



SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1000

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MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Policy Regarding Human Immunodeficiency Virus-Positive Personnel Within the
Armed Forces

In view of significant advances in the diagnosis, treatment, and prevention of Human Immunodeficiency Virus (HIV), it is necessary to update DoD policy with respect to individuals who have been identified as HIV-positive. Individuals who have been identified as HIV-positive, are asymptomatic, and who have a clinically confirmed undetectable viral load (hereinafter, "covered personnel") will have no restrictions applied to their deployability or to their ability to commission while a Service member solely on the basis of their HIV-positive status. Nor will such individuals be discharged or separated solely on the basis of their HIV-positive status. This definition of "covered personnel" will be added to the affected DoD Instructions.

Accordingly, effective immediately I direct the following actions:

- Accession:
 - DoD Instruction 6130.03, "Medical Standards for Military Service: Appointment, Enlistment, or Induction," volume 1, section 5: Disqualifying Conditions, 5.23.b., is revised by adding the following language in boldface: "Presence of human immunodeficiency virus or laboratory evidence of infection for false-positive screening test(s) with ambiguous results by supplemental confirmation test(s) **is not, in itself, disqualifying with respect to covered personnel (including Military Service Academy cadets and midshipmen, contracted SROTC cadets and midshipmen, and other participants in in-service commissioning programs) seeking to commission while a Service member). Such covered personnel will be evaluated on a case-by-case basis.**"
 - DoD Instruction 6485.01, "Human Immunodeficiency Virus (HIV) in Military Service Members," section 3.a., is revised to read: "It is DoD policy to . . . Deny eligibility for Military Service to persons with laboratory evidence of HIV infection for appointment (**other than covered personnel who are seeking to commission while a Service member**), enlistment, pre-appointment, or initial entry training for Military Service pursuant to DoDI 6130.03."
- Retention: DoD Instruction 6130.03, "Medical Standards for Military Service: Retention," volume 2, section 5.23.b.(1), is revised by adding the following language in boldface: "A Service member with laboratory evidence of Human Immunodeficiency Virus infection will



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be referred for appropriate treatment and a medical evaluation of fitness for continued service in the same manner as a Service member with other chronic or progressive illnesses, **including evaluation on a case-by-case basis. Covered personnel will not be discharged or separated solely on the basis of their HIV-positive status.**

- Deployability: Covered personnel are not non-deployable solely for the reason that they are HIV-positive. Decisions on the deployability of covered personnel will be made on a case-by-case basis and must be justified by the Service member's inability to perform the duties to which he or she would be assigned. DoD Instruction 1332.45, "Retention Determinations for Non-Deployable Service Members," will be implemented consistent with this direction.
- The Director of Administration and Management will make the revisions directed above in the cited DoD Instructions.
- The Under Secretary of Defense for Personnel and Readiness will convene a working group, chaired by his designee and composed of members named by himself, the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Office of the Secretary of Defense, and the General Counsel of the DoD. The working group shall:
 - Develop proposed standards for conducting the case-by-case determinations directed above. Included in such standards will be the period during which, and method by which, covered personnel must exhibit an undetectable viral load and be symptom free. The Under Secretary of Defense for Personnel and Readiness will report those proposed standards to me within six months from the date of this memorandum.
 - Consider such additional matters as may be referred to it by the Under Secretary of Defense for Personnel and Readiness.
- The Secretaries of the Military Departments and the Commanders of the Combatant Commands, will, as necessary, revise their respective regulations, policies, and other guidance consistent with this memorandum and no later than 60 days from the date of this memorandum.
- The Secretaries of the Military Departments will report to the Under Secretary of Defense for Personnel and Readiness on a semi-annual basis beginning six months from the date of this memorandum: (1) the number of HIV-positive Service members in their respective Services who have been separated; and (2) the number of HIV-positive individuals, who are asymptomatic with a clinically confirmed undetectable viral load, and who have been refused accession.

