

**NO JAB, NO JOB: ASSESSING THE
RELIGIOUS SINCERITY OF VACCINE-
EXEMPTION SEEKERS**

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NO JAB, NO JOB: ASSESSING THE RELIGIOUS SINCERITY OF VACCINE-EXEMPTION SEEKERS

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Abstract: During the COVID-19 pandemic, millions of employees sought to avoid workplace vaccine mandates by asserting religious objections. Title VII of the Civil Rights Act of 1964 requires employers to reasonably accommodate employees whose sincere religious beliefs conflict with job requirements, such as vaccination, unless doing so would impose undue hardship. While some employees raised legitimate religious concerns, others invoked religion to avoid a mandate they opposed for political, philosophical, or personal reasons. Employers were thus forced into the fraught task of distinguishing sincere religious claims from insincere ones, a challenge that predictably led to a flood of failure-to-accommodate litigation.

As these cases have moved through the courts, it has become clear that judges also struggle to assess religious sincerity. Judicial approaches vary widely, producing inconsistent and sometimes contradictory case law. These cases underscore the need for a coherent, principled framework for evaluating religious sincerity, not only in vaccine-exemption cases but whenever an employee seeks accommodation. This Article takes a first step toward that goal by cataloging the diverse methods courts use to analyze religious sincerity in vaccine-exemption cases. Courts diverge sharply on several issues, such as whether a claimant must tie a belief to a specific religious tenet, how to treat conduct inconsistent with a professed belief, and whether beliefs contrary to official doctrine can be sincere. But they show meaningful consensus on others, including the relevance of religious texts, consistent behavior, and documentation from religious leaders. This Article argues that these points of agreement should form the foundation of a framework for assessing religious sincerity, while areas of disagreement will require further development. Although religious sincerity determinations will always be challenging, a clearer structure grounded in existing consensus can better ensure that genuine religious belief receives the protection Title VII promises.

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INTRODUCTION

In late 2021, millions of U.S. workers faced a stark ultimatum: get vaccinated against COVID-19 or lose their jobs.¹ Not surprisingly, employer-imposed vaccine mandates proved highly polarizing, with thirty-six percent of workers strongly supporting them, and twenty-nine percent strongly opposing them.² Opposition arose from a wide range of concerns, including the vaccine's composition and development process, doubts about its safety and efficacy, and distrust of medical and governmental institutions, among many others.³ Yet most employers recognized only two bases for exemption: certain medical conditions and sincerely held religious beliefs.⁴ Many employees whose exemption requests did not fall into one of these categories had no choice but to get vaccinated or face termination.⁵

The religious exemption pathway existed not by employer grace but because Title VII of the Civil Rights Act of 1964 requires employers to reasonably accommodate employees whose sincere religious beliefs conflict with a job requirement, absent undue hardship.⁶ This legal avenue triggered a surge of requests from employees claiming religious opposition to the COVID-19 vaccination.⁷ Hawaiian Airlines received 496 such requests,⁸ the University of

¹ See Jeffrey M. Jones, *Worker COVID-19 Vaccine Requirements Leveling Off*, GALLUP (Dec. 15, 2021), <https://news.gallup.com/poll/358073/worker-covid-vaccine-requirements-leveling-off.aspx> [perma.cc/6N7G-6RDN] (noting that as of December 2021, 36% of workers in the United States were subject to workplace COVID-19 vaccination requirements).

² See Jeffrey M. Jones & Sangeeta Agrawal, *Workers Have Strong Views on Vaccine Mandates; More in Favor*, GALLUP (Aug. 18, 2021), <https://news.gallup.com/poll/353825/workers-strong-views-vaccine-mandates-favor.aspx> [perma.cc/J2Y4-WQ3R] (reporting that 52% of surveyed workers favored employer vaccine mandates, 38% opposed them, and 10% were neutral).

³ Oluwatosin Goje & Aanchal Kapoor, *Meeting the Challenge of Vaccine Hesitancy*, 91 CLEVE. CLIN. J. MED. S50, S51–52 (Sep. 2024), https://www.ccjm.org/content/91/9_suppl_1/S50#:~:text=Previous%20negative%20experiences%20with%20vaccines,part%20of%20a%20stigmatized%20group [perma.cc/C833-FWHR].

⁴ See, e.g., *Together Emps. v. Mass Gen. Brigham Inc.*, 573 F. Supp. 3d 412, 424 (D. Mass. 2021) (noting that the employer's vaccine mandate announcement "explained that certain exemptions would be available for medical or religious reasons"), *aff'd*, 32 F.4th 82 (1st Cir. 2022).

⁵ See, e.g., *id.* (explaining that employees were informed that those who failed to comply with the employer's vaccine mandate would ultimately be terminated).

⁶ 42 U.S.C. §§ 2000e(j), 2000e-2(a)(1).

⁷ See Elle Ruggiero, *Religious Liberty in the Time of COVID-19*, THINK GLOBAL HEALTH (Dec. 19, 2022), <https://www.thinkglobalhealth.org/article/religious-liberty-time-covid-19> [perma.cc/T44V-PUSD] ("From New York to California, hundreds of thousands of workers requested religious exemptions, putting employers in charge of adjudicating the sincerity of these claims."); Press Release, PUB. RELIGION RSCH. INST., *Survey: Only 1 in 10 Americans Say COVID-19 Vaccinations Conflict with Religious Beliefs* (Dec. 9, 2021), <https://www.pri.org/press-release/survey-only-1-in-10-americans-say-covid-19-vaccinations-conflict-with-religious-beliefs/> [perma.cc/6FAB-FPB5] (reporting that 10% of survey respondents were religiously opposed to the vaccine, yet 31% of unvaccinated respondents indicated their plan to request a religious exemption).

⁸ *O'Hailpin v. Hawaiian Airlines Inc.*, No. 22-00532, 2023 WL 8600498, at *1 (D. Haw. Dec. 12, 2023), *appeal filed sub nom.* *Young v. Hawaiian Airlines, Inc.*, No. 26-3854 (9th Cir., June 15, 2026).

Texas MD Anderson Cancer Center received 590,⁹ and AstraZeneca Pharmaceuticals—ironically, a COVID-19 vaccine developer—received 666.¹⁰

Many requests were undoubtedly sincere. Employees cited views that the body is God’s temple,¹¹ objections to vaccines derived from aborted fetal tissue,¹² the need to follow divine guidance,¹³ and other religious beliefs.¹⁴ They often referenced scriptures or other religious texts¹⁵ and submitted letters of support from clergy.¹⁶ But many other requests were insincere. Employees with political, philosophical, or personal objections frequently repackaged those views as religious beliefs, invoking the same doctrines and scriptural passages as those with genuine convictions.¹⁷ One employee, for example, told her employer that the vaccination violated her Christian faith because of its alleged connection to fetal cells, yet privately created a group chat with coworkers titled “Take This Jab and Shove It” and wrote a poem portraying the vaccine as a political tool designed to enforce conformity.¹⁸

A cottage industry soon emerged to assist employees in crafting religious-exemption requests.¹⁹ Websites run by evangelical churches, political organizations, and fee-based services offered ready-made form letters.²⁰ Although these resources helped individuals with sincere religious objections more convinc-

⁹ *Bellard v. Univ. of Tex. MD Anderson Cancer Ctr.*, 716 F. Supp. 3d 503, 506 (S.D. Tex. 2024), *appeal dismissed*, No. 24-40161, 2024 WL 5459155 (5th Cir. July 25, 2024).

¹⁰ *Bobnar v. AstraZeneca Pharms. LP*, 758 F. Supp. 3d 690, 703 (N.D. Ohio 2024).

¹¹ See *infra* Part II.B.1.

¹² See *infra* Part II.B.2.

¹³ See *infra* Part II.B.3.

¹⁴ See, e.g., *Bushra v. Main Line Health, Inc.*, 709 F. Supp. 3d 164, 170 (E.D. Pa. 2023) (relaying the employee’s claim that his religious beliefs prevented him from “receiv[ing] a scarce vaccine or booster before someone else who may receive a greater benefit,” namely, those “who are at higher risk of death from COVID-19 than [him]” (quoting plaintiff’s application for religious exemption)), *aff’d*, No. 24-1117, 2025 WL 1078135 (3d Cir. Apr. 10, 2025).

¹⁵ See, e.g., *Bobnar*, 758 F. Supp. 3d at 705–06 (noting that the employee quoted twenty-five biblical passages in his exemption request).

¹⁶ See, e.g., *Haczynska v. Mount Sinai Health Sys., Inc.*, No. 23-CV-3091, 2025 WL 1384133, at *4 (E.D.N.Y. May 13, 2025) (explaining that the employee submitted two letters from religious leaders endorsing her belief that Roman Catholics can decline a vaccine if their conscience so requires).

¹⁷ See *Prida v. Option Care Enters., Inc.*, No. 23-CV-00905, 2023 WL 7003402, at *4 (N.D. Ohio Oct. 24, 2023) (“[C]ourts in the Sixth Circuit have dismissed claims brought by plaintiffs seeking accommodations by cloaking their secular beliefs in the language and protections of Title VII.” (collecting cases)), *rev’d and remanded*, No. 23-3936, 2025 WL 460206 (6th Cir. Feb. 11, 2025).

¹⁸ *Speer v. UCOR LLC*, No. 22-CV-426, 2024 WL 4370773, at *8 (E.D. Tenn. Oct. 1, 2024).

¹⁹ See Laura J. Nelson & Connor Sheets, *Online Pastors, Form Letters: The Cottage Industry Helping Workers Avoid Vaccine Mandates*, L.A. TIMES (Feb. 6, 2022), <https://www.latimes.com/california/story/2022-02-06/requests-religious-exemptions-covid-19-vaccine-letters> [perma.cc/C93Q-7P5G] (describing the organizations that have emerged to assist employees in obtaining religious exemptions from vaccination).

²⁰ See *id.* (explaining that many of the vaccine-exemption letters reviewed in the authors’ investigation were directly copied from online resources).

ingly articulate their beliefs,²¹ the templates were accessible to anyone, making it easy for employees with secular objections to mimic religious language. Some organizations monetized the demand.²² True Hope Ministry, for instance, sold exemption letters for \$195, on pastoral letterhead stamped with a gold seal, declaring that masking, testing, or being vaccinated were an “affront to a Christian.”²³ The widespread availability of such tools drew significant media attention,²⁴ contributing to a public perception—held by roughly two-thirds of adults in the United States—that religious objections to the vaccine were merely pretextual.²⁵

For employers, distinguishing sincere claims from insincere ones quickly became a nightmare. How were they to determine whether an objection invoking the body as God’s temple was religious in nature or simply a medical judgment about vaccine safety? Or how could they assess whether an employee objecting to the COVID-19 vaccine for its fetal cell development was sincere if that employee routinely used over-the-counter medications derived from similar cell lines? With no bright-line test—or even consistent guidance—for assessing religious sincerity, employers improvised, sometimes in unorthodox ways.²⁶ One Arkansas hospital system, for instance, required employees with fetal cell objections to attest that they did not and would not use common medications such as Tylenol, Pepto Bismol, or Tums because they

²¹ *Id.* (citing input from Dorit Reiss, a professor at the University of California Hastings College of Law).

²² *See id.* (explaining the various paid services that True Hope Ministry offered to employees seeking vaccine exemptions).

²³ *Id.*

²⁴ *See, e.g.,* Dorit Reiss, *People Lie About Their ‘Religious’ Objections to Vaccines. Proving It Is Hard.*, WASH. POST (Oct. 15, 2021), https://www.washingtonpost.com/outlook/religious-exemptions-law-vaccines-dishonesty/2021/10/15/df405c38-2d0d-11ec-8ef6-3ca8fe943a92_story.html (reporting on the difficulty of proving that employees were lying about their claimed religious objections to the COVID-19 vaccine); ASSOC. PRESS, *Religious Exemptions Becoming Common Loophole Against COVID-19 Vaccine Mandates*, WJBF.COM (Sep. 16, 2021), <https://www.wjbf.com/news/religious-exemptions-becoming-common-loophole-against-covid-19-vaccine-mandates/> [perma.cc/Y3B8-ZYRZ] (noting that “[r]eligious objections, once used sparingly around the country to get exempted from various required vaccines, are becoming a much more widely used loophole against the COVID-19 shot”); Karen Kaplan, *Coronavirus Today: To Evade the Shot, Simply ‘Cut and Paste,’* L.A. TIMES (Feb. 8, 2022), <https://www.latimes.com/science/newsletter/2022-02-08/coronavirus-today-religious-exemption-vaccine-mandate-cottage-industry-coronavirus-today> [perma.cc/L5ZV-L3KD] (explaining the religious exemption to COVID-19 vaccine mandates was a “giant loophole” that was “ripe for abuse”).

²⁵ Justin Nortey, *Americans Skeptical About Religious Objections to COVID-19 Vaccines, but Oppose Employer Mandates*, PEW RSCH. CTR. (Mar. 31, 2022), <https://www.pewresearch.org/short-reads/2022/03/31/americans-skeptical-about-religious-objections-to-covid-19-vaccines-but-oppose-employer-mandates/> [perma.cc/U5Q2-MNYD].

²⁶ *See infra* notes 32–34 and accompanying text (explaining the various inconsistencies in current failure-to-accommodate case law).

used fetal-cell lines during their development.²⁷ Determining religious sincerity with any confidence proved nearly impossible for even the most sophisticated employers, to say nothing of the challenge it posed for smaller organizations lacking legal counsel or trained human resources personnel.²⁸

Unsurprisingly, vaccine mandates generated a wave of litigation from employees disciplined or terminated after their exemption requests were denied.²⁹ Most suits have failed, either for lack of religious sincerity or because accommodation would have imposed undue hardship.³⁰ But there have been notable exceptions. For example, in 2024, a jury awarded a former IT specialist at Blue Cross Blue Shield of Michigan \$12.7 million in damages after finding that the company wrongly concluded her vaccine objection was not based on a sincere religious belief.³¹

As these cases have moved through the courts, it has become clear that judges also struggle to assess religious sincerity. Approaches vary widely, with some courts deferring almost entirely to the employee and others applying more demanding, multifactor analyses.³² The resulting case law is a patchwork of inconsistencies and contradictions, not only across circuits but sometimes within them.³³ It is not uncommon for courts to reach opposite conclusions

²⁷ *Employer Asks Workers Seeking Religious Exemption from Vaccine Mandate to Swear Off Tylenol and Tums*, FISHER PHILLIPS (Oct. 6, 2021), <https://www.fisherphillips.com/en/news-insights/employer-seeking-religious-exemption-vaccine-mandate.html> [perma.cc/MDQ8-B9U3].

²⁸ See Ruggiero, *supra* note 7 (“[E]mployers are especially ill-suited to adjudicate the sincerity of religious claims, as objections to the vaccine may be seen as political, philosophical, or personal rather than religious.” (citation omitted)).

²⁹ See, e.g., *Brown v. S. Shore Univ. Hosp.*, 762 F. Supp. 3d 191, 197–99 (E.D.N.Y. 2025) (explaining that the plaintiff sued to challenge his employer’s decision to terminate his employment after denying his vaccination exemption request).

³⁰ See, e.g., *Gardner-Alfred v. Fed. Rsr. Bank of N.Y.*, No. 22-CV-1585, 2023 WL 6214863, at *16–17 (S.D.N.Y. Sep. 25, 2023) (granting summary judgment for the defendant-employer because the court found that the plaintiff’s claimed religious beliefs were insincere), *aff’d in part, vacated in part, remanded*, 143 F.4th 51 (2d Cir. 2025); *Varkonyi v. United Launch All., LLC*, No. 23-CV-00359, 2024 WL 1677523, at *1 (C.D. Cal. Feb. 21, 2024) (noting that the employer denied 109 religious-exemption requests, citing undue hardship on the company).

³¹ Tyler Arnold, *Catholic Woman Awarded \$12.7 Million in Religious Discrimination Lawsuit Over COVID Vaccine*, EWTN NEWS (Sep. 26, 2025), <https://www.catholicnewsagency.com/news/260443/catholic-woman-awarded-12-dollars-7-cents-million-in-religious-discrimination-lawsuit-over-covid-19-vaccine> [perma.cc/3HZ6-KHYC]; see Verdict and Settlement Summary, *Domski v. Blue Cross Blue Shield of Mich.*, No. 23-CV-12023, 2024 WL 5272356 (E.D. Mich. Nov. 8, 2024) (providing the breakdown of a \$12.69 million jury award won on a vaccine-exemption claim). Unlike Title VII, Michigan’s employment discrimination law does not cap damages. Compare 42 U.S.C. § 1981a(b)(3) (limiting the recoverable amount of compensatory and punitive damages), with MICH. COMP. LAWS § 37.2801–37.2803 (permitting any amount of damages to be recovered). Thus, the plaintiff was entitled to the full award. See § 37.2801–37.2803.

³² See *infra* Sections II.B. and III.B.

³³ See, e.g., *McCune v. Asante Rogue Reg’l Med. Ctr., LLC*, No. 23-CV-799, 2024 WL 3290348, at *1 (D. Or. July 3, 2024) (“Admittedly, judges in this district have different views on exactly how minimal this requirement is.”).

about the sincerity of two nearly identical exemption requests.³⁴ As one federal judge in Oregon acknowledged, “[a]dmittedly, judges in this district have different views on [the standard for assessing religious sincerity]. At this time, absent guidance from the Ninth Circuit, this Court concludes the appropriate action is to remain, to the extent possible, internally consistent.”³⁵

Although courts have long struggled with religious sincerity,³⁶ the sheer volume of COVID-19 vaccine cases—with their divergent outcomes despite similar facts and arguments—underscores the need for a coherent, principled framework for determining whether a belief is both religious and sincere. This Article takes a first step toward that goal by identifying the various approaches courts use to assess religious sincerity. The analysis reveals deep divides over issues such as how to evaluate beliefs that blend religious and secular elements³⁷ and whether a plaintiff must tie their belief to a specific tenet of their faith.³⁸ But it also shows broad agreement on other points, including the probative value of statements and conduct consistent with a professed belief.³⁹ Mapping these areas of consensus and disagreement is essential to developing a unified framework: points of agreement can form its foundation, whereas contested areas will require further refinement. Although assessing religious sincerity will never be simple, developing a single framework that employers, employees, and courts can rely on will help ensure that sincere religious belief receives the protection Title VII promises.

It may be tempting to push aside the COVID-19 vaccine cases as a pandemic-era anomaly, but doing so would be a mistake for at least two reasons. First, vaccine accommodation disputes are not going away. They predate COVID-19⁴⁰ and will likely persist long after the current cases conclude. Sci-

³⁴ Compare *Aliano v. Township of Maplewood*, No. 22-CV-5598, 2023 WL 4398493, at *7 (D.N.J. July 7, 2023) (holding that a plaintiff plausibly alleged a religious objection to the vaccine by asserting that “as a Christian, [he] cannot according to [his] beliefs and conscience, use these products that have origins in abortion” (quoting a plaintiff’s exemption request)), with *Jackson v. Tyson Foods, Inc.*, No. 23-CV-5102, 2023 WL 9097854, at *5 (W.D. Ark. Nov. 27, 2023) (deciding that a plaintiff who claimed “the vaccine conflicts with her religious beliefs because it was developed using an aborted fetal cell line” failed to plausibly allege her belief was religious), *appeal dismissed per stipulation*, No. 23-3753, 2025 WL 1751986 (8th Cir. May 15, 2025).

³⁵ *McCune*, 2024 WL 3290348, at *1.

³⁶ See, e.g., *United States v. Seeger*, 380 U.S. 163, 164, 183 (1965) (analyzing the religious sincerity of conscientious objectors and noting that the Court “recognize[s] the difficulties that have always faced the trier of fact in these cases”).

³⁷ See *infra* Part IV.B.3.

³⁸ See *infra* Part IV.B.1.

³⁹ See *infra* Part IV.A.3.

⁴⁰ There is a long history of employees—mainly healthcare workers—asserting religious objections to flu vaccine mandates. See, e.g., *EEOC v. Mission Hosp., Inc.*, No. 16-CV-00118, 2017 WL 3392783, at *1 (W.D.N.C. Aug. 7, 2017) (alleging religious discrimination against a hospital that refused to accommodate and ultimately discharged three employees who objected to the flu vaccine on religious grounds); *Robinson v. Child. ’s Hosp. Bos.*, No. 14-10263, 2016 WL 1337255, at *1 (D.

entists predict more frequent pandemics,⁴¹ which will almost certainly prompt new vaccine mandates. Additionally, public resistance to vaccination may intensify amid ongoing efforts within the Trump administration to undermine confidence in certain vaccines.⁴² Department of Health and Human Services Secretary Robert F. Kennedy, Jr. has drawn criticism for deceptive and often conspiratorial claims that have undermined public trust.⁴³ Despite making assurances during his confirmation about maintaining the existing federal vaccine approval process, he delayed the Food and Drug Administration's (FDA) full approval of the Novavax COVID-19 shot, imposed additional testing requirements on seasonal vaccine updates, and promised to "unleash a massive framework" for vaccine testing and approval.⁴⁴ Public health advocates fear these actions could trigger a vaccine confidence crisis,⁴⁵ prompting more employees to seek religious accommodations to avoid workplace vaccine requirements.

A second reason not to discount the COVID-19 vaccine cases is because scrutiny of religious sincerity is becoming more common. For decades, employers and courts could sidestep religious sincerity questions because most

Mass. Apr. 5, 2016) (alleging religious discrimination against a hospital that terminated an employee after she refused a flu shot on religious grounds).

⁴¹ See Abraham Haileamlak, *Pandemics Will Be More Frequent*, 32 ETHIOP. J. HEALTH SCI. 228, 228 (2022) (citing travel, urbanization, climate change, increased human-animal contact, and shortage of health workers as factors that heighten the risk of future pandemics); Marco Marani, Gabriel G. Katul, William K. Pan, & Anthony J. Parolari, *Intensity and Frequency of Extreme Novel Epidemics*, PNAS, Aug. 31, 2021, at 1, 1, <https://www.pnas.org/doi/10.1073/pnas.2105482118> [<https://doi.org/10.1073/pnas.2105482118>] (calculating that a person faces a 38% chance of experiencing a COVID-scale pandemic during their lifetime).

⁴² See, e.g., Matthew Perrone & Luran Neergaard, *RFK Jr. Pledged Not to Upend US Vaccine System, but Big Changes Are Underway*, AP NEWS (May 19, 2025), <https://apnews.com/article/vaccines-rfk-kennedy-trump-covid-fda-novavax-b50f4d6fbcca378eb89b059bc8a91477> [perma.cc/Y4AG-GHSL] (explaining that Dr. Vinay Prasad, who was tapped as the vaccine chief at the FDA in 2025, is opposed to COVID-19 boosters).

⁴³ Y. Tony Yang, Correspondence, *The Perils of RFK Junior's Anti-vaccine Leadership for Public Health*, 405 LANCET 122, 122 (2025).

⁴⁴ Perrone & Neergaard, *supra* note 42 (quoting Marty Makary, former FDA Commissioner); see Apoorva Mandavilli, *The Many Ways Kennedy Is Already Undermining Vaccines*, N.Y. TIMES (Apr. 13, 2025), <https://www.nytimes.com/2025/04/13/health/kennedy-vaccines-confidence-access.html> [perma.cc/J9R6-2XAA] (detailing the numerous ways in which Secretary Kennedy has undermined confidence in vaccine efficacy, including by halting funding to the National Institutes of Health for researchers who study vaccine hesitancy, shelving the Centers for Disease Control and Prevention's advertising campaign for the flu shot, and by cutting billions of dollars to state health agencies, including funds intended to modernize childhood immunization programs); Nicholas Florko, *RFK Jr. Has Already Broken His Vaccine Promise*, ATLANTIC (Mar. 14, 2025), <https://www.theatlantic.com/health/archive/2025/03/rfk-jr-quiet-assault-vaccination/682040/> [perma.cc/V8ES-LCVR] (reporting that despite assurances during his confirmation hearings that he supported certain vaccines, Secretary Kennedy has taken numerous actions to deter Americans from vaccinating their children).

⁴⁵ Tonya Mosley, *A Pediatrician Warns of 'Long-lasting' Consequences of RFK Jr. Leading HHS*, NPR (Feb. 18, 2025) (citation omitted), <https://www.npr.org/sections/shots-health-news/2025/02/18/nx-s1-5300174/adam-ratner-booster-shots-measles-rfk> [perma.cc/HQ4B-97T6].

accommodation requests could be denied on undue-hardship grounds. Under longstanding U.S. Supreme Court precedent, employers could deny any religious accommodation that imposed “more than a *de minimis* cost.”⁴⁶ Since virtually any accommodation results in at least some cost,⁴⁷ employers could deny most requests. That changed in 2023, when the Court dramatically raised (or in its view, “clarified”) the undue-hardship threshold in *Groff v. DeJoy*, holding that an employer must accommodate unless doing so would impose “substantial increased costs in relation to the conduct of its particular business.”⁴⁸ With undue hardship now far harder to establish, employers will almost certainly turn to other grounds for rejecting accommodation claims, including more aggressive scrutiny of an employee’s religious sincerity. How courts assess religious sincerity in the COVID-19 vaccine cases will therefore shape how they evaluate it in other accommodations contexts.⁴⁹

This Article proceeds in four parts. Part I describes how employers implemented vaccine mandates, including what they required from exemption-seekers, how they assessed religious sincerity, and why they denied requests.⁵⁰ Part II analyzes the differing ways courts assess whether the three most common objections—aborted fetal cells, bodily integrity, and divine revelation—are religious or secular in nature.⁵¹ Part III examines how courts evaluate sincerity itself.⁵² Although many courts treat sincerity as a credibility question for trial, several decisions confront it directly, revealing important—and at times conflicting—approaches.⁵³ Part IV distills the key points of convergence and divergence in the case law.⁵⁴ Areas of consensus can form the foundations of a coherent framework for assessing religious sincerity, while areas of disagreement call for further judicial and scholarly development.

I. EMPLOYER ASSESSMENT OF RELIGIOUS EXEMPTION REQUESTS

This Part examines how employers responded to employees’ religious objections to COVID-19 vaccine mandates. It begins by explaining why employ-

⁴⁶ *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63, 84 (1977), *modified*, *Groff v. DeJoy*, 600 U.S. 447 (2023).

⁴⁷ See Christine Jolls, *Accommodation Mandates*, 53 STAN. L. REV. 223, 231 (2000) (explaining that “[a]n ‘accommodation mandate’ is a requirement that employers take special steps in response to the distinctive needs of particular, identifiable demographic groups of workers”).

⁴⁸ 600 U.S. at 470, 473 (citation omitted).

⁴⁹ See Dallen F. Flake, *Undue Hardship After Groff*, 28 EMP. RTS. & EMP. POL’Y J. 1, 5–10 (2025) (explaining that most religious accommodations fit into four categories: scheduling, dress and grooming, proselytization, and task exemptions).

⁵⁰ See *infra* Part I.

⁵¹ See *infra* Part II.

⁵² See *infra* Part III.

⁵³ See *infra* Part III.

⁵⁴ See *infra* Part IV.

ers adopted vaccine mandates.⁵⁵ It then surveys the principal categories of religious objections and analyzes the mechanisms employers used to distinguish sincere claims from insincere ones.⁵⁶

A. The Rise of Employer Vaccine Mandates

The COVID-19 pandemic devastated nearly every sector of the economy, from restaurants and grocery stores to hotels and manufacturing plants.⁵⁷ Most businesses suffered in some form, whether through supply chain disruptions, reduced demand, shortages in supplies and inputs, or government-mandated closures.⁵⁸ Economists estimate that the pandemic cost U.S. employers more than \$213 billion⁵⁹ and produced roughly 200,000 excess business closures in its first year alone.⁶⁰ Overall, researchers place the pandemic's total economic impact at \$14 trillion by the end of 2023.⁶¹

Against this backdrop, it is unsurprising that once COVID-19 vaccines became publicly available in mid-2021,⁶² many employers quickly adopted

⁵⁵ See *infra* Part I.A.

⁵⁶ See *infra* Part I.B.

⁵⁷ See Terrie Walmsley, Adam Rose & Dan Wei, *The Impacts of the Coronavirus on the Economy of the United States*, 5 ECON. DISASTER & CLIM. CHANG. 1, 1–19, 22 (2021) (analyzing the effect of the pandemic on U.S. businesses and explaining the reasons for economic loss).

⁵⁸ See Sharon Stang, *Impact of the Coronavirus Pandemic on Businesses and Employees by Industry*, U.S. BUREAU OF LAB. STATS. (July 2021), <https://www.bls.gov/spotlight/2021/impact-of-the-coronavirus-pandemic-on-businesses-and-employees-by-industry/home.htm> (reporting that the pandemic impacted “all sectors of the economy,” with businesses experiencing supply-chain disruption, decreased customer demand, supply and input shortages, and mandatory closures).

⁵⁹ Jennifer Santisi, *The COVID-19 Pandemic Cost Employers \$213 Billion, with 6.6 Billion Lost Hours of Productivity, According to IBI Analysis*, INTEGRATED BENEFITS INST. (Jan. 17, 2023), <https://www.pnnewsire.com/news-releases/the-covid-19-pandemic-cost-employers-213-billion-with-6-6-billion-lost-hours-of-productivity-according-to-ibi-analysis-301723523.html> [perma.cc/U7PP-6KNN].

⁶⁰ Ayelet Sheffey, *The Pandemic May Have Caused 200,000 Business Closures—Fewer Than Expected*, BUS. INSIDER (Apr. 16, 2021), <https://www.businessinsider.com/small-business-closures-pandemic-less-expected-past-year-fed-survey-2021-4> [perma.cc/49FP-YKAU].

⁶¹ Jakub Hlávka & Adam Rose, *COVID-19's Total Cost to the U.S. Economy Will Reach \$14 Trillion by End of 2023*, USC LEONARD D. SCHAEFFER INST. FOR PUB. POL'Y & GOV'T SERV. (May 16, 2023), <https://schaeffer.usc.edu/research/covid-19s-total-cost-to-the-economy-in-us-will-reach-14-trillion-by-end-of-2023-new-research/> [perma.cc/5G39-HXDC].

⁶² Shortly after the pandemic began, the federal government launched efforts to develop a COVID-19 vaccine. See U.S. GOV'T ACCOUNTABILITY OFF., GAO-21-319, OPERATION WARP SPEED: ACCELERATED COVID-19 VACCINE DEVELOPMENT STATUS AND EFFORTS TO ADDRESS MANUFACTURING CHALLENGES 2 (2021), <https://www.gao.gov/assets/gao-21-319.pdf> [perma.cc/S9TC-JNMT] (“By the end of March 2020, with the initiation of the first clinical trials, the race was on in the United States to develop a vaccine.”). Operation Warp Speed ultimately produced three vaccines, each receiving Emergency Use Authorization (EUA) in early 2021. See Lancet Commission on COVID-19 Vaccines and Therapeutics Task Force Members, *Operation Warp Speed: Implications for Global Vaccine Security*, 9 LANCET GLOB. HEALTH E1017, E1017 (2021) (reporting on the various vaccines that were developed as a result of Operation Warp Speed); see also Authorizations of Emergency Use of Certain Biological Products During the COVID-19 Pandemic; Availability, 86

vaccine mandates.⁶³ The federal government, the nation's largest employer, led the way. In September 2021, President Biden issued an executive order requiring vaccination for all federal employees.⁶⁴ States took sharply divergent approaches, with some imposing broad mandates on specific groups of public and private workers and others adopting narrow requirements or banning mandates altogether.⁶⁵ In the private sector, major companies such as Walmart, Facebook, Delta Air Lines, and McDonald's announced mandates.⁶⁶ In total, an estimated thirty-six percent of the U.S. workforce became subject to a vaccine requirement.⁶⁷

Employers responded differently to noncompliance. Many terminated employees who refused vaccination, whereas others imposed less severe measures such as masking, regular testing, remote work, or unpaid leave.⁶⁸ Although mandate policies varied, most included the possibility of a religious

Fed. Reg. 28608 (May 27, 2021) (announcing the EUA for the Janssen Biotech vaccine, a subsidiary of Johnson & Johnson, that took effect in February 2021); Authorizations of Emergency Use of Two Biological Products During the COVID-19 Pandemic; Availability, 86 Fed. Reg. 5200 (Jan. 19, 2021) (announcing the Moderna and Pfizer-BioNTech vaccines EUAs that took effect in December 2020).

⁶³ See Aimee Picchi, *36% of U.S. Workers Say They are Now Required to be Vaccinated, Poll Shows*, CBS NEWS (Oct. 29, 2021), <https://www.cbsnews.com/news/covid-vaccine-mandate-36-percent-of-workers/> [perma.cc/6A96-67FE] (reporting that the percentage of workers under a COVID-19 vaccine mandate rose from 9% in July 2021 to 36% in October 2021).

⁶⁴ Exec. Order No. 14043, 86 Fed. Reg. 50989 (Sep. 9, 2021). President Biden later sought to impose a nationwide vaccination or testing mandate on employers with at least 100 employees. COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402 (Nov. 5, 2021); see also Joseph Seiner, *Workplace Power*, 65 B.C. L. REV. 55, 69–70 (2024) (explaining that the federal government relied on the Occupational Safety and Health Act when it passed the nationwide vaccine mandate and describing the controversy surrounding the statute). That mandate was immediately challenged and ultimately struck down as exceeding agency authority. *Nat'l Fed'n of Indep. Bus. v. Dep't of Lab., Occupational Safety & Health Admin.*, 595 U.S. 109, 119–20 (2022).

⁶⁵ See *State Efforts to Limit or Enforce COVID-19 Vaccine Mandates*, NAT'L ACAD. FOR STATE HEALTH POL'Y (Feb. 26, 2025), <https://nashp.org/state-tracker/state-efforts-to-ban-or-enforce-covid-19-vaccine-mandates-and-passports/> [perma.cc/9BEH-7GE3] (mapping state attempts at handling COVID-19 vaccine mandates).

⁶⁶ Haley Messenger, *From McDonald's to Goldman Sachs, Here Are the Companies Mandating Vaccines for All or Some Employees*, NBC NEWS (Nov. 16, 2021), <https://www.nbcnews.com/business/business-news/here-are-companies-mandating-vaccines-all-or-some-employees-n1275808> [perma.cc/7KL8-7PML].

⁶⁷ See Jones, *supra* note 1 (explaining that in late 2021, when the number of employers mandating COVID-19 vaccination had begun to level off, about 36% of workers were subject to employer mandates).

⁶⁸ See, e.g., *Does 1-11 v. Bd. of Regents of Univ. of Colo.*, 100 F.4th 1251, 1260 (10th Cir. 2024) (requiring unvaccinated employees to work remotely); *Sambrano v. United Airlines, Inc.*, No. 21-11159, 2022 WL 486610, at *2 (5th Cir. Feb. 17, 2022) (allowing non-customer-facing unvaccinated employees to return to work under a masking-and-testing protocol); *Zimmerman v. PeaceHealth*, 701 F. Supp. 3d 1099, 1105 (W.D. Wash. 2023) (placing unvaccinated employees on indefinite unpaid leave).

exemption pursuant to Title VII's accommodation provision.⁶⁹ Because employers need not grant accommodations that impose undue hardship, many denied exemptions on the ground that retaining unvaccinated employees would be too costly.⁷⁰ Thus, although employers had to provide a process for seeking accommodation, that process did not guarantee an exemption.

B. The Challenge of Screening Religious Objections

Almost immediately upon enacting such policies, employers were inundated with exemption requests from employees of many faiths.⁷¹ Although the objections were diverse and nuanced, they generally fell into three categories: abortion, bodily integrity, and personal revelation.⁷² Employees with abortion-related objections often asserted that abortion is a form of murder, that COVID-19 vaccines derive from cell lines of aborted fetuses, and that receiving the vaccine would make them complicit in sin.⁷³ Those raising bodily-integrity objections invoked beliefs that the body is a temple of God,⁷⁴ that it is sinful to inject foreign substances,⁷⁵ that God provides natural immunity,⁷⁶ or that reliance on Western medicine constitutes idolatry.⁷⁷ Employees asserting

⁶⁹ See 42 U.S.C. §§ 2000e(j), 2000e-2(a)(1) (requiring employers to reasonably accommodate employees whose religious beliefs conflict with job requirements unless doing so would impose “undue hardship” on their business).

⁷⁰ See, e.g., *Varkonyi v. United Launch All., LLC*, No. 23-cv-00359, 2024 WL 1677523, at *1–2 (C.D. Cal. Feb. 21, 2024) (noting that the employer denied all 109 religious-exemption requests, citing undue hardship for several reasons, including that masking, temperature checks, and distancing had failed to prevent COVID-19 spread; testing was costly and limited; and federal policy required the company to adopt a vaccine mandate).

⁷¹ See PUB. RELIGION RSCH. INST., *supra* note 7 (explaining that 31% of unvaccinated employees surveyed had requested or planned to request a religious exemption from their employer).

⁷² See *infra* notes 73–78 and accompanying text.

⁷³ See, e.g., *Taylor v. Milford Reg'l Med. Ctr., Inc.*, 733 F. Supp. 3d 8, 15 (D. Mass. 2024) (referencing plaintiffs' claims that getting the COVID-19 vaccine would make them “accomplice[s] in the abortion process” (citing the plaintiffs' complaint)); *Dickhudt v. COBX Co.*, No. 22-CV-12838, 2024 WL 4235470, at *5 (E.D. Mich. Sep. 19, 2024) (referencing plaintiff's assertion that “by receiving the COVID-19 vaccine she would be complicit in the sinful act of murder” (quoting the plaintiff's second amended complaint)).

⁷⁴ See, e.g., *Davis v. Reliance Test & Tech., LLC*, No. CV 22-1760, 2025 WL 266664, at *6 (D. Md. Jan. 22, 2025) (referencing plaintiff's belief that “his body is a ‘temple of the Holy Spirit,’ and he does not want to ‘defile’ his body with a vaccine” (quoting the plaintiff's testimony)).

⁷⁵ See, e.g., *Jackson v. Methodist Health Servs. Corp.*, No. 22-CV-1307, 2023 WL 2486599, at *1 (C.D. Ill. Feb. 10, 2023) (referencing plaintiff's “sincere beliefs that prevent her from introducing hazardous substances . . . into her blood” (quoting the plaintiff's complaint)), *aff'd*, 121 F.4th 1122 (7th Cir. 2024), *cert. denied*, 146 S. Ct. 99 (2025).

⁷⁶ See, e.g., *Romer v. City of North Charleston*, No. 22-CV-04254, 2024 WL 4343709, at *1 (D.S.C. Sep. 30, 2024) (referencing plaintiff's claim that “as a devout Christian, he believes that vaccines interfere with the immune system God created and are thus a violation of God's will for humanity” (citing the plaintiff's exemption request)).

⁷⁷ See, e.g., *Gardner-Alfred v. Fed. Rsrv. Bank of N.Y.*, 651 F. Supp. 3d 695, 721–22 (S.D.N.Y. 2023) (referencing plaintiff's allegation that her religion “opposes the invasive techniques of Western

personal-revelation objections claimed that God, through prayer or discernment, directed them not to be vaccinated.⁷⁸

As noted earlier, many requests were sincere, but many others were not.⁷⁹ The ease with which employees could download template letters, or even purchase a pastor-signed exemption,⁸⁰ raised legitimate concerns that some were invoking religion to mask nonreligious motivations. Yet determining religious sincerity is notoriously difficult. Courts have described the inquiry as “particularly difficult,”⁸¹ “most delicate,”⁸² and one for which the judiciary is not “well-equipped.”⁸³ Still, employers who could not deny requests on undue hardship grounds had little choice but to confront the religious sincerity question directly.

The U.S. Equal Employment Opportunity Commission (EEOC) responded by issuing nonbinding guidance, endorsed by some courts,⁸⁴ that outlines several key points:

- Employers should generally assume a vaccine-exemption request is grounded in a sincere religious belief.

medicine” and that COVID-19 vaccines therefore “represent unacceptable intrusions on her personal form” (quoting the plaintiff’s amended complaint)).

⁷⁸ See, e.g., *Passarella v. Aspirus, Inc.*, 108 F.4th 1005, 1007 (7th Cir. 2024) (describing plaintiff’s claim that “[a]fter prayerful consideration, I don’t feel at peace about receiving the COVID vaccine” (quoting the plaintiff’s letter to her employer)); *Quintal v. Dep’t of Dev. Servs.*, 761 F. Supp. 3d 350, 352 (D. Mass. 2025) (referencing plaintiff’s assertion that she “seek[s] God’s will in all areas of [her] life through prayer and the discernment He bestows upon [her]” and that she “received a clear word from the Lord that [she] must not get the shot” (quoting the plaintiff’s exemption request)), *appeal filed*, No. 25-1069 (1st Cir. Jan. 23, 2025).

⁷⁹ See, e.g., *supra* note 31 and accompanying text.

⁸⁰ See *Nelson & Sheets*, *supra* note 19 (noting that many employees’ vaccine-exemption letters reviewed in the authors’ investigation were copied from online resources and that some of those resources even offered letters signed by a religious leader).

⁸¹ *Fallon v. Mercy Cath. Med. Ctr. of Se. Pa.*, 877 F.3d 487, 490 (3d Cir. 2017).

⁸² *Africa v. Pennsylvania*, 662 F.2d 1025, 1031 (3d Cir. 1981) (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 215 (1972)); see also *Ellison v. Inova Health Care Servs.*, 692 F. Supp. 3d 548, 557 (E.D. Va. 2023) (“Whether one’s beliefs and practices are religiously motivated is of course a difficult question for courts of law to decide.” (citing *Doswell v. Smith*, 139 F.3d 888 (4th Cir. 1998))).

⁸³ *Africa*, 662 F.2d at 1031 (“Judges are ill-equipped to examine the breadth and content of an avowed religion . . .”).

⁸⁴ See, e.g., *Lee v. City of Columbus*, 636 F.3d 245, 256 (6th Cir. 2011) (explaining that EEOC guidance, “while non-binding, ‘constitute[s] a body of experience and informed judgment to which courts and litigants may properly resort for guidance’” (quoting *White v. Burlington N. & Santa Fe Ry. Co.*, 364 F.3d 789, 912 (6th Cir. 2004) (en banc), *cert. granted in part*, 546 U.S. 1060 (2005), and *aff’d*, 548 U.S. 53 (2006))); *Bobnar v. AstraZeneca*, 672 F. Supp. 3d 475, 481 (N.D. Ohio 2023) (citing EEOC, *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws* [hereinafter *What You Should Know*] (May 15, 2023), <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws> [perma.cc/E3DG-3S2B] (considering EEOC guidance)); *Bereznak v. Arrow Elecs., Inc.*, No. 23-CV-01318, 2024 WL 4268588, at *9 (D. Colo. Aug. 12, 2024) (same), *report and recommendation adopted by* No. 23-cv-01318, 2024 WL 4267882 (D. Colo. Sep. 20, 2024), *aff’d* No. 24-1394, 2025 WL 2462657 (10th Cir. Aug. 27, 2025).

- If an employer has a reasonable basis to question the religious nature or sincerity of a belief, it may make a limited factual inquiry and seek supporting information.
- Overlap between religious and secular objections does not disqualify a belief from being classified as religious if it is part of a broader system of religious belief.
- Sincerity is not generally questioned and is largely an individual credibility matter.
- Factors that may undermine sincerity include inconsistent conduct, whether the accommodation is particularly desirable and likely to be sought for nonreligious reasons, suspicious timing, or other reasons to believe the request is not religiously motivated.⁸⁵

The EEOC also publicly released the form it uses for its own employees to request religious accommodations—an unusual step prompted by the “extraordinary circumstances” of the pandemic.⁸⁶ The form is not vaccine-specific but rather asks employees to more generally describe the conflicting workplace policy, the religious beliefs at issue, the accommodation sought, and any acceptable alternatives.⁸⁷

Employers, in turn, developed a range of methods to determine which exemption requests were grounded in sincere religious beliefs. Following the EEOC’s lead, many created forms requiring employees to explain their objections to the vaccine.⁸⁸ Some forms asked only basic questions, such as why the employee was seeking a religious exemption, what religious beliefs guided the objection, and whether the employee opposed all vaccinations or only certain ones.⁸⁹ Others were far more probing. The Mayo Clinic, for example, required employees to answer five detailed questions:

1. What is the sincerely held religious belief or practice for which you are seeking accommodation?

⁸⁵ *What You Should Know*, *supra* note 84, §§ K.12, L.2.

⁸⁶ *Id.* § L.1.

⁸⁷ See EEOC, *Religious Accommodation Request Form*, 1, 1 (July 12, 2026), <https://www.eeoc.gov/sites/default/files/2021-10/EEOC%20Religious%20Accommodation%20Request%20Form%20-%20for%20web.pdf> [perma.cc/RH79-UV8L].

⁸⁸ See, e.g., *Piccolo v. Mayo Clinic*, No. CV-22-02007, 2025 WL 821773, at *2 (D. Ariz. Mar. 13, 2025) (providing the religious exemption form used at Mayo Clinic).

⁸⁹ See, e.g., *Harrah v. Lutheran Fam. Servs. of Va., Inc.*, No. 23-cv-789, 2025 WL 957523, at *2 (W.D. Va. Mar. 31, 2025) (providing the three questions that employees at Lutheran Family Services were asked regarding their request for a religious exemption); *Leonhardt v. MedStar Health, Inc.*, No. 23-CV-01211, 2025 WL 744077, at *2 (D. Md. Mar. 7, 2025) (providing MedStar’s religious exemption form, which required employees to identify their religious belief, explain its role in their daily life, describe how it prevented COVID-19 vaccination, state whether they opposed all vaccines or only the COVID-19 vaccine, and, if so, explain any distinction).

2. Please provide any information that will help us to determine that your belief is sincerely held with the strength of traditional religious views. For example, does this belief affect any other aspect of your life?
 3. Has your religious belief that is preventing you from receiving COVID-19 vaccination changed over time? If yes, explain how it has changed, when it changed and why.
 4. Describe the conflict between the religious belief or practice and receiving COVID-19 vaccine. Provide as much specificity as possible and identify all areas of conflict.
 5. Does your religious belief prevent you from receiving all vaccines or only some vaccines?
- [5]a. Please specify (If your religious belief prevents you from receiving only specific vaccines, please explain why. For example, if there is something about the way that some vaccines are developed or manufactured that prevents you from receiving them, please identify what that is.)⁹⁰

Employees varied widely in their ability to articulate their beliefs. Some readily cited religious texts and offered detailed explanations of how vaccination conflicted with specific tenets of their faiths.⁹¹ Others struggled, either because they found it intrusive to disclose deeply personal beliefs to their employers⁹² or because they had difficulty expressing those beliefs with the specificity required.⁹³ Courts have cautioned against placing undue weight on the quality of an employee's explanation of their beliefs about vaccination. As the

⁹⁰ *Piccolo*, 2025 WL 821773, at *2.

⁹¹ *See, e.g.*, *Bobnar v. AstraZeneca Pharms. LP*, 758 F. Supp. 3d 690, 705–06 (N.D. Ohio 2024) (explaining that in requesting a vaccine exemption from his employer, the plaintiff provided links to his church's website and quoted twenty-five Bible passages).

⁹² *See, e.g.*, *Thornton v. Ipsen Biopharms., Inc.*, 126 F.4th 76, 79 (1st Cir. 2025) (noting that in her request form, the plaintiff stated that, “[b]eing a very private person, this process that requires me to divulge my sincerely held beliefs and personal medical information makes me extremely uncomfortable” (quoting the plaintiff's exemption request)). For example, in *Piccolo v. Mayo Clinic*, an employee who was asked to explain her beliefs stated that she was:

[D]eeply offended by the very question itself! The fact that some random person or group, none of which know me, will be tasked with deciding if I'm devoutly religious or not is a sad [sic]. To whoever may be reading this, please know that you are in no position to judge me, my religious beliefs, or my level of devotion to those beliefs! As far as my religious beliefs are concerned, I do not answer to you, I answer only to God!

2025 WL 821773, at *2.

⁹³ *See, e.g.*, *Thornton*, 126 F.4th at 79 (noting that the employee stated, “I have never had to defend my faith and it is difficult for me to put into words my sincerely held religious beliefs that I hold in my heart and soul” (quoting the employee's letter appealing her employer's denial of her exemption request)).

Seventh Circuit Court of Appeals observed, courts are not reviewing statutory text or an attorney's argument but an employee's own account of why they are seeking the exemption.⁹⁴ Thus, the Seventh Circuit asserted, it is inappropriate for courts to expect or require exemption requests to contain thorough legal reasoning.⁹⁵

In addition to requiring employees to describe their religious conflict, some employers asked for supporting documentation from a religious leader.⁹⁶ In some workplaces this documentation was optional, as with one New York entertainment company that invited but did not require a statement from a religious leader.⁹⁷ Others made such documentation mandatory, such as a Pennsylvania auto repair shop that required a note from a religious figure at the employee's place of worship.⁹⁸ These requirements were controversial, given longstanding precedent that an employee need not belong to an organized religion, or even adhere to an official doctrine, to be protected.⁹⁹ Requiring documentation from a religious authority risks privileging formal religion over individualized belief, a practice Title VII prohibits.¹⁰⁰

⁹⁴ *Passarella v. Aspirus, Inc.*, 108 F.4th 1005, 1011 (7th Cir. 2024).

⁹⁵ *Id.*

⁹⁶ *See, e.g., Cesare v. PACT MSO, LLC*, 736 F. Supp. 3d 93, 102 (D. Conn. 2024) (noting that the employer requested a letter from a pastor to support the plaintiffs' requests for a religious exemption); *Gaskin-El v. 1199SSEIU Nat'l Benefit Fund*, No. 24-CV-1169, 2025 WL 552044, at *1 (S.D.N.Y. Feb. 19, 2025) (observing that the request form included a section to be completed by a religious leader). Even when employers do not request supporting documentation, some employees provided it voluntarily. *See, e.g., Bushra v. Main Line Health, Inc.* 709 F. Supp. 3d 164, 170 (E.D. Pa. 2023) (explaining that the employee included a letter from his minister conveying that he "would be sinning by violating his conscience before the Lord" if he received a COVID-19 vaccine (quoting a letter from the plaintiff's minister)), *aff'd*, No. 24-1117, 2025 WL 1078135 (3d Cir. Apr. 10, 2025).

⁹⁷ *See Matos v. Discovery Commc'ns, LLC*, 750 F. Supp. 3d 307, 315 (S.D.N.Y. 2024) (noting that the employer requested, but did not require, a statement from a faith leader).

⁹⁸ *See Winans v. Cox Auto., Inc.*, 669 F. Supp. 3d 394, 397 (E.D. Pa. 2023) (requiring employees to submit either a medical certification or a note from a religious figure to obtain an exemption).

⁹⁹ *See Foshee v. AstraZeneca Pharms. LP*, No. CV 23-00894, 2023 WL 6845425, at *4 (D. Md. Oct. 17, 2023) ("Because religious beliefs are individual in nature, it is not essential that the beliefs be shared by an organized religious group to qualify as religious in nature." (citing *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 715-16 (1981)); *Gardner-Alfred v. Fed. Rsv. Bank of N.Y.*, No. 22-CV-1585, 2023 WL 6214863, at *17 (S.D.N.Y. Sep. 25, 2023) ("A showing of sincerity does not necessarily require strict doctrinal adherence to standards created by organized religious hierarchies." (quoting *Moussazadeh v. Tex. Dep't of Crim. Just.*, 703 F.3d 781, 791 (5th Cir. 2012))), *aff'd in part, vacated in part, remanded*, 143 F.4th 51 (2d Cir. 2025)); *Aliano v. Township of Maplewood*, No. 22-CV-5598, 2023 WL 4398493, at *5 (D.N.J. July 7, 2023) ("And a belief may be religious in an individual's 'own scheme of things' regardless of how widely accepted it is in a particular organized religion." (citing *Ambrose v. Gabay Ent. & Assoc., P.C.*, No. 12-5453, 2013 WL 4195387, at *3 (E.D. Pa. Aug. 15, 2013))).

¹⁰⁰ *See* EEOC COMPLIANCE MANUAL § 12-I(A)(1) (2008) [hereinafter COMPLIANCE MANUAL], <http://www.eeoc.gov/policy/docs/religion.pdf> [perma.cc/6847-KRL9] ("Religion includes not only traditional, organized religions . . . but also religious beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or unreasonable to others.").

Employers also varied in how they reviewed exemption requests. Some employers designated a single decisionmaker,¹⁰¹ others appointed committees,¹⁰² and still others used a hybrid model in which an individual reviewer made the initial determination and a panel considered appeals.¹⁰³ The amount of training provided to decisionmakers likewise differed. The Mayo Clinic, for instance, appointed reviewers with experience handling compliance or personnel matters, required them to undergo additional training, and provided guidance on how to evaluate questions on its exemption request form.¹⁰⁴ Law firms and human resources organizations circulated best practices guides, webinars, and flowcharts to assist employers.¹⁰⁵ Some employers based their decisions solely on the written form,¹⁰⁶ whereas others sought follow-up information,¹⁰⁷ interviewed the employee,¹⁰⁸ or consulted supervisors to assess the accommo-

¹⁰¹ See, e.g., *Dickhudt v. COBX Co.*, No. 22-CV-12838, 2024 WL 4235470, at *7 (E.D. Mich. Sep. 19, 2024) (noting that the director of employee and labor relations decided all vaccine-exemption requests).

¹⁰² See, e.g., *Bellard v. Univ. of Tex. MD Anderson Cancer Ctr.*, 716 F. Supp. 3d 503, 506 (S.D. Tex. 2024) (describing how the employer created a five-member committee to evaluate vaccine-exemption requests), *appeal dismissed*, No. 24-40161, 2024 WL 5459155 (5th Cir. July 25, 2024); *Cesare v. PACT MSO, LLC.*, 736 F. Supp. 3d 93, 97 (D. Conn. 2024) (“All exemption requests were submitted anonymously to a committee comprised of seven medical providers.”).

¹⁰³ See, e.g., *Piccolo v. Mayo Clinic*, No. CV-22-02007, 2025 WL 821773, at *1–2 (D. Ariz. Mar. 13, 2025) (explaining that after an individual reviewer made an initial decision, a trained team reviewed any request for reconsideration).

¹⁰⁴ *Id.* at *11–12; *Adamson v. Mayo Clinic*, No. 23-cv-1284, 2025 WL 1238485, at *2 (M.D. Fla. Apr. 22, 2025).

¹⁰⁵ See, e.g., Phyllis Karasov, *An Employer’s Guide to Addressing Requests for Religious Exemption from a Mandatory COVID-19 Vaccine Policy*, LARKIN HOFFMAN (Sep. 9, 2021), <https://www.larkinhoffman.com/employment-labor-blog/an-employers-guide-to-addressing-requests-for-religious-exemption-from-a-mandatory-covid-19-vaccine-policy-2> [perma.cc/T9EV-TL3F] (advising employers on how to handle vaccine-exemption requests); *An HR Professional’s Guide: COVID-19 Vaccine Exemptions*, VIRGIL HR, <https://virgilhr.com/news/an-hr-professionals-guide-covid-19-vaccine-exemptions/> [perma.cc/6GUB-YKJC] (same); *Series: Navigating Medical and Religious Exemptions from a COVID-19 Vaccine Mandate*, FELDESMAN TRAINING SOLS., <https://training.feldesman.com/health-center-compliance1/content/series-navigating-medical-and-religious-exemptions-covid-19-vaccine-mandate> [perma.cc/43LR-X6RC] (same); *Employer Tool: Assessing Requests for Religious Exemptions from Vaccine Mandates*, HUSCH BLACKWELL (Oct. 8, 2021), <https://www.huschblackwell.com/newsandinsights/employer-tool-assessing-requests-for-religious-exemptions-from-vaccine-mandates> [perma.cc/DTH4-2YH5] (same); *Process for Evaluating a Request for Religious Exemption*, HUSCH BLACKWELL (Oct. 8, 2021), <https://hbfiles.blob.core.windows.net/webfiles/Religious%20Exemption%20Decision%20Tree%20Tool.pdf> [perma.cc/VN8K-EWJJ] (same).

¹⁰⁶ See, e.g., *Matos v. Discovery Commc’ns, LLC*, 750 F. Supp. 3d 307, 315 (S.D.N.Y. 2024) (noting that the employer denied the exemption request based on the employee’s form response).

¹⁰⁷ See, e.g., *Caspersen v. W. Union, LLC*, No. 23-cv-00923, 2023 WL 6602123, at *2 (D. Colo. Oct. 10, 2023) (relaying that the employer’s human resources department asked three follow-up questions about the employee’s opposition to the vaccine).

¹⁰⁸ See, e.g., *Antredu v. Mass. Dep’t of Youth Servs.*, 729 F. Supp. 3d 76, 80 (D. Mass. 2024) (“Upon receiving a request for a religious exemption, Diversity Officers in each executive agency, based on specific training, were asked to conduct an ‘interactive dialogue’ to allow the employee to

dation's potential impact.¹⁰⁹ Many also created an appeal process for employees wishing to contest denials.¹¹⁰

Employers denied exemption requests for a variety of reasons. Many relied on undue hardship, especially before the Supreme Court raised the standard in *Groff v. DeJoy*.¹¹¹ Others denied requests after concluding that the belief was not religious¹¹² or not sincerely held.¹¹³ Even well-intentioned employers struggled with this "most delicate" task.¹¹⁴ Some decisionmakers relied on their own views about what a religion requires. One human resources director allegedly told colleagues he questioned whether any religious-accommodation request could be valid and, based on his own research, believed that Christianity, Judaism, and Islam all permitted COVID-19 vaccination.¹¹⁵ In some cases, employers rejected requests based on their disagreement with the employee's belief itself. One hospital worker, for example, asserted that the vaccine would alter her genetic makeup and thus her God-given image.¹¹⁶ The review committee rejected her request in part because it concluded that COVID-19 vaccines do not alter genetic makeup.¹¹⁷

Courts have recognized the difficulty employers face in assessing religious sincerity. In *Sturgill v. American Red Cross*, the Sixth Circuit Court of Appeals considered an employee's exemption request based on her belief that

demonstrate how their sincerely held religious belief conflicted with the COVID-19 vaccination mandate.").

¹⁰⁹ See, e.g., *Gardner-Alfred v. Fed. Rsr. Bank of N.Y.*, No. 22-CV-1585, 2023 WL 6214863, at *3 (S.D.N.Y. Sep. 25, 2023) ("Personnel in the People and Engagement Group interviewed individuals relevant to assessing requests, including those who sought religious accommodations and their managers."), *aff'd in part, vacated in part, remanded*, 143 F.4th 51 (2d Cir. 2025).

¹¹⁰ See, e.g., *Rizzo v. N.Y.C. Dep't of Sanitation*, No. 23-CV-7190, 2024 WL 3274455, at *1 (S.D.N.Y. July 2, 2024) (noting that the employee appealed the denial of his vaccine-exemption request to an accommodation appeals panel).

¹¹¹ See, e.g., *Aliano v. Township of Maplewood*, No. 22-CV-5598, 2023 WL 4398493, at *1 (D.N.J. July 7, 2023) (explaining that the employer denied the plaintiffs' requests on undue hardship grounds); *Speer v. UCOR LLC*, No. 22-CV-426, 2024 WL 4370773, at *3 (E.D. Tenn. Oct. 1, 2024) (same); see also *Groff v. DeJoy*, 600 U.S. 447, 470 (2023) (replacing the de minimis standard with a "substantial increased costs" requirement for proving undue hardship (citation omitted)).

¹¹² See, e.g., *Gray v. Main Line Hosps., Inc.*, 717 F. Supp. 3d 437, 444 (E.D. Pa. 2024) (noting that the employer denied the employee's request because it "focused on science, rather than explaining her religious objection to the vaccine"); *Bobnar v. AstraZeneca Pharms. LP*, 758 F. Supp. 3d 690, 707 (N.D. Ohio 2024) (observing that the employer denied the exemption request because it did not identify with specificity the religious belief underlying the employee's objection to the vaccine).

¹¹³ See, e.g., *Leonhart v. MedStar Health, Inc.*, No. 23-CV-01211, 2025 WL 744077, at *4 (D. Md. Mar. 7, 2025) (explaining that the employer denied the exemption request because the employee "failed to sufficiently establish that her religious belief, practice or observance was sincerely held").

¹¹⁴ *Africa v. Pennsylvania*, 662 F.2d 1025, 1031 (3d Cir. 1981) (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 215 (1972)).

¹¹⁵ *Dickhudt v. COBX Co.*, No. 22-CV-12838, 2024 WL 4235470, at *2 (E.D. Mich. Sep. 19, 2024) (quoting the plaintiff's proposed second amended complaint).

¹¹⁶ *Gray*, 717 F. Supp. 3d at 443–44 (quoting the plaintiff's exemption request).

¹¹⁷ *Id.* at 444.

the vaccine would not honor her God-given temple because it contained ingredients that could cause serious harm or death to her body.¹¹⁸ The Red Cross denied the request, concluding that her concern was primarily about vaccine safety—a medical, not religious, objection.¹¹⁹ In defending its decision, the Red Cross argued to the court, “To what end is an employer to go, . . . if an employee claims she cannot perform work on a particular day based on environmental concerns that could ‘harm her body?’”¹²⁰ The Sixth Circuit acknowledged that the employer’s concern was valid but ultimately reversed the dismissal of the complaint.¹²¹ Similarly, in *Passarella v. Aspirus, Inc.*, Judge Rovner of the Seventh Circuit Court of Appeals underscored in dissent the challenge employers face in evaluating religious sincerity:

Any employer—and especially a healthcare employer like Aspirus, which operates hospitals and medical clinics—must be able to make reasoned and timely assessments of whether the basis for an objection to an important, health-and life-saving work requirement is religious or not. Given the broad judicial definition of religious beliefs and practices, an employer is confronted with as many sets of religious beliefs as it has employees¹²²

Courts thus appreciate the difficulty employers face, yet do not hesitate to scrutinize those decisions. But, as Parts II and III demonstrate, the same problems employers have encountered have likewise plagued the courts themselves.

II. JUDICIAL ASSESSMENT OF WHETHER A VACCINE OBJECTION IS RELIGIOUS

This Part examines how courts determine whether a vaccine objection is religious in nature. Section A outlines the approaches and tests courts use to assess the religious character of beliefs generally.¹²³ Section B considers how courts apply those standards to the three most common objections to the COVID-19 vaccine: aborted fetal cells, bodily integrity, and personal revelation.¹²⁴ Although the inquiry into the religious character of a belief is rarely simple, courts appear to struggle with it especially in the vaccine-exemption context.

¹¹⁸ 114 F.4th 803, 806 (6th Cir. 2024) (quoting the plaintiff’s letter).

¹¹⁹ *Id.* (quoting the employer’s response).

¹²⁰ *Id.* at 810 (quoting the plaintiff’s letter).

¹²¹ *Id.* at 810–11.

¹²² 108 F.4th 1005, 1016 (7th Cir. 2024) (Rovner, J., dissenting).

¹²³ See *infra* Part II.A.

¹²⁴ See *infra* Part II.B.

A. General Standards

Title VII prohibits employment discrimination on the basis of religion and further requires employers to reasonably accommodate an employee's religious beliefs, unless doing so would impose an undue hardship on the employer's business.¹²⁵ To prevail on a failure-to-accommodate claim, an employee must first establish a *prima facie* case by showing that they (1) have a genuine religious belief that conflicts with an employment requirement, (2) have informed their employer of that belief, and (3) were disciplined for failing to comply.¹²⁶ The burden then shifts to the employer to show either that it provided a reasonable accommodation or that accommodating the employee would have caused undue hardship.¹²⁷

To establish a bona fide religious belief, an employee must show that the belief is both religious in nature and sincerely held.¹²⁸ Although these inquiries can overlap, courts caution against conflating them.¹²⁹ As one district court explained:

A belief is not religious merely because it is sincerely held. Many people have sincere, even dogmatic, beliefs that are not religious in nature. Conversely, just because a belief is religious does not mean it is sincerely held. People often have religious views—even central tenets of well-established faiths—that they follow with less than devout sincerity.¹³⁰

¹²⁵ 42 U.S.C. §§ 2000e-2(a)(1), 2000e(j).

¹²⁶ *Handverger v. City of Winooski*, 605 F. App'x 68, 70 (2d Cir. 2015) (summary order) (quoting *Knight v. Conn. Dep't of Pub. Health*, 275 F.3d 156, 167 (2d Cir. 2001), *abrogated by* *Bergin v. N. Y. State Unified Ct. Sys.*, 182 F.4th 203 (2d Cir. 2026)); *Antoine v. First Student, Inc.*, 713 F.3d 824, 831 (5th Cir. 2013) (quoting *Weber v. Roadway Express, Inc.*, 199 F.3d 270, 273 (5th Cir. 2000)).

¹²⁷ *Handverger*, 605 F. App'x at 70–71 (quoting *Cosme v. Henderson*, 287 F.3d 152, 158 (2d Cir. 2002)); *Antoine*, 713 F.3d at 831 (first citing *Ansonia Bd. of Educ. v. Philbrook*, 479 U.S. 60, 68–69 (1986); and then citing *Brener v. Diagnostic Ctr. Hosp.*, 671 F.2d 141, 144 (5th Cir. 1982)).

¹²⁸ *See* *Patrick v. LeFevre*, 745 F.2d 153, 157 (2d Cir. 1984) (determining whether a plaintiff has a bona fide religious belief is a two-pronged inquiry, encompassing “whether the beliefs professed by a [claimant] are sincerely held and whether they are, in his own scheme of things, religious” (quoting *United States v. Seeger*, 380 U.S. 163, 185 (1965))); *Bushra v. Main Line Health, Inc.*, 709 F. Supp. 3d 164, 173 (E.D. Pa. 2023) (“The Title VII inquiry, however, does not end when a plaintiff simply labels a stated belief as faith-based. [The plaintiff] must come forward with evidence at this stage that his belief is religious in nature and sincerely held.” (citing *Fallon v. Mercy Cath. Med. Ctr. of Se. Pa.*, 877 F.3d 487, 490–91 (3d Cir. 2017))), *aff'd*, No. 24-1117, 2025 WL 1078135 (3d Cir. Apr. 10, 2025).

¹²⁹ *Hurley v. Varian Med. Sys.*, No. 23-CV-42, 2024 WL 2368438, at *4 (E.D. Wis. May 23, 2024) (“Care must be taken so as to not conflate the religious and sincerely held elements.”).

¹³⁰ *Id.*

Courts have confronted questions of religious sincerity in many contexts beyond Title VII, including conscientious-objector cases,¹³¹ inmate dietary and grooming claims,¹³² and challenges to compulsory education laws.¹³³ The task is consistently difficult.¹³⁴ The Third Circuit Court of Appeals has noted that “[f]ew tasks that confront a court require more circumspection than that of determining whether a particular set of ideas constitutes a religion”¹³⁵ The First Circuit explained that this assessment is “delicate” because “[i]t is not within the judicial ken to question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants’ interpretations of those creeds.”¹³⁶

Title VII defines religion to “include[] all aspects of religious observance and practice, as well as belief,”¹³⁷ a definition courts have described as “expansive[],”¹³⁸ “capacious,”¹³⁹ and “broad and intentionally hands-off.”¹⁴⁰ The EEOC similarly instructs that religion encompasses both traditional, organized faiths and also “beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or

¹³¹ See, e.g., *Seeger*, 380 U.S. at 164–65 (noting that the conscientious-objector plaintiffs had alleged that their sincere religious beliefs prohibited them from being drafted).

¹³² See, e.g., *Searles v. Van Bebber*, 251 F.3d 869, 872 (10th Cir. 2001) (explaining that an inmate who converted to Judaism in prison brought a First Amendment claim after officials denied him a kosher diet); *Smith v. Dozier*, No. 12-CV-26, 2019 WL 3719400, at *1 (M.D. Ga. Aug. 7, 2019) (providing that an inmate brought a claim under the Religious Land Use and Institutionalized Persons Act, alleging that the prison’s facial hair policy substantially burdened his sincerely held belief that Islam forbids shaving), *aff’d in part, vacated in part sub nom.* *Smith v. Owens*, 13 F.4th 1319 (11th Cir. 2021).

¹³³ See, e.g., *Wisconsin v. Yoder*, 406 U.S. 205, 207–09 (1972) (relaying Amish parents’ constitutional claims challenging their state’s compulsory education law).

¹³⁴ See *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 714 (1981) (“The determination of what is a ‘religious’ belief or practice is more often than not a difficult and delicate task” (first citing *Torcaso v. Watkins*, 367 U.S. 488, 495 (1961); and then citing *United States v. Ballard*, 322 U.S. 78 (1944))); *Hurley v. Varian Med. Sys.*, No. 23-CV-42, 2024 WL 2368438, at *3 (E.D. Wis. May 23, 2024) (“Beyond that statutory definition, courts have struggled to define the bounds of religious beliefs and distinguish what is religious from what may be matters of opinion or belief, even sincerely held beliefs or opinions, that do not meet the definition of religious beliefs.”); *Geerlings v. Tredyffrin/Easttown Sch. Dist.*, No. 21-cv-4024, 2021 WL 4399672, at *5 (E.D. Pa. Sep. 27, 2021) (“Claims of religious discrimination present a unique and difficult challenge for judges.”).

¹³⁵ *Africa v. Pennsylvania*, 662 F.2d 1025, 1031 (3d Cir. 1981).

¹³⁶ *Thornton v. Ipsen Biopharms., Inc.*, 126 F.4th 76, 83 (1st Cir. 2025) (first quoting EEOC v. *Unión Independiente de la Autoridad de Acueductos y Alcantarillados de P.R. (Unión Independiente II)*, 279 F.3d 49, 57 (1st Cir. 2002); and then quoting *Hernandez v. Comm’r of Internal Revenue*, 490 U.S. 680, 699 (1989)).

¹³⁷ 42 U.S.C. § 2000e(j).

¹³⁸ *Kneisler v. Legacy Health*, 760 F. Supp. 3d 1137, 1142 (D. Or. 2024).

¹³⁹ *Thornton*, 126 F.4th at 83 (“[I]n the Title VII context, we have stressed that the ‘capacious definition’ of religion ‘leaves little room for a party to challenge the religious nature of an employee’s professed beliefs.’” (quoting *Unión Independiente II*, 279 F.3d at 56)).

¹⁴⁰ *Adeyeye v. Heartland Sweeteners, LLC*, 721 F.3d 444, 452 (7th Cir. 2013).

unreasonable to others.”¹⁴¹ A belief may be religious even if the employee’s faith community does not endorse it, or if no one else shares it.¹⁴² Religious beliefs may be theistic or non-theistic “moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views,”¹⁴³ typically concerning “ultimate ideas” about “life, purpose, and death.”¹⁴⁴ By contrast, “[s]ocial, political, or economic philosophies, as well as mere personal preferences,” are not protected.¹⁴⁵

¹⁴¹ COMPLIANCE MANUAL, *supra* note 100, § 12-I(A)(1); *see also* *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 714 (1981) (“[R]eligious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit . . . protection.”); *United States v. Ballard*, 322 U.S. 78, 86 (1944) (“Religious experiences which are as real as life to some may be incomprehensible to others.”); *Africa v. Pennsylvania*, 662 F.2d 1025, 1031 (3d Cir. 1981) (“[W]e must avoid any predisposition toward conventional religions so that unfamiliar faiths are not branded mere secular beliefs. ‘Religions now accepted were persecuted, unpopular and condemned at their inception.’” (quoting *United States v. Kuch*, 288 F. Supp. 439, 443 (D.D.C. 1968))); *Bushouse v. Loc. Union 2209, United Auto., Aerospace, & Agric. Implement Workers of Am.*, 164 F. Supp. 2d 1066, 1076 n.15 (N.D. Ind. 2001) (“Title VII’s intention is to provide protection and accommodation for a broad spectrum of religious practices and belief not merely those beliefs based upon organized or recognized teaching of a particular sect.” (citing *EEOC v. Allendale Nursing Ctr.*, 996 F. Supp. 712, 714–15 (W.D. Mich. 1998))).

¹⁴² COMPLIANCE MANUAL, *supra* note 100, § 12-I(A)(1); *see also* *Thomas*, 450 U.S. at 715–16 (“[T]he guarantee of free exercise is not limited to beliefs which are shared by all of the members of a religious sect”).

¹⁴³ COMPLIANCE MANUAL, *supra* note 100, § 12-I(A)(1) (quoting 29 C.F.R. § 1605.1); *see also* *United States v. Seeger*, 380 U.S. 163, 165–66 (1965) (“[T]he test of belief ‘in a relation to a Supreme Being’ is whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption.”). In 1970, in *Welsh v. United States*, the Supreme Court elaborated on the standard for a belief to be considered religious:

If an individual deeply and sincerely holds beliefs that are purely ethical or moral in source and content but that nevertheless impose upon him a duty of conscience to refrain from participating in any war at any time, those beliefs certainly occupy in the life of that individual ‘a place parallel to that filled by . . . God’ in traditionally religious persons. Because his beliefs function as a religion in his life, such an individual is as much entitled to a ‘religious’ conscientious objector exemption . . . as is someone who derives his conscientious opposition to war from traditional religious convictions.

398 U.S. 333, 340 (1970) (quoting *Seeger*, 380 U.S. at 176).

¹⁴⁴ COMPLIANCE MANUAL, *supra* note 100, § 12-I(A)(1) (quoting *United States v. Meyers*, 906 F. Supp. 1494, 1502 (D. Wyo. 1995), *aff’d*, 95 F.3d 1475 (10th Cir. 1996)); *see also* *Int’l Soc’y for Krishna Consciousness, Inc. v. Barber*, 650 F.2d 430, 440 (2d Cir. 1981) (“A concern is ‘ultimate’ when it is more than ‘intellectual.’ A concern is more than intellectual when a believer would categorically ‘disregard elementary self-interest . . . in preference to transgressing its tenets.’” (citation omitted) (quoting *United States v. Kauten*, 133 F.2d 703, 708 (2d Cir. 1943))); *Kaufman v. McCaughtry*, 419 F.3d 678, 681 (7th Cir. 2005) (“[A] religion, for purposes of the First Amendment, is distinct from a ‘way of life,’ even if that way of life is inspired by philosophical beliefs or other secular concerns.” (citing *Wisconsin v. Yoder*, 406 U.S. 205, 215–16 (1972))).

¹⁴⁵ COMPLIANCE MANUAL, *supra* note 100, § 12-I(A)(1); *see also* *Ellison v. Inova Health Care Servs.*, 692 F. Supp. 3d 548, 556 (E.D. Va. 2023) (“To be protected, an employee’s belief must be religious in nature.” (citing *McManus v. Bass*, No. 05-cv-117, 2006 WL 753017, at *4 (E.D. Va. Mar. 21, 2006))); *Shigley v. Tydings & Rosenberg LLP*, 723 F. Supp. 3d 440, 446–47 (D. Md. 2024) (“UI-

Determining whether a belief is religious is an individualized, fact-intensive inquiry.¹⁴⁶ A factfinder cannot simply consult “an external set of forces and rules that compel an individual to act one way or another,”¹⁴⁷ because the question does not depend on how the judiciary perceives a practice or belief,¹⁴⁸ but, rather, on whether the belief is, in an employee’s “own scheme of things, religious.”¹⁴⁹ Courts therefore apply a subjective definition of religion, focusing on an individual’s inward attitude toward a belief system.¹⁵⁰ For this reason, the Supreme Court has prohibited courts from scrutinizing the validity or plausibility of a person’s belief.¹⁵¹ Instead, the inquiry centers on

timately, the question before the Court is whether the beliefs are based on a system that is recognizably a religious ‘scheme of things,’ rather than secular morality or personal health, convenience, preference, or whim” (citation omitted) (citing *Dachman v. Shalala*, 9 F. App’x 186, 192 (4th Cir. 2001))); *Matos v. Discovery Commc’ns, LLC*, 750 F. Supp. 3d 307, 320 (S.D.N.Y. 2024) (“[D]espite the broad, subjective test employed in this inquiry, courts are nonetheless clear that ‘a person’s intellectual concerns are not safeguarded.’” (citing *Gardner-Alfred v. Fed. Rsv. Bank of N.Y.*, No. 22-CV-1585, 2023 WL 6214863, at *13 (S.D.N.Y. Sep. 25, 2023), *aff’d in part, vacated in part, remanded*, 143 F.4th 51 (2d Cir. 2025))); *Mason v. Gen. Brown Cent. Sch. Dist.*, 851 F.2d 47, 52 (2d Cir. 1988) (explaining that philosophical and personal belief systems are not religious belief, even though they may be held with strong conviction and inform critical life choices).

¹⁴⁶ See *Menk v. MITRE Corp.*, 713 F. Supp. 3d 113, 146 (D. Md. 2024) (“[T]he religiosity inquiry is a necessarily individualized one.”); *McNeill v. Tyson Fresh Meats, Inc.*, No. 23-CV-041-Z, 2023 WL 8532408, at *9 (N.D. Tex. Dec. 8, 2023) (“In considering the sincerity of a person’s religious beliefs, ‘each case turns on its particular facts.’” (quoting *Moussazadeh v. Tex. Dep’t of Crim. Just.*, 703 F.3d 781, 792 (5th Cir. 2012))); *Bellard v. Univ. of Tex. MD Anderson Cancer Ctr.*, 716 F. Supp. 3d 503, 513 (S.D. Tex.) (“Determining which side of the religious-secular line requests for COVID-19 vaccine exemptions fall has proven a fact-intensive inquiry . . .”), *appeal dismissed*, No. 24-40161, 2024 WL 5459155 (5th Cir. July 25, 2024).

¹⁴⁷ See *Speer v. UCOR LLC*, No. 22-CV-426, 2023 WL 7305037, at *5 (E.D. Tenn. Nov. 6, 2023) (quoting *Jones v. First Ky. Nat’l Corp.*, No. 84-5067, 1986 WL 398289, at *4 (6th Cir. July 17, 1986)) (referencing a religion’s official doctrine as an example of external rules).

¹⁴⁸ *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 714 (1981); *Loyd v. McKesson Corp.*, No. CV-22-02065, 2025 WL 563452, at *4 (D. Ariz. Feb. 20, 2025) (“Indeed, it is not the province of the courts to say what a religious practice or activity is.” (citing *Thomas*, 450 U.S. at 714)); *Hernandez v. Comm’r of Internal Revenue*, 490 U.S. 680, 699 (1989) (“It is not within the judicial ken to question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants’ interpretations of those creeds.” (citing *Thomas*, 450 U.S. at 716)).

¹⁴⁹ *Patrick v. LeFevre*, 745 F.2d 153, 157 (2d Cir. 1984) (quoting *United States v. Seeger*, 380 U.S. 163, 185 (1965)).

¹⁵⁰ See *id.* at 158 (“Impulses prompted by dictates of conscience as well as those engendered by divine commands are therefore safeguarded against secular intervention, so long as the claimant conceives of the beliefs as religious in nature.”); *Aliano v. Township of Maplewood*, No. 22-CV-5598, 2023 WL 4398493, at *10 (D.N.J. July 7, 2023) (“[I]t is [the plaintiff’s] subjective religious belief that is protected, so [the plaintiff] must provide information concerning the religious nature of his own belief and how his objection to the COVID-19 vaccine is connected to that belief.” (citing *Blackwell v. Lehigh Valley Health Network*, No. 22-cv-03360, 2023 WL 362392, at *8 (E.D. Pa. Jan. 23, 2023))).

¹⁵¹ See *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 725 (2014) (“[I]t is not for us to say that [an employee’s] religious beliefs are mistaken or insubstantial.”); *Seeger*, 380 U.S. at 185 (“[T]he ‘truth’ of a belief is not open to question . . .”); *United States v. Ballard*, 322 U.S. 78, 86–87 (1944) (“Men may believe what they cannot prove. They may not be put to the proof of their religious doc-

whether the belief is religious to the employee or is “essentially political, sociological, or philosophical.”¹⁵²

Courts have emphasized that employees bear a minimal burden when alleging a religious conflict.¹⁵³ In the conscientious-objector context, the Supreme Court explained that in such a highly personal area such as religious belief, a claimant’s assertion that a belief is part of their religious faith must be accorded substantial weight and that the government may not question the validity of the claimant’s beliefs.¹⁵⁴ Although courts need not defer entirely to a plaintiff’s characterization of their beliefs, they generally must accept an assertion of a sincerely held religious belief.¹⁵⁵ As the First Circuit Court of Appeals has observed, “Title VII’s capacious definition of ‘religion’ . . . leaves little room for a party to challenge the religious nature of an employee’s professed beliefs.”¹⁵⁶

The standard for what constitutes a religious belief is lenient but not boundless. Courts may not question the validity or plausibility of a belief, but

trines or beliefs.”); *Moussazadeh v. Tex. Dep’t of Crim. Just.*, 703 F.3d 781, 792 (5th Cir. 2012) (explaining that courts must not “stray into the realm of religious inquiry, an area into which [they] are forbidden to tread.” (citing *Ballard*, 322 U.S. at 86–87)); *Yaacov v. Mohr*, No. 16-4361, 2018 WL 6333604, at *2 (6th Cir. June 5, 2018) (“‘Courts are not arbiters of scriptural interpretation,’ and they ‘must not presume to determine the place of a particular belief in a religion or the plausibility of a religious claim.’” (citation omitted) (citing *Vandiver v. Hardin Cty. Bd. of Educ.*, 925 F.2d 927, 931 (6th Cir. 1991))); *Bolden-Hardge v. Off. of Cal. State Controller*, 63 F.4th 1215, 1223 (9th Cir. 2023) (“[W]e do not interrogate the reasonableness of [the plaintiff’s] beliefs and instead focus our inquiry on whether she has alleged an actual conflict.”).

¹⁵² *DeVore v. Univ. of Ky. Bd. of Trs.*, 118 F.4th 839, 845 (6th Cir. 2024) (“[Title VII’s] coverage attaches to practices rooted in ‘religious principle,’ but not to purely secular beliefs, such as those that are ‘essentially political, sociological, or philosophical,’ a matter of personal preference, or the product of ‘a merely personal moral code.’” (quoting *Welsh v. United States*, 398 U.S. 333, 342 (1970) (plurality opinion))), *reh’g denied*, No. 23-5890, 2024 WL 5074566 (6th Cir. Nov. 25, 2024), *cert. denied*, 145 S. Ct. 1903 (2025).

¹⁵³ *Vargas v. Asante Rogue Reg’l Med. Ctr., LLC*, No. 23-CV-01722, 2024 WL 4355170, at *2 (D. Or. May 15, 2024) (first citing *Bolden-Hardge*, 63 F.4th at 1215; and then citing *Collins v. Tyson Foods, Inc.*, No. 22-CV-0076, 2023 WL 2731047, at *7 (W.D. Ky. Mar. 30, 2023)); *see also Bolden-Hardge*, 63 F.4th at 1223 (explaining that although courts do not have to “take plaintiffs’ conclusory assertions of violations of their religious beliefs at face value[,] . . . the burden to allege a conflict with religious beliefs is fairly minimal” (citing *Thomas*, 450 U.S. at 715)).

¹⁵⁴ *Seeger*, 380 U.S. at 184; *see also Adeyeye v. Heartland Sweeteners, LLC*, 721 F.3d 444, 448 (7th Cir. 2013) (“In interpreting what qualifies as religion under the broad statutory definition of Title VII, we have endorsed this standard that was used in *Seeger* to interpret the federal statute exempting conscientious religious objectors from military conscription, finding that the definition serves equally well for the purposes of Title VII.” (citing *Redmond v. GAF Corp.*, 574 F.2d 897, 901 n. 12 (7th Cir. 1978))).

¹⁵⁵ *Keene v. City & County of San Francisco*, No. 22-16567, 2023 WL 3451687, at *2 (9th Cir. May 15, 2023) (“A religious belief need not be consistent or rational to be protected under Title VII, and an assertion of a sincere religious belief is generally accepted.” (citing *Thomas*, 450 U.S. at 714)); COMPLIANCE MANUAL, *supra* note 100, § 12-I(A)(3) (“Because the definition of religion is broad and protects beliefs and practices with which the employer may be unfamiliar, the employer should ordinarily assume that an employee’s request for religious accommodation is based on a sincerely-held religious belief.”).

¹⁵⁶ *Unión Independiente II*, 279 F.3d 49, 56 (1st Cir. 2002) (citation omitted).

they must still ensure that the belief is genuinely rooted in the claimant's religion and entitled to statutory protection.¹⁵⁷ One district court explained that although the religious sincerity inquiry is delicate, some form of judicial review is nevertheless appropriate, "as it would offend 'the very concept of ordered liberty' for 'every person to make his own standards on matters of conduct in which society as a whole has important interests.'"¹⁵⁸ Courts worry that, without limits, employees could repackage virtually any personal preference as a religious belief.¹⁵⁹ The Seventh Circuit Court of Appeals warned that if an employee could transform every personal opinion into a matter of faith, "he could announce without warning that white walls or venetian blinds offended his 'spirituality,'" forcing the employer to scramble to accommodate the objection.¹⁶⁰ Such an approach would not only "give anyone who disagrees with a law license to disobey by the mere invocation of the divine" but also "undermine the respect owed to religion" by allowing insincere claimants to co-opt protections meant for genuine adherents.¹⁶¹

Courts therefore hesitate to treat broad claims of religious opposition as sufficient.¹⁶² Moreover, just because an employee connects their belief to something that is accepted as religious, uses religious vocabulary, or claims to have reached a decision through prayer does not automatically render a belief

¹⁵⁷ *Gray v. Main Line Hosps., Inc.*, 717 F. Supp. 3d 437, 446 (E.D. Pa. 2024) (quoting *Aliano v. Township of Maplewood*, No. 22-CV-5598, 2023 WL 4398493, at *5 (D.N.J. July 7, 2023)).

¹⁵⁸ *Matos v. Discovery Commc'ns, LLC*, 750 F. Supp. 3d 307, 320 (S.D.N.Y. 2024) (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 215–16 (1972)).

¹⁵⁹ *See Yoder*, 406 U.S. at 215–16 ("[T]he very concept of ordered liberty precludes allowing every person to make his own standards on matters of conduct in which society as a whole has important interests."); *Prida v. Option Care Enters., Inc.*, No. 23-3936, 2025 WL 460206, at *5 (6th Cir. Feb. 11, 2025) ("Title VII does not grant 'a right to all plaintiffs 'fungible enough to cover anything' a plaintiff dislikes in the workplace.'" (quoting *Prida v. Option Care Enters., Inc.*, No. 23-cv-00905, 2023 WL 7003402, at *5 (N.D. Ohio Oct. 24, 2023))); *Leonhart v. MedStar Health, Inc.*, No. 23-CV-01211, 2025 WL 744077, at *7 (D. Md. Mar. 7, 2025) ("Employees are not, however, 'entitled to a blanket exemption entitling them to make 'unilateral decisions' about which job requirements to comply with, 'even where religion is expressly invoked in communicating the beliefs.'") (quoting *Shigley v. Tydings & Rosenberg, LLP*, 723 F. Supp. 3d 440, 446 (D. Md. 2024)); *Finkbeiner v. Geisinger Clinic* 623 F. Supp. 3d 458, 465 (M.D. Pa. 2022) (finding that religious belief could amount to a "limitless excuse for avoiding all unwanted . . . obligations" (quoting *Africa v. Pennsylvania*, 662 F.2d 1025, 1030, 1031 (3d Cir. 1981))), *appeal dismissed*, No. 22-2714, 2023 WL 6057495 (3d Cir. Sep. 18, 2023), and *aff'd in part, vacated in part, remanded sub nom. Federoff v. Geisinger Clinic*, No. 24-2844, 2026 WL 195416 (3d Cir. Jan. 26, 2026).

¹⁶⁰ *Reed v. Great Lakes Cos.*, 330 F.3d 931, 935 (7th Cir. 2003).

¹⁶¹ *Gardner-Alfred v. Fed. Rsrv. Bank of N.Y.*, No. 22-CV-1585, 2023 WL 6214863, at *13 (S.D.N.Y. Sep. 25, 2023) *aff'd in part, vacated in part, remanded*, 143 F.4th 51 (2d Cir. 2025).

¹⁶² *Detwiler v. Mid-Columbia Med. Ctr.*, No. 22-CV-01306, 2023 WL 7221458, at *5 (D. Or. Sep. 13, 2023) (citing *Kather v. Asante Health Sys.*, No. 22-cv-01842, 2023 WL 4865533, at *5 (D. Or. July 28, 2023)), *report and recommendation adopted*, No. 22-CV-01306, 2023 WL 7220734 (D. Or. Nov. 2, 2023), *aff'd*, 156 F.4th 886 (9th Cir. 2025), *reh'g denied*, 172 F.4th 1072 (9th Cir. 2026).

religious.¹⁶³ As the Third Circuit noted, “[t]he notion that all of life’s activities can be cloaked with religious significance is, of course . . . [not] foreign to . . . established religions,” but that notion cannot convert a secular philosophy into a complex religious framework.¹⁶⁴ It is one thing, the Third Circuit states, for religion to imbue daily life with meaning; it is another to claim that any idea becomes religious, and thus shielded from regulation, merely because an individual says their life is governed by it.¹⁶⁵

To distinguish religious from secular beliefs, courts employ approaches that range from stringent to highly deferential. The Third Circuit applies the *Africa* factors, which require examining whether the belief “addresses fundamental and ultimate questions having to do with deep and imponderable matters[,]” is “comprehensive in nature[,]” and is accompanied by “certain formal and external signs.”¹⁶⁶ The Tenth Circuit Court of Appeals considers five factors: “ultimate ideas, metaphysical beliefs, moral or ethical system, comprehensiveness of beliefs,” and religious accoutrements.¹⁶⁷ At the other end of the spectrum, the Fifth Circuit Court of Appeals resolves sincerity claims “on little more than the plaintiff’s credible assertions.”¹⁶⁸ Courts in the Sixth Circuit ask whether the employee’s belief has a religious basis or instead reflects a “purely

¹⁶³ Hurley v. Varian Med. Sys., No. 23-CV-42, 2024 WL 2368438, at *3 (E.D. Wis. May 23, 2024) (“[I]t is not enough for an employee to simply be able [sic] connect a belief to something that is accepted as religious, e.g., the Torah, Bible, or Koran, or to state it in terms of ‘religious vocabulary.’ Nor is it enough that a plaintiff reached a decision through prayer.” (citing *Passarella v. Aspirus, Inc.*, No. 22-cv-287, 2023 WL 2455681, at *6 (W.D. Wis. Mar. 10, 2023), *rev’d and remanded*, 108 F.4th 1005 (7th Cir. 2024))).

¹⁶⁴ *Africa v. Pennsylvania*, 662 F.2d 1025, 1035 (3d Cir. 1981).

¹⁶⁵ *Id.*

¹⁶⁶ *Id.* at 1032 (citing *Malnak v. Yogi*, 592 F.2d 197, 207–10 (3d Cir. 1979) (Adams, J., concurring)). A district court in the Third Circuit offered this description of the *Africa* factors:

As “to the first factor, beliefs address ‘fundamental’ and ‘ultimate’ questions when they ‘consider and attempt to come to terms with what could best be described as ultimate questions—questions having to do with, among other things, life and death, right and wrong, good and evil.’” As to the second factor, for beliefs to be “comprehensive in nature,” they “must consist of something more than a number of isolated, unconnected ideas.” . . . As to the final factor, . . . courts look to “any formal, external, or surface signs that may be analogized to accepted religions” such as “formal services, ceremonial functions, the existence of clergy, structure and organization, efforts at propagation, observation of holidays and other similar manifestations associated with the traditional religions.”

Gray v. Main Line Hosps., Inc., 717 F. Supp. 3d 437, 446–47 (E.D. Pa. 2024) (citations omitted) (first quoting *Blackwell v. Lehigh Valley Health Network*, No. 22-cv-03360, 2023 WL 5807840, at *5 (E.D. Pa. Sep. 7, 2023), and then quoting *Africa*, 662 F.2d at 1035, then quoting *Blackwell*, 2023 WL 5807840, at *5).

¹⁶⁷ *Hale v. Fed. Bureau of Prisons*, 759 F. App’x 741, 746 (10th Cir. 2019) (quoting *United States v. Quaintance*, 608 F.3d 717, 720 n.1 (10th Cir. 2010)).

¹⁶⁸ *Tagore v. United States*, 735 F.3d 324, 328 (5th Cir. 2013) (collecting cases), *abrogated by* *Groff v. DeJoy*, 600 U.S. 447 (2023).

secular, philosophical, or medical” objection,¹⁶⁹ whereas the Ninth Circuit Court of Appeals asks simply whether the belief “represents an honest conviction.”¹⁷⁰ Which approach a court adopts can significantly influence whether a belief is deemed religious or secular.

B. The Religiosity Inquiry in COVID-19 Cases

Determining whether an objection to the COVID-19 vaccine is religious in nature has proven especially difficult for courts, and the analysis often turns on the particular belief asserted. Although employees have invoked a wide range of religious objections, most cases fall into one of three categories: abortion,¹⁷¹ bodily integrity,¹⁷² or personal revelation.¹⁷³ This Section examines how courts evaluate the religious nature of each.

1. Abortion

Although no category of religious objections to the COVID-19 vaccine is easy for courts to analyze, abortion-related objections generally present fewer concerns than bodily-integrity or personal-revelation objections.¹⁷⁴ Employees raising abortion-related objections typically assert that they cannot receive the vaccine because it was developed using aborted fetal cell lines.¹⁷⁵ Because they view abortion as murder, they believe vaccination would make them

¹⁶⁹ *Bobnar v. AstraZeneca Pharms. LP*, 758 F. Supp. 3d 690, 721 (N.D. Ohio 2024).

¹⁷⁰ *Bolden-Hardge v. Off. of Cal. State Controller*, 63 F.4th 1215, 1223 (9th Cir. 2023) (warning against “second-guessing the reasonableness of an individual’s assertion that a requirement burdens her religious beliefs,” and stating that “a court’s ‘narrow function . . . in this context is to determine’ whether the line drawn reflects ‘an honest conviction.’” (quoting *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 725 (2014))).

¹⁷¹ See *infra* Part II.B.1.

¹⁷² See *infra* Part II.B.2.

¹⁷³ See *infra* Part II.B.3.

¹⁷⁴ *Hewitt-Simmons v. Adams*, No. 23-cv-06001, 2024 WL 4362550, at *5 (E.D.N.Y. Sep. 30, 2024) (“[N]umerous courts have recognized that a plaintiff’s beliefs about a vaccine’s connection to abortion can constitute a bona fide religious belief.” (collecting cases)).

¹⁷⁵ See, e.g., *Benton v. BlueCross BlueShield of Tenn., Inc.*, 765 F. Supp. 3d 723, 731 (E.D. Tenn. 2025) (explaining how the plaintiff’s trial testimony conveyed an objection to fetal cell lines). In *Benton v. BlueCross BlueShield of Tennessee, Inc.*, the plaintiff explained at trial:

I believe that God is our divine creator and he has created us in his image. I believe that life starts at conception and that the fetus is formed in God’s image. I believe that God’s laws prohibit the taking or killing of innocent life. I believe that abortion is the taking of innocent life. So I believe that God views abortion as murder, and I believe that abortion is an affront to God.

Id. (quoting the plaintiff’s trial testimony).

complicit in violating God's commandment not to kill.¹⁷⁶ One employee explained:

[M]y Christian worldview teaches that human life begins at the moment of conception, and that abortion, which ends a human life, is therefore murder. Utilizing cells obtained from aborted fetuses for medical research is therefore morally reprehensible. The pharmaceutical companies that have manufactured the currently available COVID-19 vaccines have all utilized fetal cell lines in some fashion during development and/or production. It is my sincerely-held belief that my receiving a vaccine developed using fetal cells would signify my approval of the unethical means used to develop it, which I cannot do while remaining true to my faith.¹⁷⁷

A review of the case law shows that courts are generally more willing to deem abortion-related objections religious than objections based on bodily integrity or personal revelation.¹⁷⁸ In *Ellison v. Inova Health Care Services*, the District Court for the Eastern District of Virginia denied the employer's motion to dismiss, finding that a plaintiff had sufficiently grounded his objection in a genuine religious belief by citing biblical verses and explaining that he believes that his religion precludes him from "benefit[ing] from a human being whose life was taken by the hands of another . . .".¹⁷⁹ Likewise, in *Leonhardt v. MedStar Health, Inc.*, the District Court for the District of Maryland held that a Catholic employee's abortion-related objection to the vaccine was religious as a matter of law, relying on her priest's letter and Church guidance that receiving the vaccine is a "matter of individual conscience."¹⁸⁰

Not all courts, however, are so quick to recognize abortion-related objections as religious. Some emphasize that opposition to abortion is not inherently

¹⁷⁶ *Taylor v. Milford Reg'l Med. Ctr., Inc.*, 733 F. Supp. 3d 8, 15 (D. Mass. 2024) (describing plaintiffs' beliefs "that their God commanded people not to kill and that their God creates every human being in the womb[.]" and that "getting the COVID-19 vaccine would be akin to being an accomplice in the abortion process because the vaccines used fetal stem cells at various points in their development").

¹⁷⁷ *Bushra v. Main Line Health, Inc.*, 709 F. Supp. 3d 164, 169–70 (E.D. Pa. 2023) (quoting the plaintiff's application for vaccine exemption), *aff'd*, No. 24-1117, 2025 WL 1078135 (3d Cir. Apr. 10, 2025).

¹⁷⁸ *See, e.g., Leonhardt v. MedStar Health, Inc.*, No. 23-CV-01211, 2025 WL 744077, at *9 (D. Md. Mar. 7, 2025) (accepting the plaintiff's abortion-related objection as religious but rejecting her bodily-integrity objection because plaintiff failed to respond to defendant's contention that her beliefs did not preclude her from receiving all COVID-19 vaccines on the market).

¹⁷⁹ 692 F. Supp. 3d 548, 559 (E.D. Va. 2023) (quoting the plaintiff's renewed request for religious exemption).

¹⁸⁰ *See* 2025 WL 744077, at *3, *8 (recounting the details of plaintiff's exemption request and explaining why the request was religious in nature).

religious and may instead reflect secular or political views.¹⁸¹ In *Aliano v. Township of Maplewood*, the District Court for the District of New Jersey dismissed Plaintiff Gil's claim after concluding that her objection was political rather than religious.¹⁸² Although she described herself as Roman Catholic and pro-life, the court found her request insufficient because it simply stated her religious background and political views without explaining how her pro-life stance stemmed from her religious beliefs.¹⁸³ The court overlooked the possibility, recognized in longstanding precedent, that a belief may be both religious and secular, and that the fact that a claim contains secular elements does not diminish its religious elements.¹⁸⁴

Even explicit references to religious doctrine may not satisfy some courts. These courts require employees to demonstrate not only that their religion opposes abortion but also that *they personally* hold a religious objection to abortion.¹⁸⁵ In *Aliano*, Plaintiff Beischer stated that, as "a baptized Roman Catholic," he opposed the vaccine because "using aborted fetal cells . . . [is] in direct conflict with [his] religious beliefs."¹⁸⁶ The court nevertheless deemed this objection nonreligious because he failed to "provide any additional information regarding the nature of *his* beliefs as a Roman Catholic"¹⁸⁷ The court stressed that because Title VII's protection extends to an employee's subjective religious views, Beischer must therefore explain how his own beliefs about abortion connected to the vaccine.¹⁸⁸ The court dismissed Plaintiff Aliano's claim for similar reasons, finding his statement that "[a]s a Devout Christian, I cannot use this vaccine given its known origins" insufficient because it did not explain his personal religious objection to abortion.¹⁸⁹

Some courts go further still, requiring employees not only to show their personal religious opposition to abortion but also to explicitly connect their beliefs about abortion to a religious objection to the vaccine itself. In *Hurley v. Varian Medical Systems*, the District Court for the Eastern District of Wisconsin held that "a religious objection to abortion does not necessarily equate to a

¹⁸¹ See, e.g., *Benton v. BlueCross BlueShield of Tenn.*, 765 F. Supp. 3d 723, 732 (E.D. Tenn. 2025) (acknowledging that the defendant's assertion that "opposition to abortion is not *per se* religious" is correct).

¹⁸² No. 22-CV-5598, 2023 WL 4398493, at *11 (D.N.J. July 7, 2023).

¹⁸³ *Id.*

¹⁸⁴ See *Callahan v. Woods*, 658 F.2d 679, 684 (9th Cir. 1981) ("[A] coincidence of religious and secular claims in no way extinguishes the weight appropriately accorded the religious one.").

¹⁸⁵ See, e.g., *Aliano*, 2023 WL 4398493, at *11 (noting that plaintiff's failure to describe her religious beliefs beyond merely identifying herself as a Catholic precluded the court from finding that her claim was religious).

¹⁸⁶ *Id.* at *10 (quoting the plaintiff's exemption request).

¹⁸⁷ *Id.* (emphasis added).

¹⁸⁸ *Id.* (citing *Blackwell v. Lehigh Valley Health Network*, No. 22-cv-03360, 2023 WL 362392, at *8 (E.D. Pa. Jan. 23, 2023)).

¹⁸⁹ *Id.* at *11 (quoting the plaintiff's request for religious exemption).

religious objection to a Covid vaccine, even if the person believes that the development of all Covid vaccines was connected to cells derived from aborted fetuses.”¹⁹⁰ To illustrate the distinction between complicity in abortion and tangential benefit, the court offered two analogies:

A person who receives a heart transplant from a donor who was murdered is obviously not on the same moral footing as a person who murders another so he can get his heart. Similarly, it is one thing to murder a person to collect on a life insurance policy and a very different matter to receive life insurance proceeds after a person is murdered.¹⁹¹

The court concluded that the employee had not shown his objection was religious as a matter of law because he did not claim that his abstaining from vaccination would decrease the number of abortions performed,¹⁹² nor did he allege that the abortions from which fetal cells were extracted “occurred because of scientists’ desire to obtain fetal tissue for research. There is no suggestion that those abortions were anything other than routine elective abortions from which scientists put to lifesaving use tissue that otherwise would have been discarded.”¹⁹³ Without such allegations, the court held, the employee had not demonstrated that his religion prohibited him from receiving a vaccine connected to fetal cell lines.¹⁹⁴

Judicial inquiry into whether an abortion-related objection is truly religious helps guard against employees simply copying boilerplate language from the internet despite lacking the religious values the language espouses. But requiring an employee to show not only a subjective religious belief that abortion is sinful—and a further explanation of how that belief prohibits receiving a vaccine derived from aborted fetal cells—may go too far. Not all religious adherents can articulate their beliefs with such specificity—nor should courts expect them to.¹⁹⁵ If Title VII’s “‘capacious definition’ of religion ‘leaves little room for a party to challenge the religious nature of an employee’s professed beliefs[,]’” it should ordinarily suffice that an employee believes abortion is

¹⁹⁰ No. 23-CV-42, 2024 WL 2368438, at *6 (E.D. Wis. May 23, 2024) (citing *Kiel v. Mayo Clinic Health Sys. Se. Minn.*, 685 F. Supp. 3d 770, 784 (D. Minn. 2023), *rev’d and remanded sub nom. Ringhofer v. Mayo Clinic, Ambulance*, 102 F.4th 894 (8th Cir. 2024)).

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Id.* at *7.

¹⁹⁵ See *Passarella v. Aspirus, Inc.*, 108 F.4th 1005, 1011 (7th Cir. 2024) (“[C]ourts should not expect, much less require, exemption requests to sound like they were written by someone with legal training.”).

sinful.¹⁹⁶ There is nothing about such a statement that casts doubt on the religious nature of the objection.

Requiring a deeper articulation also conflicts with the judicial mandate to apply a “light touch, or ‘judicial shyness’”¹⁹⁷ to religious sincerity inquiries and to avoid imposing judicial notions of “what a religion should resemble.”¹⁹⁸ The *Hurley* court appeared to cross that line by demanding that the employee show not only a religious opposition to abortion but also that his opposition prohibits him from benefitting tangentially from abortion.¹⁹⁹ While the court saw a clear moral difference between receiving a heart transplant from a murder victim and murdering someone to obtain a heart,²⁰⁰ a religious adherent might reject both scenarios. Likewise, a religious person may refuse a COVID-19 vaccine derived from fetal cell lines despite having no involvement in the abortion itself. Even if this seems illogical, “[a] religious belief need not be consistent or rational to be protected under Title VII[.]”²⁰¹ By requiring the employee to justify why his beliefs barred him from experiencing any tangential benefit, the court effectively imposed its own conception of what his religion should look like.

A final issue concerns whether the objection itself is valid. Employers sometimes argue that concerns about fetal cell lines are unfounded because the abortions occurred decades ago or because many medications used fetal cell lines at some point in their development. In *Keene v. City and County of San Francisco*, the District Court for the Northern District of California denied two employees injunctive relief after determining their objections to the COVID-19 vaccine “fl[ew] in the face of scientific consensus,” as “there [were] no grounds upon which to assert the mistaken conclusion that the FDA-approved vaccines contain fetal cells or are otherwise derived from murdered babies.”²⁰² The Ninth Circuit reversed, noting that the vaccines “are, albeit remotely, ‘derived’ from aborted fetal cell lines,” and chastising the district judge for evaluating the accuracy of the plaintiffs’ beliefs.²⁰³ The court emphasized that the

¹⁹⁶ *Thornton v. Ipsen Biopharms., Inc.*, 126 F.4th 76, 83 (1st Cir. 2025) (quoting *Unión Independiente II*, 279 F.3d 49, 56 (1st Cir. 2002)).

¹⁹⁷ *Tagore v. United States*, 735 F.3d 324, 328 (5th Cir. 2013) (quoting *Moussazadeh v. Tex. Dep’t of Crim. Just.*, 703 F.3d 781, 792 (5th Cir. 2012)), *abrogated by* *Groff v. DeJoy*, 600 U.S. 447 (2023).

¹⁹⁸ *Philbrook v. Ansonia Bd. of Educ.*, 757 F.2d 476, 482 (2d Cir. 1985), *aff’d and remanded*, 479 U.S. 60 (1986).

¹⁹⁹ No. 23-CV-42, 2024 WL 2368438, at *6 (E.D. Wis. May 23, 2024).

²⁰⁰ *Id.*

²⁰¹ *Keene v. City & County of San Francisco*, No. 22-16567, 2023 WL 3451687, at *2 (9th Cir. May 15, 2023) (citing *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 714 (1981)).

²⁰² No. 22-CV-01587, 2022 WL 4454362, at *4 (N.D. Cal. Sep. 23, 2022), *rev’d and remanded*, No. 22-16567, 2023 WL 3451687 (9th Cir. May 15, 2023).

²⁰³ *Keene*, 2023 WL 3451687, at *2 (citing *COVID-19 Vaccine: Addressing Concerns*, UCLA HEALTH, <https://www.uclahealth.org/treatment-options/covid-19-info/covid-19-vaccine-addressing->

judge's ruling misconstrues Title VII doctrine because it erroneously conflated sincerity of belief with scientific accuracy.²⁰⁴

Similarly, in *Trinh v. Shriners Hospitals for Children*, the District Court for the District of Oregon considered the defendant's argument that the employee's abortion-related objection was too attenuated because "it is generally and practical[ly] inevitabl[e]" that people use products connected to fetal cell lines.²⁰⁵ The court acknowledged that inevitability but held that the employee was nonetheless entitled to draw her own line at the COVID-19 vaccine.²⁰⁶ "It is not for this Court to say that Trinh's religious beliefs are mistaken or insubstantial," the court explained.²⁰⁷ Instead, its "narrow function . . . is to determine whether the line drawn reflects an honest conviction."²⁰⁸

2. Bodily Integrity

The most common—and often the most analytically difficult—religious objection to the COVID-19 vaccine is that it violates divine commands regarding bodily integrity.²⁰⁹ These objections take several forms and arise across many faith traditions. One set focuses on the belief that the vaccine interferes with the body and immune system God created. Employees advancing this view have claimed the vaccine would defile the "perfectly created body that [God] created in His image[.]"²¹⁰ alter their distinct genetic profile,²¹¹ or disrupt their God-given immunity.²¹² As one employee put it, "I believe that God

concerns [perma.cc/DV55-8B2S]); see Priyanka Runwal, *Here Are the Facts About Fetal Cell Lines and COVID-19 Vaccines*, NAT'L GEO. (Nov. 19, 2021), <https://www.nationalgeographic.com/science/article/here-are-the-facts-about-fetal-cell-lines-and-covid-19-vaccines> [perma.cc/77HP-2VLN] (providing a comprehensive review of the connection between abortion and COVID-19 vaccinations).

²⁰⁴ Keene, 2023 WL 3451687, at *2.

²⁰⁵ No. 22-CV-01999, 2024 WL 4378963, at *12–13 (D. Or. Aug. 9, 2024), *report and recommendation adopted as modified*, 2024 WL 4356501 (Sep. 27, 2024).

²⁰⁶ *Id.* at *12.

²⁰⁷ *Id.*

²⁰⁸ *Id.* (quoting *Bolden-Hardge v. Off. of Cal. State Controller*, 63 F.4th 1218, 1223 (9th Cir. 2023)).

²⁰⁹ See *infra* notes 210–259 and accompanying text.

²¹⁰ *Thornton v. Ipsen Biopharms., Inc.*, 126 F.4th 76, 79 (1st Cir. 2025) (quoting a letter that the plaintiff submitted attempting to appeal her employer's denial of her exemption request).

²¹¹ *Gray v. Main Line Hosps., Inc.*, 717 F. Supp. 3d 437, 444 (E.D. Pa. 2024) (quoting a letter from the plaintiff's pastor).

²¹² See, e.g., *Gaskin-El v. 1199SSEIU Nat'l Benefit Fund*, No. 24-CV-1169, 2025 WL 552044, at *2 (S.D.N.Y. Feb. 19, 2025) (explaining that the employee objected to the COVID-19 vaccine because she believed that "[m]y body is my temple and in that temple I was created with a natural immune system to guard against and fight any foreign agent" (quoting the plaintiff's personal statement)); *Romer v. City of North Charleston*, No. 22-CV-04254, 2024 WL 4485908, at *2 (D.S.C. July 19, 2024) ("The covid vaccines interfere with the function of the immune system in which HE created. Therefore, the process of how the vaccines interfere is a violation of GODS will for humanity." (quoting the plaintiff's exemption request)), *report and recommendation adopted by* No. 22-cv-04254, 2024 WL 4343709 (D.S.C. Sep. 30, 2024).

is the ultimate healer and that no vaccination is necessary or could take His place in healing.”²¹³

A second set of bodily-integrity objections centers on the impropriety of injecting the body with something that could cause harm. Christian employees often cite the New Testament passage: “Know ye not that ye are the temple of God, and that the Spirit of God dwelleth in you? If any man defile the temple of God, him shall God destroy; for the temple of God is holy, which temple ye are.”²¹⁴ One employee explained, “[t]he Bible states the body is the temple of the Holy Spirit—we are to take care of our bodies and not to defile it, and certainly we should not introduce something into our body willingly, that could potentially harm it.”²¹⁵ Another wrote:

[M]y body is a temple of the Holy Spirit and any medical interventions which I consider must comport with that fundamental religious belief. As such, what I put in my body and how I treat it must comport with the commandment in scripture to treat my body in a manner which adheres to this reality and respects it highly.²¹⁶

The central challenge with bodily-integrity objections is that they often have both religious and nonreligious components.²¹⁷ The belief that the body is sacred is plainly religious (especially given its scriptural foundation), but the conclusion that a particular substance, such as the COVID-19 vaccine, is harmful typically rests on medical or personal belief.²¹⁸ This raises difficult questions: When an objection blends religious and secular elements, is it religious,

²¹³ *Aliano v. Township of Maplewood*, No. 22-CV-5598, 2023 WL 4398493, at *9 (D.N.J. July 7, 2023) (quoting the plaintiff’s exemption request).

²¹⁴ 1 *Corinthians* 3:16–17; see, e.g., *Anoruo v. MedStar Health, Inc.*, No. 23-CV-01970, 2025 WL 1635052, at *3 (D. Md. June 9, 2025) (quoting the plaintiff’s exemption requests which included multiple references to verses in 1 *Corinthians* stating that the body is a temple and must not be defiled).

²¹⁵ *Hand v. Bayhealth Med. Ctr., Inc.*, No. 22-1548, 2024 WL 359245, at *4 (D. Del. Jan. 31, 2024) (quoting plaintiff’s request for religious exemption), *aff’d sub nom. McDowell v. Bayhealth Med. Ctr., Inc.* No. 24-1157, 2024 WL 4799870 (3d Cir. Nov. 15, 2024), *cert. denied sub nom. Harvey v. Bayhealth Med. Ctr., Inc.*, 145 S. Ct. 2848 (2025).

²¹⁶ *Ulrich v. Lancaster Gen. Health*, No. 22-4945, 2023 WL 2939585, at *1 (E.D. Pa. Apr. 13, 2023) (quoting a letter that the plaintiff submitted to her employer requesting a religious exemption from COVID-19 testing).

²¹⁷ See *Passarella v. Aspirus, Inc.*, 108 F.4th 1005, 1010 (7th Cir. 2024) (citing to several Supreme Court cases as proof that religious objections containing nonreligious components can still be deemed religious).

²¹⁸ See *Detwiler v. Mid-Columbia Med. Ctr.*, No. 22-CV-01306, 2023 WL 7221458, at *6 (D. Or. Sep. 13, 2023) (“[T]he Court readily accepts that plaintiff ‘has a bona fide religious belief that her body is a temple of the Holy Spirit’—however, plaintiff’s specific determination of what is harmful . . . [is premised] on her research-based scientific/medical judgments.”), *report and recommendation adopted by* No. 22-CV-01306, 2023 WL 7220734 (D. Or. Nov. 2, 2023), *aff’d*, 156 F.4th 886 (9th Cir. 2025).

secular, or both? And, if both, how should a court decide whether the belief is religious enough to warrant accommodation?

The leading case on this issue is *Passarella v. Aspirus, Inc.*²¹⁹ Despite its recency, both the district and appellate decisions have been widely cited.²²⁰ In the case, two healthcare workers asserted bodily-integrity objections to the COVID-19 vaccine.²²¹ One believed her body “is [the Lord’s] dwelling place” and feared the vaccine might be dangerous for her body, causing heart inflammation or blood clots.²²² The other stated, “I am asserting my rights as a Christian to be exempt from taking this vaccine. I feel it was developed in a rush. I don’t trust the information and long-term effects. Therefore I believe this is not right for me to put this vaccine into my body.”²²³ The District Court for the Western District of Wisconsin dismissed both plaintiffs’ claims, holding that neither plaintiff had articulated a religious belief that would prevent vaccination if they believed the vaccine was safe.²²⁴ Their objections were therefore “a matter of medical judgment rather than religious conviction,” and “the use of religious vocabulary does not elevate a personal medical judgment to a matter of protected religion.”²²⁵

The Seventh Circuit reversed in a two-to-one decision.²²⁶ It emphasized that determining whether a belief is religious is “not amenable to formulaic resolution like solving a math equation” but instead requires a holistic analysis of the exemption request.²²⁷ Unlike the district court, which deemed the plaintiffs’ exemption requests completely secular, the appellate court held that “the fact that an accommodation request also invokes or, as here, even turns upon secular considerations does not negate its religious nature.”²²⁸ It warned that courts should not force employees to choose between a strictly religious and a strictly nonreligious reason for their request.²²⁹ Attempting to categorize beliefs as “‘primarily’ or ‘mostly’ or ‘minimally’ or ‘tangentially’” religious would be “slippery in practice and arbitrary in . . . application,” and it would

²¹⁹ No. 22-cv-287, 2023 WL 2455681, at *1–4 (W.D. Wis. Mar. 10, 2023), *rev’d and remanded*, 108 F.4th 1005 (7th Cir. 2024).

²²⁰ A Westlaw search shows that as of September 12, 2026, the district court opinion has been cited in sixty-eight cases, and the appellate opinion has been cited in eighty-six cases. See Citing References Page for *Passarella v. Aspirus, Inc.*, WESTLAW, <https://1.next.westlaw.com/> (follow Westlaw hyperlink; search for and select the case; then navigate to the Citing References tab and filter by cases).

²²¹ *Passarella*, 2023 WL 2455681, at *2–3.

²²² *Passarella*, 108 F.4th at 1007 (alteration in original) (quoting a plaintiff’s letter requesting reconsideration of her exemption request).

²²³ *Id.* at 1008 (quoting a plaintiff’s initial exemption request).

²²⁴ *Passarella*, 2023 WL 245568, at *5–6.

²²⁵ See *id.* at *1, *6.

²²⁶ *Passarella*, 108 F.4th at 1012.

²²⁷ *Id.* at 1009.

²²⁸ *Id.* at 1010.

²²⁹ *Id.* at 1011.

risk violating the Supreme Court's instruction not to dissect religious beliefs.²³⁰ Still, the court noted limits to this principle, stating that "[r]eligious accommodation requests rooting themselves entirely in safety considerations with no plain and express connection to religion" fall outside Title VII, as do "down-right 'bizarre' reasons having no plausible connection to religion."²³¹ The Seventh Circuit's approach resembles Title VII's "motivating factor" framework, in which an employer violates Title VII if a discriminatory reason is at least one motivating factor in an employment decision.²³² Thus, the plaintiff need only prove the discriminatory reason played a role, not that it was the sole or even primary reason for the action.²³³ In *Passarella*, the Seventh Circuit adopted a similar approach in the religious belief context, holding that so long as a belief contains some religious aspect, it qualifies as religious—even if religion is not the primary factor underlying the belief.²³⁴

While several courts have adopted this approach,²³⁵ others, including the Ninth Circuit, continue to hold that a bodily-integrity objection is not religious if it is driven by an underlying secular concern.²³⁶ These courts worry that recognizing such claims would allow employees to declare anything harmful for any reason and demand accommodation by invoking the body-as-a-temple concept.²³⁷ In *Ulrich v. Lancaster General Health*, the District Court for the

²³⁰ *Id.* at 1010.

²³¹ *Id.* at 1011 (citing *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 716 (1981)).

²³² See 42 U.S.C. § 2000e-2(m) ("[A]n unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.").

²³³ See *Nobach v. Woodland Vill. Nursing Ctr., Inc.*, 799 F.3d 374, 378 (5th Cir. 2015) ("The Supreme Court recently provided guidance on Title VII's 'because of' causation standard, noting that it is broader than the typical but-for causation standard because it requires only that the religious practice be a 'motivating factor' of the employer's employment decision." (citing *EEOC v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768, 772 (2015))).

²³⁴ See 108 F.4th at 1010–11 (holding that a request that relies on secular considerations may still be religious in nature).

²³⁵ See, e.g., *Loyd v. McKesson Corp.*, No. CV-22-02065, 2025 WL 563452, at *5 (D. Ariz. Feb. 20, 2025) ("The Court is instead persuaded by the Seventh Circuit's understanding of the relationship between personal and religious beliefs [*in Passarella*].").

²³⁶ See, e.g., *Ulrich v. Lancaster Gen. Health*, No. 22-4945, 2023 WL 2939585, at *5 (E.D. Pa. Apr. 13, 2023) ("Ulrich's attempt to avoid testing which she argues 'could bring potential harm, introduce harmful substances, cause adverse health effects or endanger [her] wellbeing,' and her argument that COVID testing would cause her 'anxiety,' clearly state medical concerns which she attempts to 'cloak [sic] with religious significance'" (first quoting the plaintiff's request for religious exemption, and then quoting *Africa v. Pennsylvania*, 662 F.2d 1025, 1035 (3d Cir. 1981))).

²³⁷ See, e.g., *Blackwell v. Lehigh Valley Health Network*, No. 22-cv-03360, 2023 WL 5807840, at *9 (E.D. Pa. Sep. 7, 2023) ("Taken as a whole, the beliefs in opposition to Defendant's COVID-19 testing requirement . . . amount to assertions of a 'blanket privilege'" (quoting *United States v. Seeger*, 380 U.S. 163, 165 (1965))). One court espoused:

Even if I were to accept that Ms. Geerlings sincerely believes the body is a temple and should not be harmed, it would be a step too far to count everything she believes about healthy living as a religious practice. The notion that we should not harm our bodies is

Eastern District of Pennsylvania considered an employee's objection to COVID-19 testing, which she believed contradicted the teaching that she should treat her body as a temple, describing the testing as "degrading and ritualistic."²³⁸ The court dismissed the claim as nonreligious, reasoning that her reliance on the body-as-a-temple concept was "fungible enough to cover anything she trains it on[,] effectively creating a "'blanket privilege' where [the employee] alone is the arbiter for decisions which she expects her employer to 'unfailingly respect.'"²³⁹

Concern about creating a "blanket privilege" has led some courts to treat bodily-integrity objections as religious only when the underlying reason for refusing the vaccine is itself religious. One court reasoned that "a religious belief that the body is a temple of God is not in itself inconsistent with receiving a vaccine. Many people hold that belief without also believing that receiving a vaccine defiles the body."²⁴⁰ Thus, the inquiry turns on whether the employee's belief about the harmful nature of vaccines is religious, not whether the employee believes that, for religious reasons, they cannot mistreat their body.²⁴¹ Under this approach, a claim that the vaccine would change a person's God-given genome is religious,²⁴² but a claim that the vaccine is unsafe or ineffective is secular.²⁴³

ubiquitous in religious teaching, but a "concern that [a treatment] may do more harm than good[] is a medical belief, not a religious one." Even though the two may sometimes overlap, such as where a prohibition on eating pork serves both sanitary and spiritual ends, it takes more than a generalized aversion to harming the body to nudge a practice over the line from medical to religious.

Ulrich, 2023 WL 2939585, at *5 (alteration in original) (citation omitted) (quoting *Geerlings v. Tredyffrin/Easttown Sch. Dist.*, No. 21-cv-4204, 2021 WL 4399672, at *7 (E.D. Pa. Sep. 27, 2021)).

²³⁸ 2023 WL 2939585, at *1 (quoting the plaintiff's exemption request letter).

²³⁹ *Id.* at *5 (quoting *Finkbeiner v. Geisinger Clinic*, 623 F. Supp. 3d 458, 465–66 (M.D. Pa. 2022), *appeal dismissed*, No. 22-2714, 2023 WL 6057495 (3d Cir. Sep. 18, 2023), and *aff'd in part, vacated in part, remanded sub nom.* *Federoff v. Geisinger Clinic*, No. 24-2844, 2026 WL 195416 (3d Cir. Jan. 26, 2026)).

²⁴⁰ *Petermann v. Aspirus, Inc.*, No. 22-CV-332, 2023 WL 2662899, at *2 (W.D. Wis. Mar. 28, 2023) (citation omitted); *see also* *Detwiler v. Mid-Columbia Med. Ctr.*, 156 F.4th 886, 895 (9th Cir. 2025) (holding that an employee's bodily-integrity objection to COVID-19 testing was not religious in nature because "[w]ithout Detwiler's opinion that [the testing swab] is carcinogenic and therefore harmful, she has no conflict with [her employer's] testing requirement—her secular judgment offers the sole basis of her objection").

²⁴¹ *Petermann*, 2023 WL 2662899, at *2.

²⁴² *Aliano v. Township of Maplewood*, No. 22-CV-5598, 2023 WL 4398493, at *6 (D.N.J. July 7, 2023) (quoting the plaintiff's request for religious exemption).

²⁴³ *Petermann*, 2023 WL 2662899 at *2 ("If Petermann believed that the vaccine defiled her body because it was unhealthy or unsafe, that would be a medical objection. . . [b]ut if her objection . . . was rooted in a belief 'that she must remain as God made her,' that would be sufficient to show a religious [objection] . . .") (citation omitted) (quoting *Passarella v. Aspirus, Inc.*, No. 22-cv-287, 2023 WL 2455681, at *7 (W.D. Wis. Mar. 10, 2023), *rev'd and remanded*, 108 F.4th 1005 (7th Cir. 2024)).

The District Court for the Eastern District of Pennsylvania's opinion in *Gray v. Main Line Hospitals* illustrates this distinction.²⁴⁴ The employee objected to the vaccine, in part, because she was "'not comfortable having genetic components that [her] body did not create injected into [her] body' because she believes it would alter her image which God intended for her."²⁴⁵ The district court denied summary judgment, calling it "a very close case[.]" because the plaintiff did not expressly claim that vaccination would physically harm her; she asserted that it would change her God-given makeup.²⁴⁶ This, the court reasoned, could show that she is specifically opposed to vaccines that contain genetic components because they would change the body that God gave her, rather than illustrating her concern with vaccine safety.²⁴⁷

This distinction between safety-based harm and sin-based harm may carry some appeal, but the line it draws is exceedingly thin. If two people believe it is a sin to harm their bodies, and one thinks the vaccine is harmful because it alters God's design while the other thinks it is harmful because it is unsafe, is the first objection truly religious and the second secular? Both rest on a religious belief that harming one's body is sinful. And courts have repeatedly held that the relevant question is whether the belief is religious in the person's "own scheme of things," not whether a court finds it is religious.²⁴⁸

In *Hand v. Bayhealth Medical Center, Inc.*, the District Court for the District of Delaware considered a claim by a plaintiff that made this point directly.²⁴⁹ She objected to the vaccine because "[t]he Bible states the body is the temple of the Holy Spirit" and she should not "introduce something into [her] body willingly, that could potentially harm it."²⁵⁰ Her attorney argued that whether she believed the vaccine was harmful because it was unsafe was irrelevant: "[h]arming my body is the religious belief . . ." and "[i]f I believe [the vaccine] is going to cause long-term harm to my body, then my truly-held reli-

²⁴⁴ See 717 F. Supp. 3d 437, 447–48 (E.D. Pa. 2024) (explaining why the plaintiff survived summary judgment).

²⁴⁵ *Id.* at 443 (alteration in original) (quoting the plaintiff's request for religious exemption).

²⁴⁶ *Id.* at 447–48 (distinguishing the plaintiff's claim from other claims that courts in the circuit had previously dismissed).

²⁴⁷ *Id.* at 448 (citing *Aliano*, 2023 WL 4398493, at *6–7).

²⁴⁸ *United States v. Seeger*, 380 U.S. 163, 185 (1965); see also *Brown v. Alaska Airlines, Inc.*, 179 F.4th 707, 720 (9th Cir. 2026) (explaining that "[t]he role of courts in assessing a plaintiff's religious beliefs is limited to determining 'whether the beliefs professed by the [plaintiff] are sincerely held and whether they are, in [her] own scheme of things, religious'" (alternations in original) (quoting *Seeger*, 380 U.S. at 185)); *Wright v. Honeywell Int'l, Inc.*, 148 F.4th 779, 783–84 (5th Cir. 2025) (confining the court's inquiry to whether the plaintiff's belief is religious "in his own scheme of things" (quoting *Davis v. Fort Bend County*, 765 F.3d 480, 485 (5th Cir. 2014), *aff'd on other grounds*, 587 U.S. 541 (2019); and then citing *Welsh v. United States*, 398 U.S. 333, 339 (1970))).

²⁴⁹ See No. 22-1548, 2024 WL 359245, at *4 (D. Del. Jan. 31, 2024) (providing the reasons that the plaintiff sought a religious exemption), *aff'd*, No. 24-1157, 2024 WL 4799870 (3d Cir. Nov. 15, 2024), *cert. denied sub nom.* *Harvey v. Bayhealth Med. Ctr., Inc.*, 145 S. Ct. 2848 (2025).

²⁵⁰ *Id.* (quoting the plaintiff's request for religious exemption).

gious belief is that my body is a temple of the Holy Spirit, and I should put nothing in my body that's going to harm it. That's religious belief.”²⁵¹ The court disagreed, dismissing the argument as an attempt to “‘cloak[] with religious significance’ Plaintiff’s concern that the vaccine will harm her body.”²⁵² It held that she “fail[ed] to explain how her religious beliefs lead to the conclusion that the COVID-19 vaccine will cause harm to her body[,]” noting she did “‘not articulate any religious belief that would prevent her from taking the vaccine if she believed it was safe.’”²⁵³

Courts that require the underlying reason to be religious are divided on how to determine this. Many require employees to link their objection to a specific tenet of their faith. In *Guthrie-Wilson v. Cook County*, the District Court for the Northern District of Illinois considered a plaintiff’s objection to the vaccine because “as a Seventh-Day Adventist, she was required to practice a healthy lifestyle and abstain from anything that could bring her harm.”²⁵⁴ The court found this insufficient because she had not identified a religious principle that precludes COVID-19 vaccination, but rather articulated a broad preference for healthy living.²⁵⁵ Similarly, in *Detwiler v. Mid-Columbia Medical Center*, the District Court for the District of Oregon considered a plaintiff’s invocation of her belief that her body is a temple of God, and thus she objected to COVID-19 testing on the ground that it used carcinogenic substances.²⁵⁶ The court accepted that she held a religious belief about her body but found her determination of what was harmful was “not, in this case, premised on the Bible or any other religious tenet or teaching”²⁵⁷

Other courts reject the requirement that an employee identify a specific religious tenet. The Sixth Circuit Court of Appeals has twice reversed dismissals on this ground. In *Lucky v. Landmark Medicine of Michigan, P.C.*, it held that the district court had no reason to insist that the plaintiff provide a specific religious principle that precludes vaccination, emphasizing that it is not appropriate for the judiciary to question whether certain beliefs are central to a

²⁵¹ *Id.* (quoting Transcript of Oral Argument at 34:15–35:12).

²⁵² *Id.* (alteration in original) (quoting *Africa v. Pennsylvania*, 662 F.2d 1025, 1035 (3d Cir. 1981)).

²⁵³ *Id.* (quoting *Passarella v. Aspirus, Inc.*, No. 22-cv-287, 2023 WL 2455681, at *5 (W.D. Wis. Mar. 10, 2023), *rev’d and remanded*, 108 F.4th 1005 (7th Cir. 2024)).

²⁵⁴ No. 23-CV-362, 2023 WL 8372043, at *1 (N.D. Ill. Dec. 4, 2023) (quoting the plaintiff’s proposed amended complaint).

²⁵⁵ *Id.* at *2 (quoting the plaintiff’s proposed amended complaint).

²⁵⁶ No. 22-CV-01306, 2023 WL 7221458, at *1–2 (D. Or. Sep. 13, 2023) (quoting the plaintiff’s complaint), *report and recommendation adopted by* No. 22-CV-01306, 2023 WL 7220734 (D. Or. Nov. 2, 2023), *aff’d*, 156 F.4th 886 (9th Cir. 2025).

²⁵⁷ *Id.* at *6 (quoting the plaintiff’s complaint).

faith.²⁵⁸ Two months later, in *Sturgill v. American Red Cross*, the Sixth Circuit reiterated that a plaintiff need not “cite[] to any tenet of the Lutheran church that opposes western medicine in general or the COVID vaccine specifically.”²⁵⁹

3. Personal Revelation

Objections to the COVID-19 vaccine based on personal revelation take several forms. Some employees claim they prayed about the vaccine and received direct guidance from God not to take it. One employee wrote, “I have asked God for direction regarding the current COVID shot requirement. As I have prayed about what to do, the Holy Spirit has moved my heart and conscience that I must not accept the COVID shot.”²⁶⁰ Others assert that God has endowed them with wisdom or a conscience through which they must discern His will. Another employee explained, “I believe that I am required to search the Scripture myself for related truths. . . . The Holy Spirit has guided me not to take any of the vaccines for Covid-19.”²⁶¹ Still others frame their objection in terms of God-given free will. For instance, an employee asserted on his exemption request form:

I am a Christian and hold a sincere religious belief that I have a God given right to make my own choices regarding what is good or bad for me. The Bible says that man has free will and I am using my free will . . . to reject the testing conditions placed on my approved religious exemption.²⁶²

Courts are divided on how to treat such claims. Some readily classify personal-revelation objections as religious, so long as the individual claims to be acting in accordance with God’s will. In *Bellard v. University of Texas MD Anderson Cancer Center*, the District Court for the Southern District of Texas held that the plaintiffs had established a bona fide religious belief because each alleged that God told them not to get vaccinated: “All of the plaintiffs, in one form or another, indicate that they were directed by God to not take the vaccine. All three make clear that their principal rationale in refusing the vaccine

²⁵⁸ 103 F.4th 1241, 1243–44 (6th Cir. 2024) (first quoting *Lucky v. Landmark Med. of Mich., P.C.*, No. 23-cv-11004, 2023 WL 7095085, at *7 (E.D. Mich. Oct. 26, 2023), *rev’d*, 103 F.4th 1241, and then quoting *Hernandez v. Comm’r of Internal Revenue*, 490 U.S. 680, 699 (1989)).

²⁵⁹ 114 F.4th 803, 809 (6th Cir. 2024) (alteration in original) (citing *Lucky*, 103 F.4th at 1243).

²⁶⁰ *Caspersen v. W. Union, LLC*, No. 23-cv-00923, 2023 WL 6602123, at *1 (D. Colo. Oct. 10, 2023) (quoting the plaintiff’s exemption request).

²⁶¹ *Bobnar v. AstraZeneca Pharms. LP*, 758 F. Supp. 3d 690, 705 (N.D. Ohio 2024) (quoting the plaintiff’s exemption request).

²⁶² *Finkbeiner v. Geisinger Clinic*, 623 F. Supp. 3d 458, 463 (M.D. Pa. 2022) (quoting from the plaintiff’s affidavit), *appeal dismissed*, 2023 WL 6057495 (3d Cir. Sep. 18, 2023), and *aff’d in part, vacated in part, remanded sub nom.* *Federoff v. Geisinger Clinic*, No. 24-2844, 2026 WL 195416 (3d Cir. Jan. 26, 2026).

was to follow God's will."²⁶³ The court deemed these views "quintessentially religious" and followed the Fifth Circuit's practice of taking individuals at their word regarding their religious convictions.²⁶⁴

Other courts are far more skeptical, concerned that employees could invoke divine revelation to avoid virtually any obligation. In *Isaacs v. Bayhealth Medical Center, Inc.*, the District Court for the District of Delaware dismissed the plaintiff's claim that he was following "[his] God-given conscience" in refusing to be vaccinated, reasoning that allowing such an objection would create an impermissible "blanket privilege."²⁶⁵ Similarly, in *Finkbeiner v. Geisinger Clinic*, the District Court for the Middle District of Pennsylvania rejected a plaintiff's claim grounded in "a God given right to make [her] own choices," concluding it would provide a "limitless excuse for avoiding all unwanted . . . obligations."²⁶⁶ And, in *Hand*, the District Court for the District of Delaware rejected the idea that a belief derived from prayer is inherently religious: "Forcing Defendant to 'unfailingly respect' any decisions Plaintiff makes by 'pray[ing] and ask[ing] God for wisdom and guidance' would grant her the type of 'blanket privilege' that does not qualify as religious belief"²⁶⁷

Courts use various approaches to determine whether a personal-revelation objection is truly religious. Some distinguish beliefs rooted in personal will or conscience from those based on a divine command.²⁶⁸ In *Bobnar v. AstraZeneca Pharmaceuticals LP*, the District Court for the Northern District of Ohio deemed the employee's objection to the vaccine religious because he stated that his belief was from God rather than relying on free will or conscience.²⁶⁹

²⁶³ 716 F. Supp. 3d 503, 514 (S.D. Tex. 2024) (citation omitted), *appeal dismissed*, No. 24-40161, 2024 WL 5459155 (5th Cir. July 25, 2024).

²⁶⁴ *Id.* (quoting *Sambrano v. United Airlines, Inc.*, No. 21-11159, 2022 WL 486610, at *1 n.2 (5th Cir. Feb 17, 2022)).

²⁶⁵ No. 22-1468, 2024 WL 359244, at *5–6 (D. Del. Jan. 31, 2024) (alteration in original) (first quoting the plaintiff's exemption request; and then citing *Africa v. Pennsylvania*, 662 F.2d 1025, 1031 (3d Cir. 1981)). One judge elaborated on this position in dissent in *Passarella v. Aspirus, Inc.*:

As much as I genuinely appreciate the importance of prayer in people's lives and their belief that G-d is on their side, I am not convinced that Congress meant to compel an employer to grant any requested accommodation that an employee has prayed about and has concluded that his or her G-d supports. If that were so, there would be almost no limit to the accommodations that an employer would have to entertain under Title VII's ban on religious discrimination.

108 F.4th 1005, 1014 (7th Cir. 2024) (Rovner, J., dissenting) (citing *Finkbeiner*, 623 F. Supp. 3d at 465).

²⁶⁶ 623 F. Supp. 3d at 465 (alteration in original) (first quoting the plaintiff's exemption request; and then quoting *Africa*, 662 F.2d at 1030).

²⁶⁷ No. 22-1548, 2024 WL 359245, at *5 (D. Del. Jan. 31, 2024) (alteration in original) (quoting *Finkbeiner*, 623 F. Supp. 3d at 465), *aff'd*, No. 24-1157, 2024 WL 4799870 (3d Cir. Nov. 15, 2024)), *cert. denied sub nom. Harvey v. Bayhealth Med. Ctr. Inc.*, 145 S. Ct. 2848 (2025).

²⁶⁸ *Bobnar v. AstraZeneca Pharms. LP*, 758 F. Supp. 3d 690, 723 (N.D. Ohio 2024).

²⁶⁹ *Id.*

Under this view, the origin of the belief matters: a belief reached through prayer is religious, but one reached through discernment or conscience is not—even if the employee believes God works through those means. Yet again, this reflects an extremely fine line.

Other courts focus less on the belief's origin and more on whether the employee expressed their objection in language manifesting a belief in a deity. In *Quintal v. Department of Developmental Services*, the District Court for the District of Massachusetts considered an employee's assertion that she prayed and "received a clear word from the Lord that [she] must not get the shot."²⁷⁰ The court held that whether her view is a religious teaching should not be questioned because her request was "couched in strong language regarding her belief in God."²⁷¹ Likewise, in *Crandall v. New Mexico Seventh Judicial District Court*, the District Court for the District of New Mexico held that a jury could find that the plaintiff's objection was religious even though her church did not oppose vaccination.²⁷² The plaintiff testified that her decision was derived from her personal connection with God and that she had determined the vaccine was harmful and unnecessary based on "the wisdom God has given her," and her belief that God gave humans sufficiently strong natural defenses.²⁷³ This, the court concluded, was enough to make the objection religious because it was "based on her personal relationship *with God*, believing that humans possess strong immune systems *endowed by God*"²⁷⁴

By contrast, in *Miller v. Charleston Area Medical Center*, the District Court for the Southern District of West Virginia dismissed a claim in which the plaintiff maintained that all compulsory medical care violates his religious beliefs and ethical right to control his own treatment.²⁷⁵ Unlike the plaintiffs in *Bobnar* and *Crandall*, the employee framed his objection as one rooted in his right of conscience rather than in his relationship with God.²⁷⁶ The court rejected the claim, reasoning that a belief that primarily asserts the employee's authority to decide matters independently is not a religious belief, even if it is described in religious language.²⁷⁷

²⁷⁰ 761 F. Supp. 3d 350, 352 (D. Mass.) (quoting the plaintiff's exemption request), *appeal filed*, No. 25-1069 (1st Cir. Jan. 23, 2025).

²⁷¹ *Id.* at 354.

²⁷² 760 F. Supp. 3d 1304, 1313 (D.N.M. 2024), *appeal dismissed*, No. 24-2186, 2025 WL 1744792 (10th Cir. Mar. 3, 2025).

²⁷³ *Id.*

²⁷⁴ *Id.*

²⁷⁵ No. 23-cv-00340, 2023 WL 7549365, at *4 (S.D.W. Va. Nov. 14, 2023) (quoting the plaintiff's exemption request).

²⁷⁶ *Id.*; see *Bobnar v. AstraZeneca Pharms. LP*, 758 F. Supp. 3d 690, 723 (N.D. Ohio 2024) (noting that the plaintiff's belief "came from God and the Holy Spirit"); *Crandall*, 760 F. Supp. 3d at 1313 (providing that plaintiff's decision was "rooted in her personal relationship with God").

²⁷⁷ *Miller*, 2023 WL 7549365, at *4 (quoting *Foshee v. AstraZeneca Pharms. LP*, No. 23-00893, 2023 WL 6845425, at *4 (D. Md. Oct. 17, 2023)).

As with bodily-integrity objections, courts disagree on whether employees must tie personal-revelation claims to a specific tenet of their religion. In *Taylor v. Milford Regional Medical Center*, the District Court for the District of Massachusetts considered a Wiccan plaintiff's assertion that her faith requires her to pray for guidance on spiritual decisions, and that in response to her prayers, she was directed not to get the vaccine.²⁷⁸ The court dismissed her claim because she failed to explain why Wiccans must avoid the vaccine, characterizing her objection as a "personal decision rather than a tenet of the Wiccan faith."²⁷⁹

Such decisions stand in stark contrast to cases rejecting any requirement that an employee identify a specific religious tenet. The Ninth Circuit has emphasized that Title VII protects more than practices mandated by formal doctrine:

[T]he very words of [Title VII] . . . leave little room for such a limited interpretation. . . . [T]o restrict the act to those practices which are mandated or prohibited by a tenet of the religion, would involve the court in determining not only what are the tenets of a particular religion, . . . but would frequently require the courts to decide whether a particular practice is or is not required by the tenets of the religion. . . . [S]uch a judicial determination [would] be irreconcilable with the warning issued by the Supreme Court [that] "[I]t is no business of courts to say . . . what is a religious practice or activity."²⁸⁰

Whether courts should require employees to link their personal-revelation claims to specific religious tenets remains a deeply divisive issue, and one that can significantly affect an employee's ability to bring a failure-to-accommodate claim.

As this Part shows, determining whether an objection to the COVID-19 vaccine is religious or secular is no easy task. Each category—abortion, bodily integrity, and personal revelation—poses distinct challenges. Without a unified framework for assessing the religious nature of a belief, courts have developed a patchwork of approaches that has produced inconsistent, and at times contradictory, case law. As the next Part demonstrates, courts have fared no better in evaluating the other component of a bona fide religious belief: whether the belief is sincerely held.

²⁷⁸ 733 F. Supp. 3d 8, 12 (D. Mass. 2024) (quoting the plaintiff's exemption request).

²⁷⁹ *Id.* at 15–16.

²⁸⁰ *Heller v. EBB Auto Co.*, 8 F.3d 1433, 1438 (9th Cir. 1993) (alteration in original) (citation omitted) (quoting *Redmond v. GAF Corp.*, 574 F.2d 897, 900 (7th Cir. 1978)).

III. JUDICIAL ASSESSMENT OF WHETHER A VACCINE OBJECTION IS SINCERE

Once a court concludes that a belief is religious, it must next determine whether that belief is sincerely held. Far fewer judicial opinions address this second inquiry, largely because courts often treat sincerity as a credibility question reserved for the factfinder.²⁸¹ Even so, several significant decisions, both within and beyond the vaccine-exemption context, offer guidance. As with the threshold question of religiosity, courts apply a range of distinct and sometimes inconsistent approaches. This Part surveys the general standards courts use to evaluate sincerity,²⁸² and then examines how those standards have been applied in COVID-19 vaccine accommodation cases.²⁸³

A. General Standards

Whether a belief is religious and whether it is sincerely held are analytically distinct inquiries, and courts caution against conflating them.²⁸⁴ As the Second Circuit Court of Appeals has emphasized, courts must “vigilantly separate the issue of sincerity from the factfinder’s perception of the religious nature of the claimant’s beliefs.”²⁸⁵ Sincerity, however, tends to receive less judicial attention than religiosity, as many courts treat it as a credibility question best resolved by the factfinder rather than on a motion to dismiss or for summary judgment.²⁸⁶ The First Circuit Court of Appeals has described sincerity as a “quintessential” fact inquiry reserved for trial,²⁸⁷ and the Second Circuit has similarly noted that assessing sincerity “demands a full exposition of facts and the opportunity for the factfinder to observe the claimant’s demeanor during direct and cross-examination.”²⁸⁸

Even so, some courts do scrutinize sincerity—sometimes more closely than they examine whether a belief is religious. One court explained that it is “entirely appropriate, indeed necessary,” to analyze sincerity (as opposed to the

²⁸¹ See *infra* notes 286–288 and accompanying text.

²⁸² See *infra* Part III.A.

²⁸³ See *infra* Part III.B.

²⁸⁴ See *Hurley v. Varian Med. Sys.*, No. 23-CV-42, 2024 WL 2368438, at *4 (E.D. Wis. May 23, 2024) (“Care must be taken so as to not conflate the religious and sincerely held elements.”).

²⁸⁵ *Patrick v. LeFevre*, 745 F.2d 153, 157 (2d Cir. 1984).

²⁸⁶ See *Barnett v. Inova Health Care Servs.*, 125 F.4th 465, 470 (4th Cir. 2025) (noting that the sincerity inquiry is “almost exclusively a credibility assessment” (quoting *Kay v. Bemis*, 500 F.3d 1214, 1219 (10th Cir. 2007))); *Leonhardt v. MedStar Health, Inc.*, No. 23-CV-01211, 2025 WL 744077, at *6 (D. Md. Mar. 7, 2025) (relying on *Barnett* in determining that credibility is at the heart of the sincerity inquiry (quoting *Barnett*, 125 F.4th at 470)).

²⁸⁷ *Unión Independiente II*, 279 F.3d 49, 56 (1st Cir. 2002) (quoting *Simas v. First Citizens’ Fed. Credit Union*, 170 F.3d 37, 49 (1st Cir. 1999)).

²⁸⁸ *Patrick*, 745 F.2d at 157.

truth of the belief) in the Title VII context.²⁸⁹ Another warned that courts must avoid tests that reflect the factfinder's own conception of what sincerity should look like.²⁹⁰ But approaches vary widely across circuits. The Fifth Circuit Court of Appeals is notably deferential, urging "judicial shyness" in probing sincerity²⁹¹ and accepting claims of sincere belief on little more than a plaintiff's credible assertions.²⁹² The EEOC adopts a similar posture, noting that sincerity is "usually not in dispute" and is "generally presumed or easily established."²⁹³

Other courts take a more skeptical view.²⁹⁴ The Second Circuit has warned that beliefs motivated by "deception and fraud" must be scrutinized to prevent individuals from invoking religion "as a talisman for self-indulgence or material gain"²⁹⁵ Courts applying a rigorous approach may look for extrinsic evidence of good faith.²⁹⁶ In *EEOC v. Unión Independiente de la Autoridad de Acueductos y Alcantarillados de Puerto Rico*, the First Circuit Court of Appeals reversed summary judgment for the plaintiff in a case involving a Seventh-day Adventist employee who requested not to join the labor union due to his religious beliefs.²⁹⁷ The court observed that although the religious nature of Seventh-day Adventists' opposition to unions is well-established, it was uncertain in this instance whether the employee's belief was sincere.²⁹⁸ Evidence showed that he had acted inconsistently with his professed beliefs by lying on his job application, getting divorced, taking an oath before a notary, and work-

²⁸⁹ *Cesare v. PACT MSO, LLC.*, 736 F. Supp. 3d 93, 101 (D. Conn. 2024) (quoting *Philbrook v. Asonia Bd. of Educ.*, 757 F.2d 476, 481 (2d Cir. 1985), *aff'd and remanded*, 479 U.S. 60 (1986)).

²⁹⁰ *Rivera v. Choice Courier Sys., Inc.*, No. 01 CIV. 2096, 2004 WL 1444852, at *5 (S.D.N.Y. June 25, 2004) (quoting *Philbrook*, 757 F.2d at 482).

²⁹¹ *Tagore v. United States*, 735 F.3d 324, 328 (5th Cir. 2013) (quoting *Moussazadeh v. Tex. Dep't of Crim. Just.*, 703 F.3d 781, 792 (5th Cir. 2012)), *abrogated by* *Groff v. DeJoy*, 600 U.S. 447 (2023).

²⁹² *Davis v. Fort Bend Cnty.*, 765 F.3d 480, 486 (5th Cir. 2014) ("The sincerity of a plaintiff's engagement in a particular religious practice is rarely challenged." (quoting *Tagore*, 735 F.3d at 328)).

²⁹³ COMPLIANCE MANUAL, *supra* note 100, at § 12-I(A)(2) (quoting *Moussazadeh*, 703 F.3d at 791).

²⁹⁴ *See, e.g., Ackerman v. Washington*, 16 F.4th 170, 181 (6th Cir. 2021) (explaining that courts are not obliged to trust a religious objector and "can 'filter out insincere requests'" (quoting *Haight v. Thompson*, 763 F.3d 554, 566 (6th Cir. 2014))); *Speer v. UCOR LLC*, No. 22-CV-426, 2024 WL 4370773, at *6 (E.D. Tenn. Oct. 1, 2024) ("[A] factfinder 'need not take a [plaintiff] at his word' that he is sincere in his beliefs." (alteration in original) (quoting *Ackerman*, 16 F.4th at 181 (6th Cir. 2019))).

²⁹⁵ *Patrick v. LeFevre*, 745 F.2d 153, 157 (2d Cir. 1984).

²⁹⁶ *Id.* ("Sincerity analysis seeks to determine an adherent's good faith in the expression of his religious belief. This test provides a rational means of differentiating between those beliefs that are held as a matter of conscience and those that are animated by motives of deception and fraud." (citation omitted)).

²⁹⁷ *See* 279 F.3d 49, 57 (1st Cir. 2002) (providing the First Circuit's decision); *EEOC v. Unión Independiente de la Autoridad de Acueductos y Alcantarillados de P.R. (Unión Independiente I)*, 30 F. Supp. 2d 217, 219, 225 (D.P.R. 1998) (providing the facts of the case and the district court's decision), *rev'd*, 279 F.3d 49 (1st Cir. 2002).

²⁹⁸ *Unión Independiente II*, 279 F.3d at 56–57 (citation omitted).

ing five days a week (rather than six, as his faith requires).²⁹⁹ The First Circuit held that this evidence could lead a factfinder to conclude the employee's opposition to union membership was not sincere.³⁰⁰

Courts have identified a range of factors relevant to sincerity, including the length of adherence, the claimant's knowledge of the belief system,³⁰¹ consistency between conduct and professed belief,³⁰² conflicting statements,³⁰³ the size and history of the religion,³⁰⁴ the existence of supporting religious teachings,³⁰⁵ and whether the claimant stands to gain materially by masking secular interests as religious.³⁰⁶ The Sixth and Seventh Circuit Courts of Appeals have also suggested that the further a claimant's beliefs diverge from orthodox doctrine, the higher the likelihood of insincerity³⁰⁷—a view that sits uneasily with the Supreme Court's instruction that beliefs need only be religious in the claimant's "own scheme of things"³⁰⁸ and need not be shared by others in the faith.³⁰⁹

Of all the factors courts consider, consistency between words and actions is probably most intuitively linked to sincerity because people are more likely to act in accordance with strongly held beliefs. Yet courts disagree on its weight. The Second Circuit has stated that a belief is not sincere if the adherent acts inconsistently with it.³¹⁰ The Fifth Circuit, by contrast, has emphasized that sincerity does not require "strict doctrinal adherence to standards created

²⁹⁹ *Id.*

³⁰⁰ *Id.* at 57 (citing *Philbrook v. Asonia Bd. of Ed.*, 757 F.2d 476, 482 (2d Cir. 1985), *aff'd and remanded*, 479 U.S. 60 (1986)).

³⁰¹ *Ackerman v. Washington*, 16 F.4th 170, 181 (6th Cir. 2021) (citing *Fox v. Washington*, 949 F.3d 270, 277–78 (6th Cir. 2020)).

³⁰² See *Hurley v. Varian Med. Sys.*, No. 23-CV-42, 2024 WL 2368438, at *4 (E.D. Wis. May 23, 2024) (explaining that "[o]ne relevant factor [in assessing religious sincerity] is the consistency with which the employee has followed the practice" (citing *Adeyeye v. Heartland Sweeteners, LLC*, 721 F.3d 444, 453 (7th Cir. 2013))).

³⁰³ *Cesare v. PACT MSO, LLC.*, 736 F. Supp. 3d 93, 101 (D. Conn. 2024) ("Conflicting statements by the adherent could enable a reasonable jury to doubt the sincerity of the beliefs." (citing *Jackson v. Mann*, 196 F.3d 316, 322 (2d Cir. 1999))).

³⁰⁴ *Int'l Soc'y for Krishna Consciousness, Inc. v. Barber*, 650 F.2d 430, 441 (2d Cir. 1981) ("A believer's sincerity is also evaluated in light of the religion's size and history, but this is not dispositive." (first citing *Wisconsin v. Yoder*, 406 U.S. 205 (1972); then citing *People v. Woody*, 394 P.2d 813 (1964); and then citing *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707 (1981))).

³⁰⁵ *Ackerman*, 16 F.4th at 181 (citing *Fox*, 949 F.3d at 277–78).

³⁰⁶ See *Patrick v. LeFevre*, 745 F.2d 153, 157 (2d Cir. 1984) (explaining that the sincerity analysis attempts to differentiate genuine beliefs from deceptive claims).

³⁰⁷ *Ackerman*, 16 F.4th at 181 (quoting *Vinning-El v. Evans*, 657 F.3d 591, 594 (7th Cir. 2011)).

³⁰⁸ *United States v. Seeger*, 380 U.S. 163, 185 (1965).

³⁰⁹ *Thomas*, 450 U.S. at 715–16; see also *Gardner-Alfred v. Fed. Rsrv. Bank of N.Y.*, 143 F.4th 51, 65 (2d Cir. 2025) ("That Martin Luther was regarded by the Catholic Church as a heretic does not mean that his beliefs were not sincerely based on religious principles and, indeed, on principles derived from his interpretation of the Church's own teachings.").

³¹⁰ *Int'l Soc'y for Krishna Consciousness, Inc. v. Barber*, 650 F.2d 430, 441 (2d Cir. 1981) (citing *Dobkin v. Dist. of Columbia*, 194 A.2d 657 (D.C. 1963)).

by organized religious hierarchies.”³¹¹ The Seventh Circuit has similarly observed that religious rights are not forfeited by imperfect observance, “for where would religion be without its backsliders, penitents, and prodigal sons?”³¹² Thus, although consistency can support a sincerity finding, the probative value of inconsistent conduct varies considerably across jurisdictions.

B. The Sincerity Inquiry in COVID-19 Cases

As in other contexts where religious sincerity is at issue, courts evaluating COVID-19 vaccine-exemption claims generally treat sincerity as a credibility question best left to the factfinder. In *Speer v. UCOR LLC*, the District Court for the Eastern District of Tennessee considered an abortion-related vaccine objection by an employee who had also created a group chat with coworkers named “Take This Jab and Shove It” and wrote an anti-vaccine poem titled “Don’t Trust Their Science,” portraying COVID-19 measures as the “political left’s attempt to ensure conformity and compliance following recent political unrest.”³¹³ Despite what it described as “substantial evidence of insincerity and pretext[,]” the court still denied summary judgment, concluding that sincerity is a credibility issue for the jury.³¹⁴ Likewise, in *Cesare v. PACT MSO, LLC*, the District Court for the District of Connecticut considered an employee’s request for a vaccine exemption based on her Catholic beliefs, which she supported by purchasing a letter online from someone claiming to be a pastor of the “True Hope Ministry.”³¹⁵ The court again denied summary judgment, reasoning that although a factfinder might find the letter problematic, credibility determinations are inappropriate at this stage of the case.³¹⁶

In some cases, however, the evidence is so one-sided that courts resolve sincerity at summary judgment. In *Gardner-Alfred v. Federal Reserve Bank of New York*, the District Court for the Southern District of New York considered a defendant’s challenge to the sincerity of two plaintiffs’ asserted religious objections.³¹⁷ Plaintiff Gardner-Alfred claimed membership in the “Temple of Healing Spirit,” which she described as opposing invasive Western medical techniques.³¹⁸ But she failed to mention this affiliation in her exemption request, could not identify a single fellow congregant or any virtual services she

³¹¹ *Moussazadeh v. Tex. Dep’t of Crim. Just.*, 703 F.3d 781, 791 (5th Cir. 2012).

³¹² *Grayson v. Schuler*, 666 F.3d 450, 454 (7th Cir. 2012) (citing *Reed v. Faulkner*, 842 F.2d 960, 963 (7th Cir. 1988)).

³¹³ No. 22-CV-426, 2024 WL 4370773, at *8 (E.D. Tenn. Oct. 1, 2024).

³¹⁴ *Id.* at *9 (citing *Davis v. Gallagher*, 951 F.3d 743, 750 (6th Cir. 2020)).

³¹⁵ *Cesare v. PACT MSO, LLC*, 736 F. Supp. 3d 93, 98 (D. Conn. 2024).

³¹⁶ *Id.* at 102.

³¹⁷ No. 22-cv-1585, 2023 WL 6214863, at *1, *11 (S.D.N.Y. Sep. 25, 2023), *aff’d in part, vacated in part, remanded*, 143 F.4th 51 (2d Cir. 2025).

³¹⁸ *Id.* at *3 (quoting the plaintiff’s testimony).

had attended, had never seen the Temple's doctrinal materials, and had received injections and taken multiple prescription medications despite claiming her faith prohibited "foreign, mankind medicines" ³¹⁹ Perhaps most damning, she paid \$487 for a "vaccination package," including a letter asserting the vaccine violated the Temple's tenets. ³²⁰ After litigation commenced, an investigator for the defendant purchased a nearly identical exemption letter without being asked to join the Temple, participate in any activities, or even express agreement with its teachings. ³²¹ The Temple's leader told the investigator that he sold at least three hundred such packages annually. ³²²

Granting summary judgment to the employer, the court emphasized that imperfect adherence and unconventional beliefs do not defeat sincerity. ³²³ What did, however, was Gardner-Alfred's failure to offer evidence beyond her own testimony, despite uncontroverted proof that she knew almost nothing about the Temple, appeared to have purchased the letter solely to obtain an exemption, and had acted inconsistently with her claimed beliefs. ³²⁴ Here, sincerity could not be inferred from the plaintiff's continued religious practice in the face of personal repercussions. ³²⁵ Instead, she was positioned to materially benefit by using religious doctrine to hide the secular interests that actually led her to oppose the vaccine. ³²⁶

The district court also granted summary judgment against Plaintiff Diaz. ³²⁷ The record showed that her objections were rooted in secular views, as she attended an anti-vaccine webinar, subscribed to anti-vaccine newsletters, and circulated anti-vaccine political messages, including one rearranging the letters of "Delta" and "Omicron" (two COVID-19 variants) to spell "Media Control." ³²⁸ She also acted inconsistently with her claimed abortion-related objection, having taken numerous medications and injections—and filled more than forty prescriptions—without ever inquiring whether they were developed with fetal cell lines. ³²⁹ This, the court concluded, undermined her claim of a

³¹⁹ *Id.* at *4–6 (quoting the plaintiff's exemption request, then quoting the plaintiff's testimony).

³²⁰ *Id.* at *4–5.

³²¹ *Id.*

³²² *Id.* at *5.

³²³ *Id.* at *15 (first quoting *Moussazadeh, v. Tex. Dep't of Crim. Just.*, 703 F.3d 781, 791 (5th Cir. 2012); and then quoting *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 714 (1981)).

³²⁴ *Id.* at *15–16.

³²⁵ *Id.* at *16.

³²⁶ *Id.* (citing *Int'l Soc'y for Krishna Consciousness, Inc. v. Barber*, 650 F.2d 430, 441 (2d Cir. 1981)).

³²⁷ *Id.* at *17–18.

³²⁸ *Id.* at *16.

³²⁹ *Id.* at *17.

genuine religious objection, as she offered no explanation for failing to inquire about the contents of those medications.³³⁰

Diaz, who identified as Catholic, asked her pastor to sign an anti-vaccine template letter she found online.³³¹ He refused, noting that the letter came from the Colorado Catholic Conference, with which neither he nor Diaz had any affiliation, and instead provided a statement from the Archdiocese of Newark explaining that Catholics could not claim a religious exemption from vaccination.³³² Diaz signed the template letter herself and submitted it.³³³ The court acknowledged that sincerity does not require strict adherence to official doctrine, but found that Diaz's objection was newly adopted because of her employer's mandate and was supported by nothing beyond her own assertions.³³⁴ Accepting her argument, the court explained, would effectively require a jury trial whenever a political objection is wrapped in religious garb—a proposition unsupported by any authority.³³⁵

On appeal, the Second Circuit agreed that summary judgment against Gardner-Alfred was appropriate but reversed the district court's ruling as to Diaz.³³⁶ The court acknowledged that the extrinsic evidence "certainly impeaches Diaz's credibility," but held that a reasonable jury could still credit her testimony regarding her religious views.³³⁷ The district court, the panel explained, placed undue weight on Diaz's past use of medications without her checking whether they were developed from fetal cell lines.³³⁸ Inconsistent conduct is relevant, but not dispositive, because "even the most sincere practitioner may stray from time to time."³³⁹

The court also rejected the notion that Diaz's beliefs were insincere simply because the pastor refused to sign the exemption letter she submitted.³⁴⁰ It emphasized that "it . . . does not matter whether her views align with the dogma articulated by a particular representative of Catholicism; what matters . . . is whether *she* sincerely believed that the use of Covid-19 vaccines was contra-

³³⁰ *Id.* (noting that the plaintiff admitted in her deposition that she did not remember knowing of the connection between COVID-19 vaccines and aborted fetal cells when she initially requested a religious exemption).

³³¹ *Id.* at *6–7.

³³² *Id.* at *7.

³³³ *Id.*

³³⁴ *Id.* at *17–18.

³³⁵ *Id.* at *18.

³³⁶ *Gardner-Alfred v. Fed. Rsr. Bank of N.Y.*, 143 F.4th 51, 54, 62 (2d Cir. 2025).

³³⁷ *Id.* at 63.

³³⁸ *See id.* at 64 (explaining that, at most, the plaintiff's conceivably inconsistent actions were impeachment evidence that a factfinder might consider at trial).

³³⁹ *Id.* (first citing *Int'l Soc'y for Krishna Consciousness, Inc. v. Barber*, 650 F.2d 430, 441, 442 (2d Cir. 1981); and then quoting *Moussazadeh v. Tex. Dep't of Crim. Just.*, 703 F.3d 781, 791 (5th Cir. 2012)).

³⁴⁰ *Id.*

ry to her religious convictions.”³⁴¹ In contrast to circuits that treat unorthodoxy as evidence of insincerity,³⁴² the Second Circuit reasoned that a jury could view Diaz’s persistence despite her pastor’s refusal as supporting sincerity, demonstrating that she was “so steadfast in her views that she was willing to break with the views of her congregation.”³⁴³

As *Gardner-Alfred* illustrates, courts assessing sincerity consider a range of factors, including the length of adherence, the claimant’s knowledge of the belief system, whether the claimant stands to benefit from using the religious claim to conceal their secular interests, whether the claimant has made conflicting statements, and the consistency of the claimant’s actions.³⁴⁴ As in religious sincerity cases more broadly, consistency between words and actions plays a prominent role in many COVID-19 vaccine cases. Courts are especially wary when employees give conflicting explanations for their objections. In *Rolovich v. Washington State University*, for example, the District Court for the Eastern District of Washington considered a head football coach’s objection to vaccination based on his Catholic faith, yet extensive discovery showed he repeatedly voiced secular concerns about the vaccine without once mentioning religion.³⁴⁵ The court granted summary judgment, concluding that “[t]his alone is a basis for denying Plaintiff’s claimed religious objection.”³⁴⁶

Consistency of action, however, is not always decisive. Because of its intuitive appeal, employers often make it the focal point of their assessment, sometimes requiring employees to list other vaccines they received or to disclose behaviors that might contradict a body-is-a-temple objection.³⁴⁷ Courts, too, frequently examine past conduct,³⁴⁸ and *Gardner-Alfred* shows how inconsistent behavior can seriously undermine a sincerity claim.³⁴⁹ Other courts

³⁴¹ *Id.* at 65.

³⁴² See, e.g., *Jackson v. Tyson Foods, Inc.*, No. 23-CV-5102, 2023 WL 9097854, at *6 (W.D. Ark. Nov. 27, 2023), *appeal dismissed per stipulation*, No. 23-3753, 2025 WL 1751986 (8th Cir. May 15, 2025) (dismissing a plaintiff’s claim because her opposition to the COVID-19 vaccine conflicted with the Catholic Church’s position).

³⁴³ *Gardner-Alfred v. Fed. Rsrv. Bank of N.Y.*, 143 F.4th 51, 65 (2d Cir. 2025).

³⁴⁴ No. 22-CV-1585, 2023 WL 6214863, at *5, *13, *15–16 (S.D.N.Y. Sep. 25, 2023), *aff’d in part, vacated in part, remanded*, 143 F.4th 51 (2d Cir. 2025).

³⁴⁵ No. 22-CV-0319, 2025 WL 48361, at *2 (E.D. Wash. Jan. 6, 2025), *corrected by* No. 22-CV-0319, 2025 WL 48363 (E.D. Wash. Jan. 8, 2025), *appeal filed*, No. 25-761 (9th Cir. Feb. 5, 2025).

³⁴⁶ *Id.* at *2–3.

³⁴⁷ See, e.g., *Bobnar v. AstraZeneca Pharms. LP*, 758 F. Supp. 3d 690, 706 (N.D. Ohio 2024) (employer responded to bodily-integrity objection with a follow-up request that employee confirm whether he had “smoked cigarettes, consumed alcohol, received any tattoos or used any legal recreational drugs” (quoting the information request sent to plaintiff by his employer)).

³⁴⁸ See, e.g., *Reed v. Faulkner*, 842 F.2d 960, 963 (7th Cir. 1988) (“Evidence of nonobservance is relevant on the question of sincerity . . .”).

³⁴⁹ *Gardner-Alfred*, 143 F.4th at 69 (“Ultimately, *Gardner-Alfred* has provided no evidence that she has *ever* acted consistently with her professed religious beliefs other than her refusal to get the

give less weight to past actions, either because they reject equating sincerity with perfect obedience³⁵⁰ or because they hesitate to police the precise line an employee draws about what they will and will not put into their body.³⁵¹ In *McNeill v. Tyson Fresh Meats, Inc.*, the District Court for the Northern District of Texas considered an employer's argument that the employee's decision to get vaccinated despite his misgivings proved his insincerity.³⁵² The court disagreed, holding that inconsistent behavior, when viewed in this context, is not conclusive proof of insincerity.³⁵³ The plaintiff's decision to get vaccinated, made under a "no jab, no job" policy and after pastoral counsel and prayer, could not be disregarded as unremarkable or undisciplined.³⁵⁴

As this Part shows, courts diverge sharply on how to approach sincerity. Some view it as a credibility question that should rarely be resolved at summary judgment. Others scrutinize sincerity more closely, relying on extrinsic evidence to assess whether a belief is genuinely held. Courts that are willing to evaluate sincerity differ not only in the types of evidence they consider but also in the weight they assign to that evidence, producing a patchwork of approaches across jurisdictions.

IV. TOWARD A COHERENT RELIGIOUS-SINCERITY FRAMEWORK

The first step in building a principled framework for assessing religious sincerity is to map where the case law converges and where it diverges. This Part undertakes that task. It first identifies the areas of agreement among courts adjudicating COVID-19 vaccine-exemption claims,³⁵⁵ and it then sets out the areas in which their analyses diverge.³⁵⁶ The points of consensus provide the

Covid-19 vaccine. On that record, we conclude that the district court properly granted summary judgment to the Federal Reserve on Gardner-Alfred's claims.").

³⁵⁰ See, e.g., *Villareal v. Rocky Knoll Health Care Ctr.*, No. 21-CV-729, 2022 WL 17092090, at *5 (E.D. Wis. Nov. 21, 2022) (finding that the plaintiff's inconsistent behaviors around medical intervention "provides reason to doubt the sincerity of her belief [.] but that "'Title VII and courts do not require perfect consistency in observance, practice, and interpretation when determining whether a person's belief is sincere.'" (quoting *Adeyeye v. Heartland Sweeteners, LLC*, 721 F.3d 444, 453 (7th Cir. 2013))).

³⁵¹ See, e.g., *Trinh v. Shriners Hosps. for Child.*, No. 22-CV-01999, 2024 WL 4378963, at *12 (D. Or. Aug. 9, 2024) (noting that the court is not suited to determine if "Trinh's religious beliefs are mistaken or insubstantial. Rather, the Court's 'narrow function is to determine whether the line drawn reflects an honest conviction.' . . . [I]t is not for the Court to say that the line Trinh 'drew was an unreasonable one.'" (first quoting *Bolden-Hardge v. Off. of Cal. State Controller*, 63 F.4th 1218, 1223 (9th Cir. 2023); and then quoting *Burwell v. Hobby Lobby*, 573 U.S. 682, 725 (2014))), *report and recommendation adopted as modified*, 2024 WL 4356501 (9th Cir. Sep. 27, 2024).

³⁵² No. 23-CV-041, 2023 WL 8532408, at *11 (N.D. Tex. Apr. 30, 2024).

³⁵³ *Id.* (quoting *EEOC v. Townley Eng'g & Mfg. Co.*, 859 F.2d 610, 614 n.5 (9th Cir. 1988)).

³⁵⁴ *Id.* (quoting *Sambrano v. United Airlines*, 19 F.4th 839, 841 (5th Cir. 2021) (Ho, J., dissenting)).

³⁵⁵ See *infra* Part IV.A.

³⁵⁶ See *infra* Part IV.B.

framework's foundation, whereas the contested issues call for further doctrinal refinement.

A. Points of Consensus

Despite substantial variation in how courts assess religious sincerity, several factors consistently weigh in favor of finding sincerity in the case law. These include documentation from religious leaders, citations to religious texts, behavioral consistency, religious knowledge or experience, and the non-binding nature of an employer's evaluation of exemption requests.³⁵⁷ Each factor is examined in turn.

1. Letters from Religious Leaders

Letters of support from religious leaders, if obtained legitimately, can help establish that a belief is both religious and sincere. Courts have often referenced such letters when evaluating whether an employee's vaccine objection is religious in nature and sincerely held.³⁵⁸ Religious leaders may articulate the doctrinal basis for an objection more clearly than a layperson and may also speak to an employee's sincerity based on their observations of the employee's adherence to religious tenets.³⁵⁹ Employees submitting such letters should ensure they come from a reputable leader or organization with whom they have an established relationship. Purchasing a letter or obtaining one from an unfamiliar organization can seriously undermine a sincerity claim.³⁶⁰

At the same time, letters of support should not be overvalued. Employers should not require them as a condition of exemption, nor should courts infer insincerity from the absence of such documentation.³⁶¹ Two principles explain why. First, courts have repeatedly held that an employee need not belong to a formal religious organization to hold a sincere religious belief; an individual may

³⁵⁷ See *infra* notes 358–380 and accompanying text.

³⁵⁸ See, e.g., *Bushra v. Main Line Health, Inc.*, 709 F. Supp. 3d 164, 170 (E.D. Pa. 2023) (referring to a letter from a religious leader), *aff'd*, No. 24-1117, 2025 WL 1078135 (3d Cir. Apr. 10, 2025); *Leonhart v. MedStar Health, Inc.*, No. 23-CV-01211, 2025 WL 744077, at *6 (D. Md. Mar. 7, 2025) (same).

³⁵⁹ See, e.g., *Gaskin-El v. 1199SSEIU Nat'l Benefit Fund*, No. 24-CV-1169, 2025 WL 552044, at *5 (S.D.N.Y. Feb. 19, 2025) (explaining that the plaintiff's religious leader helped her fill out her vaccine-exemption request).

³⁶⁰ See *Gardner-Alfred v. Fed. Rsrv. Bank of N.Y.*, No. 22-CV-1585, 2023 WL 6214863, at *4 (S.D.N.Y. Sep. 25, 2023) (emphasizing that the employee paid \$487 to an internet minister for a "vaccination exemption package," which included a letter certifying her objection to the vaccine was religiously based), *aff'd in part, vacated in part, remanded*, 143 F.4th 51 (2d Cir. 2025).

³⁶¹ See, e.g., *Winans v. Cox Auto., Inc.*, 669 F. Supp. 3d 394, 397 (E.D. Pa. 2023) (noting that the employer required documentary evidence from a religious leader substantiating an objection to the vaccine); *Cesare v. PACT MSO, LLC.*, 736 F. Supp. 3d 93, 102 (D. Conn. 2024) (relaying that the employee's failure to submit a letter from her own pastor in response to her employer's request for additional information may allow a jury to conclude her beliefs were insincere).

object to the vaccine on religious grounds without ever having attended a house of worship.³⁶² Second, courts recognize that a person may sincerely hold a religious belief even when it conflicts with their faith tradition's official doctrine.³⁶³ A religious leader's endorsement is therefore not a prerequisite for sincerity, but it may bolster the employee's claim.

2. Religious Texts

Citation to religious texts can help distinguish religious beliefs from secular, political, or personal objections. Courts evaluating vaccine-exemption claims often face the challenge of determining whether an objection is genuinely religious. References to scripture, sermons, doctrinal statements, or other religious materials can demonstrate that an employee's objection is rooted in religious belief rather than personal preference.³⁶⁴ For example, in *Taylor v. Milford Regional Medical Center, Inc.*, the District Court for the District of Massachusetts denied an employer's motion for judgment on the pleadings.³⁶⁵ The court held that each of the Christian plaintiffs had established a bona fide religious objection to the vaccine by citing scripture or their organization's doctrinal statements to support their opposition.³⁶⁶ By contrast, the court dismissed the claim of a Wiccan plaintiff who relied solely on a personal answer to prayer, concluding that her objection reflected a personal choice rather than a tenet of her faith.³⁶⁷

Still, citation to religious texts is not dispositive. Courts are wary of plaintiffs who "dress up an isolated moral teaching using biblical quotes and spiritual language."³⁶⁸ In jurisdictions requiring employees to articulate their own interpretation of religious tenets,³⁶⁹ mere citation to scripture or a religious website is insufficient. Conversely, the absence of textual citation does not

³⁶² See, e.g., *Foshee v. AstraZeneca Pharms. LP*, No. 23-00894, 2023 WL 6845425, at *4 (D. Md. Oct. 17, 2023) ("Because religious beliefs are individual in nature, it is not essential that the beliefs be shared by an organized religious group to qualify as religious in nature." (citing *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 715–16 (1981))).

³⁶³ See, e.g., *Gardner-Alfred v. Fed. Rsr. Bank of N.Y.*, 143 F.4th 51, 65 (2d Cir. 2025) (noting that plaintiff's persistence in obtaining a letter of support for her exemption request despite her pastor's objection helps demonstrate her sincerity).

³⁶⁴ See, e.g., *Bobnar v. AstraZeneca Pharms. LP*, 758 F. Supp. 3d 690, 705–06 (N.D. Ohio 2024) (noting that the employee provided his employer with links to his church's website and citations to twenty-five scripture passages in support of his vaccine objection).

³⁶⁵ 733 F. Supp. 3d 8, 10–12, 18 (D. Mass. 2024).

³⁶⁶ *Id.* at 15.

³⁶⁷ *Id.* at 15–16.

³⁶⁸ *Prida v. Option Care Enters., Inc.*, No. 23-cv-00905, 2023 WL 7003402, at *6 (N.D. Ohio Oct. 24, 2023), *rev'd and remanded*, No. 23-3936, 2025 WL 460206 (6th Cir. Feb. 11, 2025).

³⁶⁹ See, e.g., *Aliano v. Township of Maplewood*, No. 22-CV-5598, 2023 WL 4398493, at *10 (D.N.J. July 7, 2023) (dismissing the plaintiff's claim because he failed to articulate his own belief that getting the vaccine violated the tenets of his religion).

render a belief nonreligious.³⁷⁰ Not all faiths rely on written texts, and not all adherents are sufficiently versed in them to provide citations.

3. Consistency

Consistency is probative but not determinative of sincerity. Behavioral consistency is the factor courts most frequently examine in assessing sincerity. In fact, some courts have even declined to rule on sincerity without evidence of whether the plaintiff has acted consistently—or inconsistently—with their professed belief. In *Hurley v. Varian Medical Systems*, the District Court for the Eastern District of Wisconsin denied summary judgment because the record lacked the “sort of evidence routinely offered regarding the sincerity of a person’s belief, such as the consistency with which he has adhered to the belief.”³⁷¹ There was no evidence of whether the plaintiff had consistently rejected other vaccines or medical treatments associated with fetal cell research, or whether he ensured that his employer’s services and products were disconnected from such research.³⁷² Courts routinely treat consistent behavior as evidence of sincerity.³⁷³ Notably, even when an employee’s past conduct conflicts with their stated belief, a credible commitment to future consistency has been deemed probative of sincerity.³⁷⁴

4. Knowledge and Experience

Religious knowledge and experience can help demonstrate religious sincerity. Courts frequently cite an employee’s familiarity with or involvement in their faith as evidence that an objection is both religious and sincere. In *Bobnar v. AstraZeneca Pharmaceuticals LP*, the District Court for the Northern District of Ohio granted summary judgment to the plaintiff on the issue of religious sincerity, concluding that he had declined to follow the vaccination man-

³⁷⁰ *Gaskin-El v. 1199SSEIU Nat’l Benefit Fund*, No. 24-CV-1169, 2025 WL 552044, at *6 (S.D.N.Y. Feb. 19, 2025) (“The Fund’s assertion that Plaintiff must cite a religious text or otherwise explain the specific aspect of her religion motivating her objection to the COVID-19 vaccine is belied by numerous decisions in this Circuit.” (collecting cases)).

³⁷¹ No. 23-CV-42, 2024 WL 2368438, at *7 (E.D. Wis. May 23, 2024).

³⁷² *Id.*

³⁷³ *See, e.g., Romer v. City of North Charleston*, No. 22-cv-04254, 2024 WL 4485908, at *9 (D.S.C. July 19, 2024) (concluding that the plaintiff had raised a genuine issue of material fact with respect to his claim’s religiosity and sincerity because evidence showed he had never received a vaccine, his parents declined childhood vaccines on religious grounds, and he refused all vaccines as an adult based on his belief that vaccination interferes with God’s will), *report and recommendation adopted by* 2024 WL 4343709 (D.S.C. Sep. 30, 2024).

³⁷⁴ *See, e.g., Piccolo v. Mayo Clinic*, No. CV-22-02007, 2025 WL 821773, at *6 (D. Ariz. Mar. 13, 2025) (denying summary judgment where plaintiff stated in her exemption request that she would agree to stop using medications such as Tylenol and Aspirin because they were developed using aborted fetal cell lines).

date due to his religious convictions.³⁷⁵ Such an outcome is rare, as few courts are willing to rule that a plaintiff's belief is religiously sincere as a matter of law. But the court was persuaded, at least in part, by the plaintiff's extensive religious background: he cited twenty-five Bible passages in his exemption request, described being a Christian since childhood, noted his Christian schooling through university, and detailed years of active church involvement, including leading Bible studies and mentoring youth.³⁷⁶ Similarly, in *Leonhartt v. Medstar Health, Inc.*, the District Court for the District of Maryland held that the plaintiff's abortion-related objection was religious as a matter of law, emphasizing her long history as a practicing Catholic, her service as a religious education and confirmation teacher, and her instruction of youth on the immorality of abortion.³⁷⁷

Although religious knowledge and experience can support a sincerity finding, the absence of such background does not necessarily undermine it. A convert may lack deep doctrinal familiarity yet still have a sincere religious objection. In extreme cases, however, such as when an employee has virtually no knowledge of the professed religion or joins it immediately after an unwelcome work requirement is announced, courts readily find insincerity.³⁷⁸ Employees with limited religious experience should therefore contextualize the reasons for that limitation.

5. Employer Determinations

An employer's prior determination that an objection is religious and sincere is not binding in subsequent litigation. Although the issue has arisen only occasionally, courts have made clear that an employer's initial acceptance of an exemption request does not preclude it from later contesting sincerity. In *Hurley*, the court rejected the argument that the employer's prior determination that the employee's objection was religious constituted a judicial admission, explaining that the employer had simply done "what employers are encouraged to do—assume the validity of an employee's request and try to work with him to find an accommodation."³⁷⁹ Binding employers to such preliminary assumptions, the court reasoned, would undermine public policy by encouraging skep-

³⁷⁵ 758 F. Supp. 3d 690, 721 (N.D. Ohio 2024).

³⁷⁶ *Id.* at 705–06.

³⁷⁷ *Leonhartt v. MedStar Health, Inc.*, No. 23-CV-01211, 2025 WL 744077, at *7 (D. Md. Mar. 7, 2025) (citing *Davis v. Reliance Test & Tech., LLC*, No. 22-1760, 2025 WL 266664, at *6 (D. Md. Jan. 22, 2025)).

³⁷⁸ *See, e.g.*, *Gardner-Alfred v. Fed. Rsrv. Bank of N.Y.*, No. 22-CV-1585, 2023 WL 6214863, at *5 (S.D.N.Y. Sep. 25, 2023) (noting that despite claiming membership in the faith for over twenty years, plaintiff had virtually no knowledge of its tenets), *aff'd in part, vacated in part, remanded*, 143 F.4th 51 (2d Cir. 2025).

³⁷⁹ No. 23-CV-42, 2024 WL 2368438, at *4–5 (E.D. Wis. May 23, 2024) (citing COMPLIANCE MANUAL, *supra* note 100, at § 12-I(A)(3)).

ticism and adversarialism at the outset.³⁸⁰ Employers may therefore treat a request as sincere for accommodation purposes without being locked into that position in litigation.

B. Points of Disagreement

Although courts agree on some factors relevant to the religious sincerity inquiry, they remain deeply divided on others. These disagreements often prove outcome-determinative. In particular, courts disagree over whether a claimant must tie an objection to a specific religious tenet; whether the claimant must articulate a personal, subjective interpretation of the religious basis for the objection; whether a belief grounded in secular determination can nonetheless qualify as religious; and whether a belief remains religious when it conflicts with official religious doctrine.³⁸¹ Each of these issues is examined in turn below.

1. Linking Beliefs to Tenets

Whether an employee must tie a vaccine objection to a specific religious tenet varies by jurisdiction. Some courts dismiss claims when a plaintiff fails to show their objection is based on a core religious tenet.³⁸² They instead require facts that connect the objection to the individual's belief system.³⁸³ Other courts reject this requirement, emphasizing that judges should not assess the centrality or correctness of a person's religious views.³⁸⁴ As a result, in some jurisdictions, a general statement—such as that one's body is a temple—is insufficient unless the employee identifies a specific tenet they personally believe renders the vaccine impermissible. Because the law remains unsettled, employees should articulate as precisely as possible the religious basis for their objection.

³⁸⁰ *Id.* at *5.

³⁸¹ See *infra* notes 382–412 and accompanying text.

³⁸² See, e.g., *Taylor v. Milford Reg'l Med. Ctr., Inc.*, 733 F. Supp. 3d 8, 15 (D. Mass. 2024) (“Plaintiffs will have met their burden on establishing their prima facie case so long as each plaintiff has pled sufficient facts that the decision to not get vaccinated against COVID-19 was grounded in a core tenet [sic] of their religion . . .”); *Griffin v. Mass. Dep’t of Revenue*, No. 22-cv-11991, 2023 WL 4685942, at *5 (D. Mass. July 20, 2023) (dismissing plaintiff’s complaint and explaining that the “critical question . . . is whether the complaint alleges sufficient plausible facts from which it could be reasonably inferred that being vaccinated against COVID-19 violates a tenet or principle of her religious belief.” (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007))), *aff’d*, No. 23-1668, 2026 WL 2018487 (D. Mass. May 26, 2026).

³⁸³ *Pearson v. Tyson Foods, Inc.*, No. 23-CV-01080, 2024 WL 1311420, at *2 (E.D. Ark. Mar. 26, 2024) (quoting *Jackson v. Tyson Foods, Inc.*, No. 23-CV-5102, 2023 WL 9097854 (W.D. Ark. Nov. 27, 2023), *appeal dismissed per stipulation*, No. 23-3753, 2025 WL 1751986 (8th Cir. May 15, 2025)).

³⁸⁴ *Lucky v. Landmark Med. of Mich., P.C.*, 103 F.4th 1241, 1243–44 (6th Cir. 2024) (first quoting *Lucky v. Landmark Med. of Mich., P.C.*, No. 23-cv-11004, 2023 WL 7095085, at *7 (E.D. Mich. Oct. 26, 2023), *rev’d*, 103 F.4th 1241; and then quoting *Hernandez v. Comm’r of Internal Revenue*, 490 U.S. 680, 699 (1989)).

2. Personal and Subjective Interpretations

A related issue dividing the courts is whether an employee must articulate their personal interpretation of the religious tenet they claim prohibits them from getting vaccinated. For some courts, it may not be enough for an employee to claim they belong to a particular religion that considers vaccination a sin.³⁸⁵ To demonstrate that their opposition to vaccination is grounded in religious belief, the employee must further explain how their own understanding of that doctrine leads them to object.³⁸⁶ This approach prevents individuals from hiding behind the “cloak of religion”³⁸⁷ by simply claiming they oppose the vaccine because their religion forbids it, but it risks imposing an undue burden, particularly on new adherents or those who accept their faith’s teachings without developing individualized interpretations.

3. Mixed-motive Beliefs

Mixed religious and secular motivations can trigger heightened scrutiny. Although longstanding precedent recognizes that overlap between religious and secular views does not preclude Title VII protection,³⁸⁸ some courts have taken a narrower approach in COVID-19 cases. Courts following the Seventh Circuit Court of Appeals’ approach in *Passarella v. Aspirus, Inc.* assess the belief as a whole and do not disqualify it merely because it contains secular elements, such as safety concerns.³⁸⁹ In these jurisdictions, it is unimportant whether a religious belief contains a secular element. Thus, an employee can be open and honest about their religious and secular motivations for objecting to the vaccine. But other courts reject this approach, opting instead to parse whether the objection is primarily religious or secular.³⁹⁰

³⁸⁵ See, e.g., *Menk v. MITRE Corp.*, 713 F. Supp. 3d 113, 149 (D. Md. 2024) (“[T]o withstand a motion to dismiss, Plaintiffs are obliged to set forth ‘sufficient allegations regarding [their] subjective personal beliefs, how those beliefs are related to [their] faith, and how those beliefs form the basis of [their] objection to the COVID-19 vaccination.’” (alteration in original) (quoting *Ellison v. Inova Health Care Servs.*, 692 F. Supp. 3d 548, 559 (E.D. Va. 2023))).

³⁸⁶ See, e.g., *id.* (relaying the “subjective personal beliefs” requirement) (quoting *Ellison*, 692 F. Supp. 3d at 559)).

³⁸⁷ See *Gatto v. Johnson & Johnson Servs., Inc.*, No. 24-1992, 2025 WL 816732, at *2 (3d Cir. Mar. 14, 2025) (“In religious objection cases, courts must examine whether a belief is a religious one as opposed to a personal belief cloaked in religion.” (first citing *Wisconsin v. Yoder*, 406 U.S. 205, 215–16 (1972); and then citing *Africa v. Pennsylvania*, 662 F.2d 1025, 1031, 1035 (3d Cir. 1981))).

³⁸⁸ See *What You Should Know*, *supra* note 84, § L.2 (“[O]verlap between a religious and political view does not place it outside the scope of Title VII’s religious protections, as long as the view is part of a comprehensive religious belief system and is not simply an isolated teaching.”).

³⁸⁹ 108 F.4th 1005, 1009 (7th Cir. 2024) (determining religious sincerity “requires a holistic assessment of the terms of the employee’s exemption request”).

³⁹⁰ See, e.g., *Guthrie-Wilson v. Cook Cnty.*, No. 23-CV-362, 2023 WL 8372043, at *2 (N.D. Ill. Dec. 4, 2023) (“[A]lthough plaintiff purports to ground her refusal to receive the Covid-19 vaccine in her faith . . . she identifies no specific religious tenet that conflicts with Covid-19 vaccination, citing

Given this divergence, employees seeking religious accommodations should emphasize the religious basis of their objections and avoid introducing secular considerations that may invite unnecessary scrutiny. Just as litigants can plead themselves out of court by supplying extraneous facts, exemption-seekers, too, can inadvertently undermine the religious character of their requests by referencing secular motivations that courts may seize upon as evidence of a nonreligious objection. Plaintiff Gil's experience in *Aliano v. Township of Maplewood*, illustrates this risk.³⁹¹ In her exemption request, she described herself as a "Roman Catholic, and a Pro-life individual."³⁹² Although the statement was presumably intended to reinforce the sincerity of her objection, it instead provided her employer—and ultimately the court—with an opportunity to reframe her position as political rather than religious.³⁹³ The reference to her pro-life views added a secular, ideological dimension that overshadowed the religious basis of her claim. In retrospect, the inclusion of this language was likely unnecessary. A more narrowly tailored explanation, such as stating she is Catholic and therefore objects to vaccines developed from aborted fetal cell lines, would have more clearly anchored her objection in religious doctrine and reduced the risk of mischaracterization.

By contrast, the District Court for the District of Colorado's decision in *Caspersen v. Western Union, LLC* demonstrates how the absence of secular references can strengthen a plaintiff's position.³⁹⁴ There, the employee's exemption request omitted any secular concerns.³⁹⁵ The court expressly noted that in contrast to several similar cases, the plaintiff did not claim any medical, political, or scientific objections to vaccination, which would have undermined his contention that his objection was religious.³⁹⁶ The omission of secular motivations thus operated to his advantage, allowing the court to view his objection as grounded squarely in religious belief rather than a mixture of religious and nonreligious concerns.

only the broad principle that she must 'practice a healthy lifestyle and abstain from anything that could bring her harm.'" (quoting plaintiff's proposed amended complaint)). The court went on to explain that such an objection is, at its core, medical rather than religious. *Id.* (citing *Fallon v. Mercy Cath. Med. Ctr. of Se. Pa.*, 877 F.3d 487, 492 (3d Cir. 2017)); see also *Detwiler v. Mid-Columbia Med. Ctr.*, 156 F.4th 886, 895 (9th Cir. 2025) (explaining that the plaintiff's concern about the COVID-19 swab testing being dangerous was "far too attenuated" from her overarching religious belief in bodily integrity "to treat the two as part of a single belief").

³⁹¹ See No. 22-CV-5598, 2023 WL 4398493, at *11 (D.N.J. July 7, 2023) (concluding that the plaintiff's exemption request was rooted in her personal, rather than religious, views).

³⁹² *Id.* (quoting the plaintiff's exemption request).

³⁹³ *Id.*

³⁹⁴ No. 23-cv-00923, 2023 WL 6602123, at *8 (D. Colo. Oct. 10, 2023).

³⁹⁵ *Id.*

³⁹⁶ *Id.* (first citing *Reichert v. Infusion Partners, L.L.C.*, No. 22-5450, 2023 WL 4685377 (E.D. La. July 21, 2023); and then citing *Passarella v. Aspirus, Inc.*, No. 22-cv-287, 2023 WL 2455681, at *5 (W.D. Wis. Mar. 10, 2023)), *rev'd and remanded*, 108 F.4th 1005 (7th Cir. 2024)).

Taken together, these cases underscore the practical consequences of how employees articulate their objections. In jurisdictions that scrutinize mixed-motive claims, even a passing reference to secular considerations can shift the analytical frame in ways that disadvantage the claimant. Conversely, a carefully drafted request that focuses exclusively on the religious basis for the objection can help ensure the claim is evaluated properly. As courts continue to diverge in their treatment of mixed-motive religious objections, the precision with which employees articulate their beliefs will remain a critical factor in determining whether their claims survive early dismissal.

4. Inconsistent Behavior

Although conduct consistent with a professed belief, such as a longstanding refusal to receive any vaccination, strongly supports sincerity, courts diverge on how to treat inconsistent behavior. Many courts view inconsistency as probative of insincerity,³⁹⁷ but others recognize that sincere religious belief does not require perfect adherence.³⁹⁸ A person may sincerely believe drinking alcohol is sinful yet struggle with alcoholism. Accordingly, exemption-seekers who have acted inconsistently with their stated beliefs, such as by receiving other vaccines derived from fetal cells, should proceed with care. At a minimum, they should be prepared to explain the source of the inconsistency, how their views have evolved, and their present commitment to adhering to their beliefs.

Ultimately, the weight of inconsistent conduct is best left to the factfinder. The District Court for the Eastern District of Tennessee's decision in *Speer v. UCOR LLC* illustrates this point.³⁹⁹ There, Plaintiff Duncan asserted an abortion-related objection to the COVID-19 vaccine after months of biblical study, yet testified that he would likely continue taking migraine medication even if he learned it was developed using fetal cells.⁴⁰⁰ Duncan also admitted that he had not investigated whether his current medication involved such research.⁴⁰¹ The court acknowledged that this evidence was contradictory, but concluded it

³⁹⁷ See, e.g., *Anoruo v. MedStar Health, Inc.*, No. 23-CV-01970, 2025 WL 1635052, at *7 (D. Md. June 9, 2025) (considering plaintiff's past receipt of the flu vaccine as evidence of insincerity); *Together Emps. v. Mass. Gen. Brigham Inc.*, 573 F. Supp. 3d 412, 439 (D. Mass. 2021) ("Evidence that an employee acted inconsistently with his or her professed belief is relevant in assessing whether a belief is sincerely held." (citing *Unión Independiente II*, 279 F.3d 49, 57 (1st Cir. 2002))).

³⁹⁸ See, e.g., *McNeill v. Tyson Fresh Meats, Inc.*, No. 23-CV-041, 2023 WL 8532408, at *11 (N.D. Tex. Dec. 8, 2023) ("Inconsistent behavior, when viewed in the totality of the circumstances and is explained by the circumstances, is not definitive proof that an objecting employee's belief is insincere." (first citing *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 715 (1981); and then citing *Moussazadeh v. Tex. Dep't of Crim. Just.*, 703 F.3d 781, 792 (5th Cir. 2012))).

³⁹⁹ No. 22-CV-426, 2024 WL 4370773, at *6 (E.D. Tenn. Oct. 1, 2024) (suggesting that a jury should weigh the conflicting evidence regarding the sincerity of the plaintiff's religious beliefs).

⁴⁰⁰ *Id.*

⁴⁰¹ *Id.*

was “not so overwhelming” as to preclude a reasonable jury from crediting his testimony regarding the sincerity of his religious belief.⁴⁰² Summary judgment was therefore inappropriate.⁴⁰³

5. Beliefs Contradicting Doctrine

Courts also diverge in their treatment of beliefs that conflict with a religion’s official doctrine. The Supreme Court has long held that the relevant inquiry in a religious sincerity case is whether the plaintiff’s belief is, “in his own scheme of things, religious.”⁴⁰⁴ Under that standard, a belief does not lose its religious character merely because it departs from the teachings of an established tradition. Several circuits have applied this principle faithfully. In *Kiel v. Mayo Clinic Health System Southeast Minnesota*, the District Court for the District of Minnesota dismissed the plaintiffs’ claims, reasoning that their objections were not religious because “many Christians who oppose abortion still receive vaccines.”⁴⁰⁵ The Eighth Circuit Court of Appeals reversed, holding that the district court erred by focusing on what other Christians elect to do, because “[t]he guarantee of the Free Exercise Clause[] is ‘not limited to beliefs which are shared by all of the members of a religious sect.’”⁴⁰⁶ Similarly, in *Gardner-Alfred v. Federal Reserve Bank of New York*, the Second Circuit Court of Appeals reversed summary judgment against Plaintiff Diaz, in part because the district court placed undue weight on the fact that her objection to the vaccine conflicted with her pastor’s view.⁴⁰⁷ The court emphasized that alignment with official doctrine is irrelevant; the key inquiry was whether she genuinely believed that vaccination contravened her religious views.⁴⁰⁸

Other courts, however, have treated conflict with official doctrine as a significant, sometimes dispositive, factor. In *Jackson v. Tyson Foods, Inc.*, the District Court for the Western District of Arkansas dismissed a plaintiff’s complaint upon determining her vaccine objection was nonreligious.⁴⁰⁹ The plaintiff, a Catholic, relied on the Congregation for the Doctrine of the Faith’s (CDF) *Note on the Morality of Using Anti-COVID-19 Vaccines*, interpreting it to impose a religious obligation to avoid vaccination unless certain conditions

⁴⁰² *Id.*

⁴⁰³ *Id.*

⁴⁰⁴ *United States v. Seeger*, 380 U.S. 163, 185 (1965).

⁴⁰⁵ 685 F. Supp. 3d 770, 784 (D. Minn. 2023), *rev’d and remanded sub nom.* *Ringhofer v. Mayo Clinic, Ambulance*, 102 F.4th 894 (8th Cir. 2024).

⁴⁰⁶ *Ringhofer*, 102 F.4th at 901–02 (alteration in original) (citing *Holt v. Hobbs*, 574 U.S. 352, 362 (2015)).

⁴⁰⁷ 143 F.4th 51, 64–65 (2d Cir. 2025).

⁴⁰⁸ *Id.* at 65.

⁴⁰⁹ No. 23-CV-5102, 2023 WL 9097854, at *6 (W.D. Ark. Nov. 27, 2023), *appeal dismissed per stipulation*, No. 23-3753, 2025 WL 1751986 (8th Cir. May 15, 2025).

were met.⁴¹⁰ Although she alleged those conditions had not been satisfied, the CDF document stated that receiving a COVID-19 vaccine developed using cell lines derived from aborted fetal tissue is morally permissible.⁴¹¹ The court insisted it would “not engage in ‘scriptural interpretations’ or judge the comprehensibility or objective reasonableness of Ms. Jackson’s beliefs,” yet concluded that because the CDF note squarely contradicts her claimed beliefs, the plaintiff failed to plead sufficient facts establishing her religious beliefs.⁴¹² Cases like *Jackson* suggest that when an employee’s belief diverges from official doctrine, the employee may need to articulate how the belief is religious in their own scheme of things, whether through personal interpretation, spiritual reasoning, or an account of how they came to differ in their convictions.

As this Part demonstrates, courts share some common ground in assessing religious sincerity. Incorporating those points of agreement into a unified framework offers a promising foundation for more principled and consistent adjudication. But significant disagreements remain. As religious sincerity litigation proliferates in the wake of *Groff v. DeJoy*, and as divisions over how courts evaluate sincerity persist, several of these issues may ultimately reach the Supreme Court, which has shown a heightened interest in religious liberty questions in recent years.⁴¹³

CONCLUSION

Assessing religious sincerity is a difficult and delicate task, one that neither employers nor courts are particularly well-equipped to perform. Yet scrutinizing claims of religious belief is essential, both to prevent employees from exploiting the accommodation system and to preserve the distinctiveness of religious belief as opposed to political, philosophical, or personal views.

Although questions of religious sincerity long predate the pandemic, they multiplied in response to workplace COVID-19 vaccine mandates. Employers were suddenly inundated with exemption requests from employees asserting that their religions prohibited vaccination, whether because the vaccines were developed using fetal cell lines, because their bodies were “temples” that must

⁴¹⁰ *Id.* (citing Luis F. Ladaria Ferrer, S.J., *Note on the Morality of Using Some Anti-Covid-19 Vaccines*, THE HOLY SEE (Dec. 21, 2020), https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20201221_nota-vaccini-anticovid_en.html [perma.cc/GFB3-XPZW]).

⁴¹¹ *Id.* (citing Ferrer, *supra* note 410).

⁴¹² *Id.* (citing *Blackwell v. Lehigh Valley Health Network*, No. 22-cv-03360, 2023 WL 362392, at *4 (E.D. Pa. Jan. 23, 2023)).

⁴¹³ See Kelsey Dallas, *Americans Are Divided Over Religious Freedom. The Supreme Court? Not as Much*, DESERET NEWS (June 7, 2025), <https://www.deseret.com/faith/2025/06/07/unanimous-supreme-court-rulings-religious-freedom/> [perma.cc/7QRW-NVPC] (noting that from Chief Justice Roberts’ confirmation in 2005 to April 2021, claims based in religious freedom succeeded at the Supreme Court thirteen times, and in the following four years, the Court ruled in favor of such claims seven more times).

not be defiled, or because God had revealed through prayer or discernment that they must not be vaccinated. Lacking a principled framework for evaluating such claims, employers were left to navigate a patchwork of approaches to distinguish sincere religious objections from secular objections cloaked in religious language. Their struggle was understandable: employers are not experts in religious assessment, and many were making these determinations under intense financial and social pressure to protect their businesses from further pandemic-related harm.

Perhaps more striking is the extent to which courts have also struggled to assess the sincerity of vaccine-related religious objections. Despite their experience with complex legal questions, courts have exhibited many of the same inconsistencies, contradictions, and analytical gaps that plagued employers. The problem is not merely inter-circuit variation, but also intra-circuit and even intra-district divergence, with courts issuing decisions that are difficult to reconcile with controlling precedent.

The need for a coherent approach to religious sincerity will not dissipate simply because the pandemic has waned. Vaccine-related accommodation requests are likely to persist, both due to the increased likelihood of future pandemics and the growing prevalence of vaccine skepticism. Beyond the vaccine context, religious sincerity will likely receive heightened scrutiny in all accommodation cases because *Groff* has made it more difficult for employers to deny accommodations on undue-hardship grounds. Developing a principled, uniform framework is therefore more critical than ever.

This Article takes an initial step toward that goal by identifying the varied ways courts have evaluated religious sincerity in COVID-19 vaccine-exemption cases. Courts disagree on several key issues, including the weight to give actions inconsistent with professed beliefs, how to analyze mixed-motive beliefs that combine religious and secular elements, and whether an employee must tie their belief to a specific tenet of their faith tradition. At the same time, courts share substantial common ground on other points, such as the probative value of documentary evidence from religious leaders, the relevance of consistent statements and conduct, and the usefulness of citations to scripture or other religious texts. Much of the foundation for a coherent framework therefore already exists. If courts can reach consensus on the remaining points of disagreement, it is possible to develop a tool that brings much-needed clarity and consistency to this increasingly critical area of religious-accommodation law.

