



Winston Wins Third Landmark Victory Against the DOD Allowing People Living with HIV to Serve Their Country

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A team of Winston attorneys, along with co-counsel, secured a permanent injunction that removed the final barrier preventing people living with HIV from joining the U.S. Armed Services.

“This is a victory not only for me but for other people living with HIV who want to serve,” said Winston client Isaiah Wilkins. “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.”

In 2022, Winston won two landmark rulings against the U.S. Department of Defense (DOD)—the world’s largest employer—ordering it to stop discriminating against service members living with HIV and to allow them to deploy and commission as officers. In its ruling, the court held that the DOD policies violated the equal protection component of the Fifth Amendment’s Due Process Clause and the Administrative Procedures Act (APA).

The court did not address whether DOD policies barring similar individuals from joining the military also violated the Constitution and the APA. As a result, DOD did not adjust its policies barring people living with HIV from enlistment, appointment, and induction into the U.S. military.

In November 2022, Winston and co-counsel filed a lawsuit on behalf of three individuals who were barred from either enlisting or re-enlisting based on their HIV status. On August 20, the United States District Court for the Eastern District of Virginia granted the plaintiffs’ motion for summary judgment, stating that the DOD’s policies were “irrational, arbitrary, and capricious.”

The Winston team that secured this important victory included **Dave Bujarski, Bryce Cooper, Lauren Gailey, Hannah Shankman, Amandeep Sidhu,** and **Robert Vlasits**. Co-counsel included Lambda Legal, Minority Veterans of America, Winston alum Peter Perkowski, and Scott A. Schoettes.

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