

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 March 2024

DOCKET NUMBER: AR20220010105

APPLICANT REQUESTS:

- removal of the substantiated Department of the Army (DA) Inspector General Action Report
- removal of the General Officer Memorandum of Record (GOMOR)
- a video/telephonic appearance before the Board

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Memorandum
- Redacted DAIG Report of Inquiry (ROI)
- Prerequisites For Course 7C-F47/500-F34 Prerequisites for Course 7C-F47/500-F34 valid 2018-2020 (3 pages)
- Email from Soldier Support Institute Chief Training Management Registrar
- Fort Jackson Permanent Party Professional Development Standard Operating Policy
- Two Memoranda of Record
- Email from Schools Noncommissioned Officer (NCO)
- Email from Applicant
- Two DA Forms 4856 (Developmental Counseling Form)
- Six Letters of Support

FACTS:

1. The applicant with active enlisted service from 22 November 2002 to 15 December 2010 was commissioned on 16 December 2010 and had continuous active service until 22 November 2023, when she was medically released from active duty and placed on the Temporary Disability Retired List (TDRL). The applicant served under the last names of Thorpe, Atchison, and Walston. The highest grade she held was major.

2. The applicant states the IG investigation (identified as Department of Defense (DoD) case #20180 12-051994-CASE-01 / DAIG case #DIH 18-6192) was flawed . She cites that there were 12 errors in facts, omissions, misrepresentations, and/or inclusion of

unrelated information in the Report of Investigation (ROI). She also contends that the Fort Jackson IG Office overlooked a number of regulatory and procedural violations and noncompliance, which directly affected the decisions, that key witnesses were not interviewed, and the two of the witness's interviewed had no firsthand knowledge of the events, providing testimony based almost entirely on hearsay. The applicant provided 18 enclosures in support of her contentions.

3. In a second application, the applicant requested the removal of a GOMOR for inappropriate relations. She states that the GOMOR is unjust because she had received a satisfactory evaluation that covered that time period in which the GOMOR was administered. The GOMOR will be addressed in a separate application.

4. Between 29 March 2018 and 21 May 2018 at least two complainants were filed under the Protected Communications alleging the applicant's toxic leadership. The applicant, at the time a captain, was the S-1 Officer In Charge (OIC) at Fort Jackson.

5. On 27 June 2018, the Department of the Army Inspector General's office (DAIG) referred the complaint of whistleblower reprisal by the applicant to Fort Jackson IG.

a. The official records do not contain a copy of the investigation; however, the applicant provided a redacted copy of a Whistleblower Reprisal Report of Investigation conducted by the Fort Jackson IG's office.

b. The Fort Jackson IG report states that an investigation was conducted for possible reprisal actions regarding filing of complaints regarding the applicant's alleged toxic leadership, the treatment of subordinates and reprisals for filing Protected Communications. Their investigation covered the period from 17 June 2018 to 15 November 2018 with reference to actions, complaints, and documentation from between 29 March 2018 and 21 May 2018.

c. The Soldiers filing the complaints alleged that the applicant's abrasive behavior, toxic leadership, and changes in the office procedures and policies adversely affected the morale, processes, and procedures of the S-1.

d. The alleged reprisal was that the applicant denied and cancelled attendance in the Brigade S-1 Operations Course for one of the Soldiers filing Protected Communications and that the applicant created a toxic environment that affected the morale and welfare, diminished work relationships, affected the battle rhythm, processes, and procedures.

e. The Fort Jackson IG concluded, by preponderance of credible evidence, that the allegation that the applicant denied school requests to attend the Brigade S-1 Operations Course in reprisal for making a protected communication in violation of DoD

7050.06 was substantiated. Proper counseling with follow ups did not occur as required IAW Army Regulation 623-3 (Evaluation Reporting System). The S-1 office appeared to be a high stress environment that lacked cohesion and teamwork. The Command IG recommended four specific items for relieving the situation.

f. The Brigadier General commanding Fort Jackson, and the Army Training Center concurred with the findings and recommendations.

g. The exhibits referenced in the report are not associated with the available investigation report and due to the name redactions in many cases who was being cited is not clear.

6. The applicant provided the following:

a. Emails, dated in 2021 requesting clarification of course requirements due to conflicting information.

b. A Permanent Party Professional Development SOP for Fort Jackson.

c. A Memorandum for Record (MFR), dated 12 January 2021, from the former Headquarters Battalion Commander. In his MFR, the commander stated the ROI failed to provide context included within the Exhibits or otherwise applicable. Specifically:

(1) The Complainant's previous OIC created expectations that were neither in writing nor briefed to the in-coming OIC, CPT A_. When confronted by CPT A_ with non-support for additional, non-required training, the Complainant closed and locked the door to the office, refusing to communicate with CPT A_ or other Soldiers under the Complainant's charge.

(2) The Complainant's reaction to CPT A_ communication style was the cause of negative impacts to unit cohesion.

(3) The unit was in the middle of a period of significant transition. The unit had no Operations Officer for 6 months; retiring Executive Officer, Command Sergeant Major, Operations Noncommissioned Officer (NCO), and S-1 NCOs; a vast change in mission as directed by the ATC and Fort Jackson CG.

(4) Was assigned less than 70% of the personnel authorize in manning documents. This all despite being the largest permanent party unit in the ATC, including the highest rate of Soldiers retiring and undergoing Medical Evaluation Review Boards - all a whom required administrative support.

(5) During this period, multiple S-1 personnel were moved based on mission requirements or at the direction of the ATC and Fort Jackson or US Army Garrison Fort Jackson staff.

(6) During the period of reported retaliation, the entire S-1 office was and remained exceptionally busy and, except for required NCO Education System courses, Soldiers were not attending additional training not tied directly to the mission.

d. In a MFR, dated 11 January 2021, Major Bxxxx C. Hxxxx states:

(1) His impression of the applicant was very positive, she was noticeably clear in her communication and intent to provide timely and doctrinally correct support to the Battalion in all things S 1 related.

(2) His impression of SFC Axxxx (one of the complainants) did not impress him with her professionalism and her work was less than accurate. The SFC was scheduled to attend the recruiter school in 2017 but was delayed based on personal circumstances.

(3) He recalls that the two prior Battalion S-1 officers were unable to provide needed structure or direction. The immediate previous S-1 was not physically available most of the time resulting in almost a year and a half of S-1 operations with no OIC. Timely procedures and functions routinely did not occur as expected by Battalion and Brigade level leaders.

(4) The functional capability of the S-1 prior to CPT A_ arrival was exceptionally low. With the applicant's assuming command she let it be known that it was her intent to change the way the S-1 is doing business to match the doctrinal expectations of a Battalion S-1.

(5) LTC Fxxxx brought it to his attention, a Schools Request had come across his desk for SFC A_, but that Schools Request form did not have his signature as the Company Commander, meaning that the Soldier had bypassed the Company in this instance.

(6) He informed the applicant of this fact and a resubmission was initiated.

(7) The second School Request for the same Soldier (SFC A_) hadn't been endorsed by the Soldiers OIC (the applicant) although this time it had been routed through the Company approval chain. He asked the applicant if she endorsed the Soldier attending the Course (BDE S-1 Course). She provided a document from the course prerequisite webpage detailing the specific requirement to be assigned to a BDE level S-1 position prior to attending the class, and she stated that as the S-1

OIC, she did not recommend approving the schools request based on the Soldier not meeting the course prerequisite.

(8) His recollection of the standard process for all Battalion Staff sections was to request schools or leave was through their first line supervisor (OIC or NCOIC of their section), and that OIC or NCOIC would provide initial endorsement ahead of submitting personnel actions through the Company, whereupon he would forward to Battalion once approved.

(9) The major provided copies of two emails, one from the applicant to her S-1 staff, dated 6 April 2018, regarding changes to procedures including that actions to the Battalion Commander were no longer to be emailed directly to him but were to be placed in a share file for review by the XO, CSM, and herself. The second from SSG Rxxxx Mxxx (U.S. Army Training Center), dated 13 April 2018, showing that SFC Axxxx was still confirmed for Recruiting School,.

e. A copy of a memorandum to the Promotion Review Board, dated 9 January 2021 from CSM Wxxxx Gxxxx.

(1) The CSM described the applicant as one of the best Adjutant General Officers he had worked with in his 31 years in the Army.

(2) She is a dedicated, caring leader whose exceptional work performance precedes her.

(3) He is fully aware of the reprisal allegations made against the applicant in 2018. He has first-hand knowledge of events that transpired during that time.

(4) He was never afforded the opportunity to disclose this information to the Fort Jackson IG's Office, as he was never interviewed in reference to the allegations against the applicant.

(5) He was familiar with the problems in the S-1 section prior to the applicant assuming command and addressed those concerns to her among them was that there four senior NCOs which was odd for a Battalion S-1 and there was a division between the senior NCOs and junior NCO, and between the senior NCOs and the OIC.

(6) He spoke with all of the Soldiers in the S-1, and gathered from those discussions that 1) several of the senior NCOs did not like the applicant's leadership style and did not want to work in the section and 2) their disdain for the applicant caused them to disengage from their leadership duties which was affecting the junior NCOs and Soldiers.

(7) He also spoke with LTC Jxxxx Fxxxx (Battalion Commander) and MAJ Wxxxx Txxxx (Battalion Executive Officer) to inform them of the situation. They all agreed that applicant was a direct leader who was being received poorly because her leadership style was completely opposite of her predecessor, CPT Sxxxx Pxxxx.

(8) They also all agreed that it may be a good idea to restructure the S-1 and move some of the NCOs out of the S-1 who had been there for a long time.

(9) The applicant provided him with a copies of confliction prerequisites for the course SFC Axxxx requested and that a Soldier had to be working in a BDE S-1 or going to work in a BDE S-1 in order to attend the course. SFC Axxxx was on orders to attend recruiting school, so she as not working in a BDE S-1 nor was she going to be a BDE S-1 at her next assignment.

(10) He learned very quickly that the applicant followed rules, regulations, policies, and guidance more strictly than any other AGO he had worked with. She always wanted to ensure that she was taking care of the Soldiers and the command without compromising legality. He admired her for that, as it proved to be exceptionally valuable when she served dually as the Battalion S-1 and the Battalion Executive Officer for nearly a year.

f. A copy of a Developmental Counseling Form, dated 8 May 2018, for SFC Axxxx (one of the complainants) advising her of the reason for the denial of her school request was due to her scheduled attendance at the recruiting school. SFC Axxxx refused to sign the form.

g. A copy of a Developmental Counseling Form, dated 9 May 2018, for SFC Vxxxx for failure to follow proper procedures by not submitting SFC Axxxx's school request through her as the Battalion S-1.

h. A statement from SFC Vxxxx, dated 12 January 2021, outlining his service in the S-1 under the applicant. He at the time the applicant assumed command was placed in the position of the S-1 NCOIC. Following his return from school, he observed that the office's morale had shifted to a more serious environment and expectations were laid out. He agreed with the applicant on the changes but SFC Axxxx disagreed with the captain at times, but at no time did he disobey the captain and the captain asked to do anything immoral, unethical, or illegal. He had personal knowledge of the processing of SFC Axxxx's school request and the captain's reasons for denying it. In his professional opinion, the captain was correct in returning the request based on the course requirements, nor does he believe she was targeting SFC Axxxx in the matter of school request.

i. A statement from SSG (retired) Axxxx Mxxxx described her time while assigned to the Fort Jackson S-1. She states that at the time she was assigned until after the applicant had assumed command, she observed a toxic environment where she was often on the receiving end of the negative environment. In March, prior to the applicant's arrival she filed an IG report of the toxic leadership but upon returning to the unit she learned that an NCO in the IG office had notified the NCOIC of the complaint and in fear of reprisals she called and dropped the complaint. Things changed significantly when the applicant took command. Following the applicant's implementation of several changes she overheard SFC Axxxx stating "she can't just come in here acting like she can make changes and that she was not going to just let her come in here and take over. From then on, all SFC Bxxxx and SFC Axxxx did was gossip about the captain and clearly had a strong dislike of her leadership. She is not sure if the captain knew about the strong dislike or not, but she always treated all of us fairly and respectful regardless of the issues that were going on.

j. The applicant provided four additional statements of support that describe the situation and environment prior to the applicant assuming command of the S-1. They all praise her work ethic, dedication, and fairness. None of them ever saw or heard of the captain acting in a disrespectful manner and that the hostile work environment was the result of the NCOs who did not approve of her more by the book requirements.

7. The applicant was promoted to major on 1 November 2021.

8. On the issue of the GOMOR: The Office of the Inspector General received complaints alleging misconduct by members of the Headquarters and Headquarters Battalion. In accordance with Army Regulation 20-1 (Inspector General Activities and Procedures), the investigation was referred to the command for appropriate action. The allegations alleged were that:

a. The applicant was in a romantic relationship with an NCO, in violation of AR 600-20, paragraph 4-14. Allegedly, the applicant told SFC Kxxxx's ex-wife that she was in a sexual relationship with SFC Kxxxx, since October 2021 and that the applicant stated that while SFC Kxxxx was speaking to his children on the phone, she was performing oral sex on SFC Kxxxx.

b. The applicant misused human resource (AR) systems to access personally identifiable information for personal use, in violation of AR 600-8-104, paragraph 2-4.; allegedly, the applicant told SFC Kxxxx's ex-wife that she used HR systems to get the ex-wife's home address and find out if SFC Kxxxx was still in a relationship with the ex-wife.

c. The applicant communicated a threat to person and property in accordance with UCMJ Article 115; allegedly, she threatened to grab her gun and go to SFC Kxxxx's ex-

wife's home in Savannah, GA. She also threatened to "bust out" SFC Kxxxx's car windows.

d. SFC Kxxxx was in a romantic relationship with a commissioned officer, in violation of AR 600-20, paragraph 4-14, allegedly, SFC Kxxxx has been in a sexual relationship with the applicant since October 2021.

9. A Report of Proceeding by Investigating Officer (IO) (under the provisions of Army Regulation (AR) 15-6-) shows an investigation was conducted between 2 June 2022 and 17 June 2022. The reason for the AR 15-6 investigation was for the purpose of determining:

a. Had the applicant and SFC Kxxxx engaged in any type of relationship that would be considered fraternization as defined by AR 600-20, para. 4-14? If so, when did the relationship occur? What was the nature of the relationship? Is the relationship still on-going? What were the surrounding circumstances of the relationship? Identify any witnesses to the relationship or to inappropriate interactions between the applicant and SFC Kxxxx.

b. Has the applicant misused human resource (HR) systems to access personally identifiable information (PII) for personal use violating AR 600-8-14, para. 2-4? If so, when did this violation occur? What were the surrounding circumstances of this violation? Identify any witnesses or individuals with knowledge of the applicant's improper usage of HR systems.

c. Has the applicant communicated a threat to person(s) and/or property that would constitute a violation of Art. 115, UCMJ? Specifically, did the applicant threaten to grab her gun and go to SFC Kxxxx's ex-wife's home in Savannah, GA? Did the applicant threaten to "bust out" SFC Kxxxx's car windows? If so, when did this threat, or, these threats occur? What were the surrounding circumstances of the threat(s)? Identify any witnesses or persons with knowledge of the applicant communicating a threat to a person and/or property.

d. Determine the facts and circumstances surrounding the applicant calling the workplace of the IG complainant who originally brought these allegations to light. If you find that the applicant did call the workplace of the complainant, did any actions of the applicant rise to the level of violating Article 115, UCMJ (Communicating a Threat), any other article under the UCMJ, or any Army Regulation? Identify any witnesses or individuals with knowledge of the applicant calling the workplace of the complainant.

e. The IO determined:

(1) the applicant and SFC Kxxxx had engaged in a relationship that could be considered fraternization, as defined by AR 600-20, paragraph 4-14.

(2) There is no evidence to confirm or deny whether the applicant misused HR systems to access PII for personal use violating AR 25-22.

(3) the applicant did communicate a threat to injure the property of SFC Kxxxx that would constitute a violation of Art.115, UCMJ.

(4) the applicant did willfully damage SFC Kxxxx's apartment window violating Art.109, UCMJ.

(5) the applicant's calls to the workplace of Ms. Bxxxx did not rise to the level of violating Art. 115, UCMJ.

(6) The IO recommended both the applicant and SFC Kxxxx for appropriate administrative action.

10. The applicant submitted a rebuttal statement on 22 July 2022, indicating that she admitted that she had been involved in an inappropriate relationship with SFC Dxxxx Kxxxx.

a. She stated that the IO did not have all of the facts and that the accuser, Ms. Bxxxx was not a creditable source.

b. She explained that she and SFC Kxxxx had maintained a friendship since 2009, when they were both noncommissioned officers. In 2021, she ran into him at Fort Jackson while requesting masks from the retention office. They went out to eat and began to catch up on life. SFC Kxxxx and she were both in very vulnerable places in their lives, and still were, even more than both personally and professionally. They were the same age, have children around the same ages, have similar upbringings, have similar challenges with their families, among a host of other things. He encouraged her to pursue her trauma treatment for her post-traumatic stress disorder (PTSD), which she had been avoiding for years for fear of actually having to relive the trauma she experienced as a combat medic. He had been a role model for her three children of whom her two sons had no relationship with their father. SFC Kxxxx is kind, caring, and supportive; he became a support system that she didn't have.

c. They were very discreet about their relationship, as the only people who knew of their relationship were four of their closest friends. That changed in March 2022, when she spoke with Ms. Pxxxx Bxxxx, SFC Kxxxx's ex-wife. Ms. Bxxxx asked if they were still in a relationship and asked the applicant to send her pictures of them to "prove" that they were in a relationship. She obliged, having no idea that Ms. Bxxxx would use them

to stop SFC Kxxxx from seeing or talking to his children, accuse the applicant of threatening her, filing a false police report against her, file an application for an arrest warrant against her (which was dismissed in court), contacted the MPs, and her chain of command, stalked her, and slandered her name. She did not post the pictures to Facebook and had only sent them to Ms. Bxxxx and it was Ms. Bxxxx who placed them on Facebook.

d. She detailed her interactions with Ms. Bxxxx including Ms. Bxxxx's repeated harassing phone calls and facebook messages; her submitting false allegations of threats against her; of making threats saying she was going to ruin both SFC Kxxxx's and her career and not let SFC Kxxxx speak to his kids. During this time, Ms. Bxxxx called several of SFC Kxxx's friends' wives, telling them that the applicant and SFC Kxxxx were dating and telling them lies about both of them

e. Ms. Bxxxx was also stalking her facebook page, harassing SFC Kxxxx about pictures that she was posting on her personal page. The applicant blocked her page, then Ms. Bxxxx made another page, which she also blocked.

f. The Fort Hood IG, MAJ Oxxxx-xxxx, contacted her because a woman had called her telling her that the applicant was sleeping with the woman's husband. The applicant told her that she was not sleeping with anyone who was married.

g. On 14 April 2022, the applicant was admitted to a mental health facility for major depression and PTSD. Ms. Bxxx's actions had finally caught up to her and she had become suicidal. She was released from the hospital on 19 April 2022.

h. On 26 April 2022, she received a call from Investigator Gxxxx with the Fort Jackson Military Police Investigations. The IO said that she needed to come in and speak with her about a matter that she could not disclose over the phone.

i. On 29 April, she received a letter in the mail from Liberty County Magistrate Court stating that Ms. Bxxxx had filed an application for her arrest for terroristic threats on 25 April 2022. Immediately after receiving the letter, she called the Savannah Police Department and left a message for Chief Mxxxx, asking to have a meeting with him regarding one of his police officers. She was tired of Ms. Bxxxx threats and harassment she was making, and now through the court system.

j. On 2 May 2022, she went to the MP station and spoke with Investigator Gxxxx. She was informed that they had received a complaint from Ms. Bxxxx stating that the applicant was threatening her. Investigator Gxxxx asked her what was going on and she explained. Investigator Gxxxx said that Ms. Bxxxx had been calling her repeatedly about the complaint, but refused to provide any evidence of the threats she claimed.

k. On 2 May 2022, she received a call from Ms. Bxxxx's supervisor, Captain Bxxxx. She stated that Chief Mxxxx had forwarded her information to her and asked her to look into it. The applicant explained what had been going on, and at CPT Bxxxx request, email the information to her on 2 May 2022 with a formal complaint and my evidence.

l. On 4 May 2022, the applicant filed an application for a restraining order against Ms. Bxxxx for harassment and stalking.

m. On 9 May 2022, the applicant attended court in Liberty County. She went to the Hinesville Police Department and asked the clerk for a copy of all police reports where her name was included in the report. There was only one report, Report ID 9xxxx, which was filed by Ms. Bxxxx on 1 April 2022 at 1430 hours stating that the applicant had called her and threatened her. During the hearing, the judge discovered that Ms. Bxxxx had filed the police report 3 hours prior to the applicant's phone call to her on that day. When he asked Ms. Bxxxx how she filed the report before the applicant even called her, her response was that she had threatened her before. The judge dismissed the case due to no probable cause and told Ms. Bxxxx that her actions to try to ruin people's careers were vindictive.

11. In a Trial Defense Service Southeast Region, Fort Jackson Field Office Memorandum, dated 22 July 2022, the defense counsel raised issues of the creditability and character of truthfulness noting that the IO did not have certain information at the time of the report.

a. There is additional information that should be considered that calls into question the character for truthfulness and creditability of some of the evidence provided. In paragraph 4, ww, of the Findings and Recommendations, Ms. Bxxxx is referred to as representing "credible witness whose testimony is held in high regard."

b. Ms. Banks at the very least is exaggerating the length of the phone conversations between her and MAJ Wxxxx. The first six calls were all initiated by Ms. Bxxxx (Call logs) ranging in duration of 3 to 18 minutes per call originated on 14 March 2022. It is during this time frame that Ms. Bxxxx claims she was on the phone with MAJ Wxxxx the entire time while all the events at SFC Kxxxx's apartment occurred (Call logs, showing multiple calls, short calls, not one long call). During the time frame of these calls Ms. Bxxxx claims that MAJ Wxxxx had a conversation with her, sent her pictures, then MAJ Wxxxx had time to drive over to SFC Kxxxx's apartment, break a window, bang on the door (which wasn't opened immediately by SFC Kxxxx), have a "scuffle" that sounded like a "domestic dispute," then still have time for all three of them to have a conversation, before finally hanging up the phone. This seems to be a highly exaggerated depiction of events and unlikely base on the time frame.

c. Ms. Bxxxx was again found at the very least exaggerating the course of events that occurred during a phone call on 1 April 2022. During a court proceeding on 9 May 2022, Ms. Bxxxx claims MAJ Wxxxx threats to "slit her throat" as well as making numerous other comments to her. MAJ Wxxxx denies making any such comment and Ms. Bxxxx seemed to have little to no explanation when questioned about how all the comments and conversation occurred in less than a one minute phone call (Court audio, 9:01).

d. During the court proceedings on 9 May 2022, the judge asked to see all the text messages between Ms. Bxxxx and the applicant (Court audio, 13:30). The judge concluded that all the messages between Ms. Bxxxx and the applicant were cordial throughout all their conversations. The judge found it unreasonable that the applicant would have a somehow completely changed her demeanor during phone conversation but not during text conversations.

e. This is in line with the statement of Capt, Sxxxx Bxxxx, who stated that the applicant calls never seemed harassing and that the applicant calls and emails about her complaints against Ms. Bxxxx were reasonable.

f. Ms. Bxxxx also claims that the applicant asked her child's father, Mr. Jxxxx Gxxxx to "meet this niggxx and fuck him up," referring to SFC Kxxxx. The applicant denies this ever occurred. A signed statement from Mr. Gxxxx attests that Ms. Bxxxx's statement is false and that the applicant did not ask him to harm anyone.

g. There is also an inference that Ms. Bxxxx used her personal relationship with MAJ O-Cxxxx to intimidate MAJ Walston. Ms. Bxxxx had MAJ O-Cxxxx reach out to the applicant in what seemed to be an official capacity to address the situation between her and the applicant. The applicant had no previous dealings with MAJ O-xxxxy other than being professional Facebook friends and had never personally spoken to each other. Based MAJ O-Cxxxx statements she may have also been manipulated by Ms. Bxxxx into believing Ms. Bxxxx was too afraid to file a report so that MAJ Odunaike-O-Cxxxx would report the situation for her. Ms. Bxxxx had in fact already contacted Fort Jackson MPI (Investigator Gxxxx who was not questioned as a part of this investigation) multiple times before MAJ O-Cxxxx reported the situation in her official capacity as an IG. It is also noted that the IO considered the Major a "credible witness whose testimony is held in high regrade" even though she was under investigation for alleged misconduct herself.

h. On the issue of the applicant breaking a window at SFC Kxxx's apartment there is no supporting evidence as to who or when the window was broken and the only one attesting that it was the applicant was Ms. Bxxxx who indicated that she heard an altercation and "guessed" it led to SFC Kxxxx's apartment. It was Ms. Bxxxx who reported the window to the property manager but there is no evidence as to who

actually broke the window. The property manager was very close to Ms. Bxxxx and stated that she did not know who was on the phone only that it was a major. Counsel noted the window incident occurred on 14 March 2022 and that Major Walston had not yet been promoted to major until 22 March 2022. The property manager claimed she knew it was Major Walston only because Mw. Bxxxx told her that was who did it.

12. The applicant received a GOMOR on 15 August 2022. It was stated that she was being reprimanded for participating in prohibited conduct relationship unbecoming of an officer; publicly flaunting her inappropriate dating relationship by posting photos on social media depicting an inappropriate level of relationship intimacy. She allowed the inappropriate relationship to rise to a level that impacted her unit. Her inability to manage her personal affairs had an impact on good order and discipline and squandered the time and resources of military and civilian law enforcement. Her conduct was extremely unprofessional and brought disrespect on her reputation as an officer.

13. The applicant provided a statement on her own behalf on 24 August 2022, requesting that the GOMOR be placed in her local file not in her permanent file. She admitted she had been involved in an inappropriate relationship with SFC Kxxxx, but at no time did she intend to bring shame, discredit, or dishonor to herself, her unit, the Army, or the military profession. She had made poor decisions that ultimately did result in such and had an impact on good order and discipline.

14. The Fort Jackson Commanding Officer directed reprimand to be placed in the applicant's permanent Army Military Human Resources Record.

15. The applicant was released from active duty on 4 July 2023, due to being placed on the temporary duty retired list. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she completed 12 years, 6 months, and 19 days of active duty [as an officer] with 7 years, 10 months, and 4 days of prior active service [enlisted] and 4 years, 10 months, and 13 days of inactive service. She is shown to have served in Iraq from 7 October 2005 through 6 October 2006. Her awards are listed as the:

- Meritorious Service Medal (2nd Award)
- Army Commendation Medal (6th Award)
- Army Achievement Medal (3rd Award)
- Meritorious Unit Commendation
- Army Good Conduct Medal (2nd Award)
- National Defense Service Medal
- Global War on Terrorism Expeditionary Medal
- Global War on Terrorism Service Medal
- Armed Forces Service Medal
- Iraq Campaign Medal W/3 Campaign Stars

- Noncommissioned Officer Professional Development Ribbon (2nd Award)
- Army Service Ribbon
- Overseas Service Ribbon (2nd Award)
- Military Outstanding Volunteer Service Medal
- Combat Action Badge
- Expert Marksmanship Badge W/ Rifle Bar
- Certificate Of Achievement (13th Award)
- Driver And Mechanic Badge W/Driver-Wheeled Vehicle(S) Clasp

16. On 19 December 2022, in the development of this case the Army Review Boards Agency requested unredacted IG records for official use purposes relating to the applicant.

17. On 1 February 2023 the Office of the Army Inspector General provided copies of its electronic files that did not directly relate to the specific issues currently before the Board.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based on the documentation available for review and in applying the presumption of administrative regularity, the majority of the Board found insufficient justification for the removal of the requested information from within the applicant's AMHRR. The minority of the Board determined there were incomplete facts and circumstances and voted to remove the portion of the request pertaining to the substantiated DAIG report.
2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	■	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■		■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation 600-37 (Unfavorable Information) implements policies regarding unfavorable information considered for inclusion in or removal from official personnel files. It provides that:
 - a. Unfavorable information filed in the AMHRR that indicates sub-standard leadership ability, and a lack of promotion potential, morals, and integrity must be identified early, and shown in those permanent official personnel records that are available to personnel managers and selection board members for use in making POSTA or PASS personnel decisions. Other unfavorable character traits of a permanent nature should be similarly recorded.
 - b. Authority to issue and direct the filing of a GOMOR, admonition, and/or censure in the AMHRR (after referral to the person concerned pursuant to para 3–7) of enlisted personnel is restricted to the first general officer (GO) in the chain of command, school commandants, or any GO (to include those frocked to the rank of brigadier general).
 - c. Once an official document has been properly filed in the AMHRR, it is presumed to be administratively correct, and to have been filed pursuant to an objective decision by a competent authority.
 - d. Removals: There is no time restriction for submitting an appeal for removal of unfavorable information from the AMHRR. However, the recipient has the burden of proof to show, by clear and convincing evidence, to support assertion that the document is either untrue or unjust, in whole or in part. Evidence submitted in support of the appeal may include, but is not limited to: an official investigation showing the initial investigation was untrue or unjust; decisions made by an authority above the imposing authority overturning the basis for the adverse documents; notarized witness statements; historical records; official documents; and/or legal opinions
3. Army Regulation (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//