

Nick Harrison, Serviceman With HIV, Becomes a Commissioned Officer

Until recently, service members living with HIV faced discharges and bans on commissioning and deployment.

August 11, 2023 By [Trent Straube](#)

August 5, 2023, was a “historic day” in the fight against HIV discrimination. Nick Harrison, a serviceman living with [HIV](#), was commissioned as an officer in the U.S Army. It marked a striking victory for the man who in 2018 legally challenged the Pentagon’s policy of banning [service members](#) with HIV from being appointed as officers; at that time, members with HIV were also considered non-deployable and faced discharge.

The lawsuit—first titled Harrison v. Mattis then Harrison v. Austin—was filed by [Lambda Legal](#) and OutServe-SLDN. In April 2022, a federal district court ruled that the Defense Department had to stop discriminating against service members living with HIV. The ruling was deemed a [“landmark victory.”](#)

Which brings us to the events of August 5, 2023. [A statement from Lambda Legal](#) CEO Kevin Jennings and senior attorney Kara Inglehart reads:

“Today is a historic day in Washington, DC, as we witness the commissioning of Nick Harrison. Although the journey to wearing his officer’s bars took several years, Nick’s perseverance, along with his legal team and other involved service members, helped to realize his dream of becoming an officer in the District of Columbia Army National Guard.”

“We are pleased that patriotic Americans living with HIV currently serving their country, once affected by an outdated, discriminatory policy, no longer face discharge, bans on commissioning, or bans on deployment simply because they are living with HIV. And we look forward to the day when all barriers to service for people with HIV, including those seeking to enlist and serve, have been eliminated.”

“I embarked on this journey challenging the military’s discriminatory HIV policies through a landmark court case brought by Lambda Legal and the Modern Military Association of America,” added Harrison in the Lambda Legal press release. “I believed in the potential for change from

within, in the power of standing up from within a marginalized community to serve, protect, and defend a nation that doesn't always reciprocate in kind. Through years of perseverance and determination, it is with joy that my time has finally come to serve my country."

The 2022 ruling against HIV discrimination combined Harrison's case with another one from 2018 titled *Roe and Voe v. Austin*. It involved two members of the U.S. Air Force who were discharged days before Thanksgiving because they had tested HIV positive the previous year. Both were taking meds, and their doctors deemed them fit to deploy.

The 2022 ruling also recognized that "appropriately managed HIV is a chronic condition with little to no effect on a person's overall health or daily activities and that merely being HIV positive is no impediment to safely deploying and performing as a member of the U.S. military," noted Scott Schoettes, Esq., at the time.

Though service members who test HIV positive face less discrimination from the Defense Department today, the U.S. military still bans people with HIV from enlisting in the armed services. In November 2022, [Lambda Legal filed a lawsuit](#) to end that policy, adding that it disproportionately affects LGBTQ people and people of color. Several [Congress members have written](#) to President Biden urging him to push the Defense Department to allow people with HIV and hepatitis B to enlist.