

# Federal judge rules that US military cannot reject HIV-positive enlistees

August 23 2024, by Robin Foster

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People with HIV can no longer be turned away if they try to enlist in the U.S. military, a federal judge has ruled.

The [decision](#), issued this week by U.S. District Judge Leonie Brinkema, said the Pentagon's ban on HIV-positive people seeking to join the [armed forces](#) contributes "to the ongoing stigma surrounding HIV-positive individuals while actively hampering the military's own recruitment goals."

"Modern science has transformed the treatment of HIV," Brinkema wrote in her ruling. "Asymptomatic HIV-positive service members with undetectable viral loads who maintain treatment are capable of performing all of their military duties, including worldwide deployment."

Importantly, HIV can't be spread through saliva, sweat, tears, group exercise or sharing a bathroom. Instead, most people get HIV through anal or vaginal sex or when sharing needles, according to the [U.S. Centers for Disease Control and Prevention](#).

[Antiretroviral therapy](#) can also keep HIV viral loads to low or undetectable levels, and patients who are virally suppressed won't transmit the virus through sex or syringe-sharing, according to the CDC.

In recent years, the Pentagon's policies toward HIV-positive Americans have come under legal fire.

In 2022, Brinkema struck down the military's ban on people who are HIV-positive from joining the armed forces as officers or deploying abroad, CNN reported. Following that ruling, Defense Secretary Lloyd Austin issued a memo that said people who are HIV-positive will no longer be automatically barred from serving in military leadership or overseas.

The challenge to the enlistment [policy](#) was brought by three HIV-positive individuals looking to join or rejoin the military in the last few

years. All three were unable to do so, CNN reported.

One of the plaintiffs, Isaiah Wilkins, was serving in the Georgia National Guard when he sought to enlist in the Army Reserve. During that process, he learned that he was HIV-positive.

"This is a victory not only for me but for other people living with HIV who want to serve," Wilkins said in a [statement](#) issued Tuesday. "As I've said before, giving up on my dream to serve my country was never an option. I am eager to apply to enlist in the Army without the threat of a crippling discriminatory policy."

The Pentagon has argued that its policy acknowledges that caring for HIV-positive service members could create financial burdens for the Department of Defense and that deployment might make it hard for HIV-positive soldiers to stick with medication regimens that keep the virus in check, CNN reported.

**More information:** The World Health Organization has more on [HIV](#).

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