraged camaraderie and respect for the diversity of the U.S. military. As a matter of principle, allowing more Sikhs to serve – without having to request individualized accommodations – would not affect military interests any differently.

1. Sikh Articles of Faith Comply With Neatness Standards

Major Kalsi, Captain Rattan and Corporal Lamba, while serving in the U.S. Army, have used standard-issue Army cloth to develop turbans that conform with Army uniform requirements – including Army Combat Uniform (camouflage) headwear and turbans with their Army flash (insignia patch). Major Kalsi has even had the opportunity to provide information to Army leadership on “the proper wear of the turban with the Army uniform.” Ex. 23.²⁶ The Sikh service members currently serving in the U.S. Army have also been commended for adhering to the uniform standards of neatness and conservativeness.²⁷ Speaking of Captain Rattan, Capt. John Lopez, Company A, 187th Medical Battalion, has said:

From day one, Captain Rattan has been an ideal individual... He has done everything in his power to keep within the regulation (AR 160-1), and I sometimes have a hard time getting other Soldiers to follow it . . . I wish some other Soldiers had the personal pride and willingness to go the extra mile as he does, so those young Soldiers have someone to look up to.

See Ex. 24.²⁸

2. Sikh Articles of Faith Do Not Adversely Affect Unit Cohesion or Morale

The revised Instruction places heavy importance on “unit cohesion” in determining whether to grant accommodations. Unit cohesion is defined as “establishing and maintaining uniform military grooming and appearance standards.” See Ex. 22. While unit cohesion and morale are integral to the proper functioning of the military, these factors should not be used as reasons to restrict Army enlistment of members of a disfavored minority; similar concerns were historically cited to justify the exclusion of women, racial minorities, and homosexuals in the U.S. Armed Services.²⁹ The U.S. Army has made great progress in opening up its ranks to previously-excluded sections of American society. LGBT service members can now serve

²⁶ Steve Elliott, *Second Sikh Doctor Allowed to Wear Articles of Faith; Enlisted Soldier in Training*, Official Homepage of the United States Army, Sept. 9, 2010, <http://www.army.mil/article/44944>.

²⁷ See A.R. 670-1, Ch. 1-7(a).

²⁸ Steve Elliott, *Sikh Soldiers Allowed to Serve, Retain Their Articles of Faith*, Official Homepage of the United States Army, Mar. 25, 2010, <http://www.army.mil/article/36339>.

²⁹ Dawinder S. Sidhu & Neha Singh Gohil, *CIVIL RIGHTS IN WARTIME: THE POST-9/11 SIKH EXPERIENCE* 140, Ashgate Publishing, Ltd., 2009.

openly in the U.S. Armed Services.³⁰ By 2016, women will be able to serve in all Army units and in every military occupational specialty.³¹ The U.S. Army has recognized that allowing these traditionally excluded demographic groups to serve does not negatively impact morale or esprit de corps. It should also recognize that presumptively allowing observant Sikhs to serve with their articles of faith intact will not lead to a breakdown in discipline, morale, or unit cohesion.

Although the Joint Service Study Group on Religious Practice, established by the DoD in 1984, indicated that “it is possible that non-uniformity can ‘create an impression that [an] individual is unwilling to subordinate personal desires to traditional military values,’” the same Study Group also found that this impression is less likely when the individual is known to the other group members.³² The fact that a Sikh who is an integral member of an Army unit will not be perceived as “outside of regulations” has been borne out by the careers of the Sikh service members who served in previous generations, those who were grandfathered in after the policy change in 1981, and more recently by Major Kalsi, Captain Rattan and Corporal Lamba.

Any concerns about assimilation have been allayed by these service members’ performance during training and in the field. Sgt. 1st Class Michael Hildebrand, who oversaw Corporal Lamba’s training while he was a Specialist, noted that he not only integrated well into the unit and excelled in his training, but “the other Soldiers in the platoon actually love [then-Specialist] Lamba. Their family members have found out that we have a Sikh Soldier, and they have asked if they could write to Spc. Lamba to find out more about where he comes from. There has been no negativity expressed by the Soldiers toward Spc. Lamba.”³³ As has been demonstrated with the inclusion of women, racial minorities, and LGBT people in our nation’s armed forces, embracing diverse individuals within the military strengthens our military force, rather than weakening it. Similarly, in discussing Captain Rattan, Col. Roger Fiedler, Fort Drum DENTAC commander, noted that, “while his dental skills are the same as any other dentist, his unique status as a practicing Sikh U.S. Soldier and dental provider add to the diversity that makes our military so strong.”³⁴

3. Sikh Service Members Are Able to Comply With Protective Mask and Helmet Requirements

Closely linked with unit cohesion is the question of combat readiness. Although concerns have

³⁰ Tina Ray, *Fort Bragg Gay Soldiers Serve Openly*, Official Homepage of the United States Army, Feb. 8, 2013, http://www.army.mil/article/96139/Fort_Bragg_gay_Soldiers_serve_openly.

³¹ C. Todd Lopez & Julia Henning, *Army Describes Plans for Integrating Women into Combat*, Official Homepage of the United States Army, June 18, 2013, http://www.army.mil/article/105814/Army_describes_plans_for_integrating_women_into_combat.

³² Jolly, *supra* note 7, at 159 & n.38.

³³ Susanne Kappler, *Keeping Faith: Sikh Soldier Graduates Basic Training*, Official Homepage of the United States Army, Nov. 10, 2010, <http://www.army.mil/article/47924/keeping-faith-sikh-soldier-graduates-basic-training>.

³⁴ Paul Steven Ghiringhelli, *Traditional Sikh Serves as Army Dentist on Fort Drum*, Official Homepage of the United States Army, May 20, 2010, <http://www.army.mil/article/39536>.

been expressed about the ability of Sikh service members to comply with requirements relating to protective masks and helmets, both concerns have been disproved by Sikhs serving in militaries around the world, as well as in the preparedness tests that Major Kalsi, Captain Rattan, and Corporal Lamba underwent during training and their service.

The notion that an effective gas mask seal cannot be created without clean-shaven skin is a fallacy. The three observant Sikhs who currently serve in the U.S. Army have undergone rigorous safety testing, including being placed in a chamber filled with gas, to determine whether their protective masks form an effective seal with their beards and religious headwear intact. Not only did they pass these tests along with their fellow service members, but they have also demonstrated that helmets and other safety gear can be worn safely over a *patka* (a smaller turban).

When Undersecretary of the Army Joseph W. Westphal visited the Joint Readiness Training Center at Fort Polk in October, 2012 while Major Kalsi was participating in combat training, he specifically noted that he was “absolutely impressed with [the service members’] intellect, their knowledge, and their easy disposition” and that the Army was on “good footing” with its readiness training. *See* Ex. 25.³⁵ Capt. John Lopez, Company A, 187th Medical Battalion, who was Captain Rattan’s commanding officer during training, said that Captain Rattan “knows what he is doing and he’s doing a phenomenal job. *I’d go to battle with him.*” *See* Ex. 24.³⁶

Service members of the Sikh faith currently serving in the U.S. Army have proven that Sikhs not only can comply with all safety regulations with their turbans and unshorn hair and beards intact but can also do so in the most difficult of duty stations, and have served their country courageously in overseas deployment. Allowing other Sikh-Americans to make the same commitment to serve their country while keeping their articles of faith intact would demonstrate respect for the service of those who have already demonstrated their willingness to lay down their lives for their country.

4. Sikh Service Members Promote the Military Mission in Overseas Deployment

In units that serve overseas, having service members who are familiar with other languages and cultures – particularly those of South Asia – can only benefit the Army’s understanding of local context and engagement with local populations. This cultural understanding has already proven to be an asset in the case of Captain Rattan, whose NATO Medal was granted specifically for his defusing a tense situation with Afghan locals. *See* Ex. 16.

³⁵ C. Todd Lopez, *JRTC Rotation Demonstrates Force of Future*, Official Homepage of the United States Army, Oct. 20, 2012, <http://www.army.mil/article/89623>.

³⁶ Elliott, *Sikh Soldiers Allowed to Serve, Retain Their Articles of Faith*, *supra* note 28 (emphasis added).

C. The Revised Instruction Creates a Catch-22 for Sikh Service Members

The Revised Instruction requires that a service member abide by military policy, practice, and duty while awaiting resolution of a religious accommodation request. For a Sikh, who is religiously obligated to maintain unshorn hair, including a beard, and wear a turban instead of a hat, this is an impossible request. This section literally requires service members to put their religious practices on hold while their accommodation requests are pending. If Sikhs are asked to violate the very practices for which accommodations are being sought, it will have a chilling effect on their ability to join the U.S. Armed Services.

This requirement is particularly alarming because a similar issue arose over 25 years ago with respect to the Jewish community. *See* Ex. 14.³⁷ When a previous version of the Instruction was issued by the DoD in 1988, it contained a similar “Catch-22” stating that Jewish personnel could wear head coverings (kippot/yarmulkes), but not for initial training, including boot camp for enlisted personnel and officer accession for officer candidates. An appeal was made to the Secretary of Defense, based on the exact issues that we raise in this section, and the DoD promptly removed the restrictive provision.³⁸ The appeal noted that allowing Jewish service members to practice their religion at some points, but not others, “would undermine, if not eliminate, the effect of the religious apparel amendment.”³⁹

Similarly, the new Instruction should be amended so that it does not impose needless barriers on Sikh service members and other religious minorities.

IX. Conclusion

Despite their proven ability to comply with safety requirements and perform their military duties with excellence, Sikhs who maintain their religiously-mandated turbans, unshorn hair, and beards in a neat and conservative manner will nevertheless continue to experience significant difficulty obtaining highly discretionary and revocable accommodations under DoD Instruction 1300.17. Observant Sikhs are still presumptively prohibited from serving in the U.S. military as long as (1) Sikh articles of faith are presumptively disallowed; (2) the process for obtaining an accommodation is cumbersome and requires constant renewal and approval by the highest chains of military command; and (3) Sikhs have to violate their religion while accommodation requests are pending.

The DoD should modernize its new Instruction and uniform guidelines to presumptively allow Sikh turbans and beards, similar to yarmulkes, and only deny accommodations when an individual cannot comply with safety requirements or successfully perform their military duties. Not only would this demonstrate the military’s commitment to upholding one of the most fundamental and precious values of this country – freedom of religion – but would demonstrate

³⁷ “Pentagon Rescinds Directive Limiting of Yarmulkes,” available at <http://www.jta.org/1988/10/06/archive/pentagon-rescinds-directive-limiting-wearing-of-yarmulkes> (Oct. 6, 1988).

³⁸ *Id.*

³⁹ *Id.*

its commitment to abiding by the military policy established under President Truman, which demands “equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin.”⁴⁰ If the DoD continues to disallow religious exemptions from certain aspects of the uniform policy, it perpetuates a discriminatory mechanism inconsistent with the spirit of religious accommodation and will continue to preclude talented Americans from serving their country, simply on account of their religion. Where religious practices do not interfere with the service or safety of the individual or unit concerned, such prohibitions serve only as an invidious means of limiting the military participation of disfavored minorities.

Moreover, DoD regulations should be revised to allow service members to presumptively wear and maintain Sikh articles of faith, which are tailored to conform to uniform style and color, and which do not interfere with the functioning of safety equipment such as a helmet and gas mask. In the case of observant Sikh service members, the military can look to the uniform standards of other militaries in which Sikhs are presumptively allowed to serve for examples of how to provide for standard-issue, uniform turbans. *See* Exs. 10 and 11.⁴¹ The Sikh service members currently serving in the U.S. Army have already laid the groundwork for such a uniform standard by developing headwear that closely resembles standard-issue Army headgear, thereby allowing them to comply with both their religious obligations and the Army’s requirements for good order and discipline through established uniform requirements. In fact, the Sikh Coalition – working in conjunction with current and former Sikh members of the U.S. Armed Forces – has developed a “Field Manual for Sikh Soldiers in the U.S. Army.” *See* Ex. 26. This working document presents a framework through which the U.S. Armed Forces (and each of the Services, respectively) could develop rigorous standards for Sikh service members ensuring that standards for uniformity and safety are not degraded by the integration of Sikhs in the officer and enlisted corps. Major Kalsi, Corporal Lamba, and the Sikh Coalition all submitted statements to the record for a January 29, 2014 hearing before the House Armed Services Committee’s Subcommittee on Military Personnel. *See* Exs. 27-29.

Our nation’s military leadership should modernize its regulations without delay so that operational excellence becomes the principal criterion by which service members are judged. We remain deeply appreciative of the DoD diligently working to safeguard the civil rights of all Americans who wish to serve or have served in the U.S. Armed Forces, including Sikh-Americans.

⁴⁰ President Harry Truman, Executive Order 9981, July 26, 1948, *available at* <http://www.trumanlibrary.org/9981a.htm>.

⁴¹ United Kingdom and Canada Military Policies Regarding Sikhs, *available at* http://salsa.wiredforchange.com/o/1607/images/Canadian_Army_Sikh_Appearance_Policy.pdf and http://salsa.wiredforchange.com/o/1607/images/UK_Army_Religious_Dress_Policy.pdf.