Judge Stops the Discharge of Two Airmen Who Have HIV

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February 15, 2019 By Trent Straube

A federal judge ordered the Trump administration to halt the discharge of two airmen living with HIV. Specifically, U.S. District Court Judge Leonie Brinkema issued the ruling to U.S. Department of Defense and Acting Secretary of Defense Patrick Shanahan in a court case titled Roe and Voe v. Shanahan et al., according to a press release from Lambda Legal, which filed the case along with OutServe-SLDN and the law firm Winston & Strawn.

That case involved two HIV-positive members of the Air Force who received discharge notices days before Thanksgiving after being found "unfit for continued military service" despite complying with fitness assessments and medical treatment and receiving support from their commanding officers.

"This is a major victory in our fight to ensure everyone living with HIV can serve their country without discrimination," said Scott Schoettes, counsel and HIV project director at Lambda Legal, in the press release.

"These decisions should be based on science, not stigma, as today's ruling from the bench demonstrates. Despite President Trump's promise to improve the lives of people living with HIV at the State of the Union this month, his administration continues to defend these policies and others discriminating against people most impacted by HIV."

In February 2018, the Trump Administration unveiled a "Deploy or Get Out" policy directing the Pentagon to discharge service members who cannot be deployed for 12 consecutive months, regardless of their ability to serve. Service members who contract HIV while in the military are not considered deployable, according to current Pentagon policy. This means they face discharges.

However, the Deploy or Get Out policy was supposedly not a factor in the discharge of the two airmen in Roe and Voe v. Shanahan. For more background on this case, read "Military Start Discharging Service Members Living With HIV."

For related articles, read about the Harrison v. Mattis case in "Court Is Asked to Stop Pentagon

From Discharging Service Members With HIV” from July 2018.

The case is entitled Roe and Voe v. Shanahan, et al.

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